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The negro in the political reconstruction of Georgia, 1866-1872

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTRODUCTION</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>I. PRELUDE TO THE CONVENTION OF 1867-68</strong></td>
<td></td>
</tr>
<tr>
<td>The Presidential Plan</td>
<td>3</td>
</tr>
<tr>
<td>Reconstruction Attempted in Convention of 1865</td>
<td>3</td>
</tr>
<tr>
<td>Views on the Negro</td>
<td>4</td>
</tr>
<tr>
<td>The Black Code</td>
<td>5</td>
</tr>
<tr>
<td>Congressional Reconstruction</td>
<td>6</td>
</tr>
<tr>
<td>The Reconstruction Acts</td>
<td>6</td>
</tr>
<tr>
<td>The Freedmen's Bureau - Organization and Work</td>
<td>7</td>
</tr>
<tr>
<td>The Loyal League - Organization and Work</td>
<td>7</td>
</tr>
<tr>
<td>Negroes and the League</td>
<td>8</td>
</tr>
<tr>
<td>Military Rule</td>
<td>9</td>
</tr>
<tr>
<td>Negro Mass Meetings - Augusta, Macon, Columbus</td>
<td>10</td>
</tr>
<tr>
<td>Registration of Voters</td>
<td>11</td>
</tr>
<tr>
<td>A. A. Bradley - A Negro Leader</td>
<td>12</td>
</tr>
<tr>
<td>Election of Delegates to the Constitutional Convention of 1868</td>
<td>12</td>
</tr>
<tr>
<td>Non-participation of Whites - Hill's Advice</td>
<td>14</td>
</tr>
<tr>
<td>Negroes Elected to the Constitutional Convention</td>
<td>15</td>
</tr>
<tr>
<td><strong>II. THE CONSTITUTIONAL CONVENTION OF 1867-1868</strong></td>
<td>16</td>
</tr>
<tr>
<td>Organization of the Convention</td>
<td>16</td>
</tr>
<tr>
<td>Campbell's Ordinance Against Imprisonment for Debt</td>
<td>17</td>
</tr>
<tr>
<td>Bradley's Resolution for Relief of Imprisoned Persons</td>
<td>17</td>
</tr>
<tr>
<td>Inability of Georgia to Support Public Education</td>
<td>18</td>
</tr>
<tr>
<td>Discrimination on Public Conveyances - Bradley's Ordinance Against It</td>
<td>19</td>
</tr>
<tr>
<td>Belligerency to Above Ordinance Expressed by Whites</td>
<td>19</td>
</tr>
<tr>
<td>Interrogation of Pope and Jenkins by Bradley</td>
<td>20</td>
</tr>
<tr>
<td>Removal of Pope; Jenkins Refusal to Support the Convention</td>
<td>21</td>
</tr>
<tr>
<td>Editorial on Bradley</td>
<td>21</td>
</tr>
<tr>
<td>Letter to Intelligencer About Bradley's Past</td>
<td>22</td>
</tr>
<tr>
<td>Committee to Investigate Charges</td>
<td>23</td>
</tr>
<tr>
<td>Bradley's Article to the Bill of Rights</td>
<td>23</td>
</tr>
<tr>
<td>Report of the Committee</td>
<td>23</td>
</tr>
<tr>
<td>Turner's Defense of Bradley</td>
<td>24</td>
</tr>
<tr>
<td>Bradley Injures Himself; His Expulsion</td>
<td>24</td>
</tr>
<tr>
<td>Costin's Resolution for Non-discriminate Juries</td>
<td>26</td>
</tr>
<tr>
<td>Turner's and Bentley's Courtesy Measures</td>
<td>27</td>
</tr>
<tr>
<td>Adjournment of the Convention</td>
<td>27</td>
</tr>
<tr>
<td>Its Accomplishments</td>
<td>28</td>
</tr>
<tr>
<td>The Legislature Election</td>
<td>28</td>
</tr>
<tr>
<td>Intimidation of Negroes</td>
<td>28</td>
</tr>
<tr>
<td>Election Results: The Constitution Ratified</td>
<td>29</td>
</tr>
<tr>
<td>On to the General Assembly</td>
<td>29</td>
</tr>
</tbody>
</table>
### III. THE GENERAL ASSEMBLY-1868

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turn and Porter's Measure Against Discrimination on Public Carriers</td>
<td>30</td>
</tr>
<tr>
<td>Miscellaneous Measures: Beard's Bill for Volunteer Companies, Turner's Bill Against Dueling, Porter's Incorporation Measure, Allen's Protection for Farmers</td>
<td>30</td>
</tr>
<tr>
<td>Turner's Bill for Regulation of Labor</td>
<td>31</td>
</tr>
<tr>
<td>Houston's Tax Measure</td>
<td>31</td>
</tr>
<tr>
<td>The Senate</td>
<td>32</td>
</tr>
<tr>
<td>Appointment of Negroes to Senate Committees</td>
<td>32</td>
</tr>
<tr>
<td>Campbell's Bill Against Discrimination on Public Carriers</td>
<td>32</td>
</tr>
<tr>
<td>Turner's Bill for Protection</td>
<td>33</td>
</tr>
<tr>
<td>Campbell’s Measure for Incorporation</td>
<td>33</td>
</tr>
<tr>
<td>Negro Eligibility Contested; Bradley Declared Ineligible; Defense by Campbell; Bradley's Resignation</td>
<td>33</td>
</tr>
<tr>
<td>Are Negroes Eligible to Office? - Pro and Con Arguments</td>
<td>34</td>
</tr>
<tr>
<td>Charges Against Fyall</td>
<td>35</td>
</tr>
<tr>
<td>Resolution Declaring the Negroes Ineligible</td>
<td>35</td>
</tr>
<tr>
<td>The Negroes Protest: Fyall's, Porter's, Turner's, Sim's, Moore's</td>
<td>36</td>
</tr>
<tr>
<td>Expulsion from the House</td>
<td>38</td>
</tr>
<tr>
<td>Declared Ineligible in the Senate</td>
<td>39</td>
</tr>
<tr>
<td>Protest of Campbell and Wallace; Their Expulsion</td>
<td>39</td>
</tr>
<tr>
<td>A Probable Reason for Expulsion</td>
<td>40</td>
</tr>
<tr>
<td>Colored State Convention by Legislature Expellees</td>
<td>40</td>
</tr>
<tr>
<td>Sims and Turner Before a Congressional Committee</td>
<td>41</td>
</tr>
<tr>
<td>The Georgia Bill</td>
<td>41</td>
</tr>
<tr>
<td>Turner's Endeavors for His Rights</td>
<td>41</td>
</tr>
<tr>
<td>The Case of White vs. Georgia; the Negro Declared Eligible to Office</td>
<td>42</td>
</tr>
<tr>
<td>Negro Education: Atlanta University Cornerstone Ceremonies</td>
<td>42</td>
</tr>
</tbody>
</table>

### IV. RECONSTRUCTION COMPLETED

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The General Assembly of 1870: the Negroes Returned</td>
<td>44</td>
</tr>
<tr>
<td>Porter's Measure Concerning Public Carriers</td>
<td>44</td>
</tr>
<tr>
<td>Discrimination on Public Carriers Abolished; Penalty for Violation</td>
<td>45</td>
</tr>
<tr>
<td>Thirty-Four Years Later: Jim Crow Again</td>
<td>45</td>
</tr>
<tr>
<td>Educational Condition of Negroes</td>
<td>45</td>
</tr>
<tr>
<td>Porter's and Turner's Measures for Education</td>
<td>46</td>
</tr>
<tr>
<td>Discriminatory Clauses in the Bill for Education</td>
<td>47</td>
</tr>
<tr>
<td>Conditions in the Penitentiary</td>
<td>48</td>
</tr>
<tr>
<td>The Negroes Paid for the Time Which They Were Expelled</td>
<td>49</td>
</tr>
<tr>
<td>The Senate: Negroes Reseated</td>
<td>49</td>
</tr>
<tr>
<td>Bradley's Resolution Asking for Their Pay</td>
<td>49</td>
</tr>
<tr>
<td>Wallace's Bill and Action on Discrimination by Public Carriers</td>
<td>49</td>
</tr>
<tr>
<td>Penitentiary Reforms; Bradley's Suggestion</td>
<td>50</td>
</tr>
<tr>
<td>Campbell's Measure for Education</td>
<td>50</td>
</tr>
<tr>
<td>Bradley Declared Ineligible; His Defense</td>
<td>51</td>
</tr>
<tr>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>IV. Continued</td>
<td></td>
</tr>
<tr>
<td>Wallace's Defense of Bradley</td>
<td>51</td>
</tr>
<tr>
<td>Accomplishments of the General Assembly</td>
<td>52</td>
</tr>
<tr>
<td>Georgia Admitted to the Union</td>
<td>52</td>
</tr>
<tr>
<td>Decline of Republicanism; Resignation of Bullock</td>
<td>53</td>
</tr>
<tr>
<td>Call for a Colored Convention by Turner</td>
<td>53</td>
</tr>
<tr>
<td>Proceedings of the Convention</td>
<td>54</td>
</tr>
<tr>
<td>Letter of Henry Gwinn to the Colored People</td>
<td>54</td>
</tr>
<tr>
<td>Appointment of James Sims to Judgeship</td>
<td>55</td>
</tr>
<tr>
<td>Georgia Representatives Admitted to Congress; Election of 1870</td>
<td>55</td>
</tr>
<tr>
<td>The House: Atkinson's, O'Neal's Clower's, and Smith's Bills for Equal Juries</td>
<td>56</td>
</tr>
<tr>
<td>Possible Reasons for Negative Action on Negroes' Measures</td>
<td>56</td>
</tr>
<tr>
<td>The Senate: a Relief Measure</td>
<td>57</td>
</tr>
<tr>
<td>Negro Education Favored; Discrimination</td>
<td>57</td>
</tr>
<tr>
<td>Campbell's Bill on a Monetary Matter</td>
<td>58</td>
</tr>
<tr>
<td>Republican State Convention</td>
<td>59</td>
</tr>
<tr>
<td>Election of 1872 - a Democrat Victory</td>
<td>59</td>
</tr>
<tr>
<td>Negroes Elected to the General Assembly: a Negative Factor in Georgia Politics</td>
<td>60</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>61</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>63</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>67</td>
</tr>
</tbody>
</table>
INTRODUCTION

In 1940, Bernhardt Lambert, M. D. of Milwaukee, Wisconsin, and one of the proponents of the Back to Africa plan, wrote a letter to the Secretary of the State of Georgia in which he asked the following questions: Has Georgia ever had Negroes holding state office? If so, when, what offices, and held by whom? Has Georgia ever had Negro representatives and senators in Washington?

The letter was referred to Mrs. J. E. Hays, State Historian, who answered it by quoting E. M. Coulter, A Short History of Georgia. "... 166 delegates were elected to remake the fundamental law of Georgia. ... Thirty-seven were Negroes, the vicious, the innocent, the illiterate: A. A. Bradley, a convict from New York and later to be expelled from the Convention; T. G. Campbell, a carpetbagger who had attempted to set up a grandiloquent government on St. Catherines Island directly following the war; H. M. Turner later to become a bishop of the African Methodist Church; and others who were clay in the hands of their cunning and designing white friends." "The legislature met on July 4, 1868. ... the Democrats were undoubtedly shocked to see twenty-nine Negro members in the house and three in the senate. The presence of the Negroes became increasingly unbearable as the session wore on, and by early September their right to hold office having been taken up and denied, all were expelled from the senate and twenty-five from the house." The State Historian stated that as far as she could see there had never been any Negro representatives to Washington from Georgia.

The answers to these questions did not seem to conform to what appeared to be common knowledge among the people of the South. This work is an
endeavor to discover whether the facts support the letter of Mrs. Hays, or whether the general belief that the Negroes participated to a large extent in the political life of Georgia during reconstruction holding both state and federal offices. Acknowledging the limitations apparent in such a study, the available information appears sufficient to reveal the role of the Negro in the political reconstruction of Georgia, his interests, his endeavors, his accomplishments. An unbiased presentation of the facts discovered through this study reveals that the Negroes were not only active in the political reconstruction of Georgia from the standpoint of general electoral participation, but were also members of the Constitutional Convention and the legislative bodies in which they manifested a high degree of intelligence and considerable political acriment.

Analyzation of the journals of the Convention and the Assemblies together with reports from newspapers, formed the most important sources for materials. Woolley's *Reconstruction in Georgia* was a valuable aid for settling political questions; Thompson's *Reconstruction in Georgia*, and Avery's *History of Georgia* were valuable guides for the order of events and their interpretations. The most helpful newspaper was the Daily Intelligencer (found at the Atlanta Courthouse) which always carried a report on any activity of the Negro. A series of original documents on and by Negroes found at the State Department of Archives also proved a valuable source. The names of all Negroes are underscored.

As the title indicates, the period of this study lies chiefly in the years between 1867-1872, during which time the Constitutional Convention and the General Assemblies under the new Constitution were the focal points under Negro participation.
CHAPTER I

PRELUDE TO THE CONVENTION OF 1867-68

Georgia at the cessation of the Civil War was faced, as were the other rebel states, with the problem of being readmitted to the Union. Readmission was to be gained, according to the Presidential plan of reconstruction, by one tenth of the State's population taking the oath of allegiance as proclaimed in Lincoln's Amnesty Proclamation and organizing a state government pledged to abolish slavery. The ascendancy of Johnson to the Presidency after the death of Lincoln brought a slight change to the plan. As Lincoln planned it, all former confederates, except those specifically excluded, were to be pardoned upon taking the oath of loyalty. Those excluded were confederate civil and diplomatic officers, military officers above the rank of colonel, naval officers above the rank of lieutenant, confederate governors, persons who had resigned high federal office to serve the confederacy, and persons who owned taxable property worth $20,000 or more. Johnson's change was the exclusion of the last class. However, Amnesty could be extended to the excluded persons by presidential discretion or pardon.

A part of the plan adhered to by both Presidents was the creation of military districts out of the states with military governors in control until the states could regain their autonomy. Georgia was made a part of the Third Military District composed of Georgia, Alabama, and Florida, commanded by Major-General G. H. Thomas, with Major-General Johnson in command of Georgia.

The State's first attempt at political reconstruction came when Joseph
Brown, who was governor before and during the War, summoned a General Assembly in May, 1865, to act to restore and preserve order. The federal authorities at Washington, vexed by this unauthorized action, instructed the federal army to take over the entire state government. Brown was arrested and taken to Washington but was released in a few days after he convinced the President of the sincerity of his aims.\(^1\) James Johnson, a citizen of Columbus, was appointed provisional governor by President Johnson. In this capacity he summoned a convention and directed its efforts in passage of the acts which would restore statehood. This the convention did by repealing the ordinance of secession, repudiating the state debt, abolishing slavery, and providing for a state election in the month of November in which Georgia's representatives to Congress might be chosen.\(^2\)

In the November election 1864, C. J. Jenkins was elected governor, but the seven Congressmen who were elected were disqualified by the Exclusion Act. The elected legislature assembled in December 1865, ratified the Thirteenth Amendment, and inaugurated the governor-elect, thus relieving the provisional governor Johnson. This completed the reconstruction of the state government and left only the admittance of Georgia's representatives before complete statehood could be restored.

With political reconstruction appearing complete, attention was turned to the Negro. The most prevalent question was "What shall be done with him?" On this issue Georgia had the advice of her most prominent and popular citizens. Herschel V. Johnson, President of the Constitutional Convention

\(^1\)Edwin C. Woolley, The Reconstruction of Georgia (New York, 1901), pp. 11, 13, 14.
\(^2\)Ibid., p. 15.
of 1865, in closing that body made a plea for fair play to the Negro. He said:

If I could have the ear of the entire people of the United States, I would implore them that so far as providing for this branch of our population is concerned, and their organization into a class of efficient and trustworthy laborers, the Federal Government should simply let us alone.

I speak this for a two-fold purpose, first, to pay a just tribute to that unfortunate class of our people, and second, to remind ourselves of the spirit which ought to animate us in our conduct towards them. ... Our conduct should be kind, magnanimous, just. The result of this will be the production of a feeling of mutual confidence between the two races.

Governor Jenkins, in his inaugural address, had won the approval of the North by his kind and progressive views respecting the new freedman. After paying tribute to the loyalty of the slave to his master during the war, the Governor said: "As the governing class, individually and collectively, we owe them unbound kindness, through protection ... The courts must be open to them." Alexander Stephens had expressed similar views in an address before the General Assembly in 1866. "Ample and full protection," he advised, "should be secured to the Negroes so that they may stand equal before the law in the possession and enjoyment of all rights of person, liberty and property."

The State, however, took action contrary to the advice of these men. Its action suggests that it followed the later advice of Robert Toombs who in speaking of the freedman said: "These people are kind and affectionate, but their previous condition, whether by your fault or not, was such as to

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3P. S. Flippin, H. V. Johnson of Georgia, State Rights Unionist (Richmond, 1931), pp. 267-68.

disqualify them from exercising the right of self-government." Although slavery was abolished and the Thirteenth Amendment was ratified, Georgia did not mean to leave the Negro uncontrolled, neither was it her intention to place him on a basis of political equality with white people. Consequently a Black Code was enacted.

Being slower to call a convention and legislative assembly than the other rebel states, Georgia had the good fortune, if it may be deemed such, to see the mistake of such legislation (as the Black Code) and its effect upon Congress. Her lawmakers, seeing the fallacy in enacting a separate code for the freedman, wrote provisions into the state laws controlling him, thereby avoiding Federal intervention. The new laws did not conflict with the Thirteenth Amendment but they did limit the freedom of the Negro. He was allowed to own and sell property and give testimony in court cases where other Negroes were concerned, but he was not allowed to serve on juries, nor testify in cases in which whites were involved, nor intermarry with white persons. The most severe of the new laws were vagrancy laws which were directed solely at the Negro, and designed to compel him to work.

The Republicans who controlled Congress, already irate at the ease with which the rebel states were coming back into the Union, found that the enactment of these laws gave them grounds to remove reconstruction from the President's hands and place it under Congressional control. Congress, in March, 1866, passed the Civil Rights Bill which made it a crime to discriminate against any person on account of race or color, and in June of the same year, it passed the Fourteenth Amendment which made the Negro a

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citizen, gave him the protection of due-process, and provided a penalty for his disfranchisement. The failure of the southern states to ratify this article brought down the Republican wrath on them more vehemently, the result of which was the Reconstruction Acts of 1867.

The Reconstruction Acts divided the states into military districts controlled by a military governor who might continue the civil officers and courts or replace them by military tribunals if he desired. A constitutional convention was to be called in each state, the delegates to be chosen by all citizens regardless of race or color. They provided for registration of voters and for holding the election of delegates to the convention. In short, the Acts were only a more rigid way of dealing with a defeated but defiant enemy as the southern states were classified by the Republican congressional leaders.

While the above events were transpiring in Washington, political activity in Georgia was begun by the freedmen. Their full scale integration into politics can be accredited to two organizations, namely, the Freedmen's Bureau and the Union League. In the long run the most helpful of the two proved to be the former.

Established as a branch of the War department, the Freedmen's Bureau was to have control of all subjects relating to refugees and freedmen from the territory embraced in the military operations of the war. It was authorized to issue provisions, clothing and fuel to the destitute refugees and freedmen, and to provide for their settlement on the abandoned or confiscated land of rebels. Created in March, 1865, and continued until 1868, the Bureau was headed by a commissioner, General O. C. Howard, who

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had under him in each southern state an assistant commissioner with a corps of subordinate local agents. The Bureau in Georgia was headed by General David Tillson whose policy it was to secure the cooperation of the citizens of Georgia with the Bureau. In 1865-66, the Bureau concerned itself with the physical and economic needs of the Negro, and centered his attention on educational opportunities provided by northern philanthropic societies. Its most important work however, was its regulation of labor in getting the Negro to work and in fixing terms of contracts.

The most effective instrument for organizing the prospective voters was the Union League, or Loyal League as it was more commonly called. Founded in northern cities, the organization was at first purely patriotic, designed to sustain the war spirit of the North which was flagging under the reverses of 1862. As territory in the South was occupied by the Union forces, the League came South and organized. When the war ended, it absorbed southern secret societies such as the Heroes of America, the Red Strings, and the Lincoln Brotherhood, which were hostile to the Confederacy, and its members hoped to organize an effective anti-Confederate political party from this one organization. In the early years, 1865-66, it boasted of a large membership in the white districts.

As Negro suffrage approached and the freedman was admitted to the League, its character was changed by the desertion of native white members who were

9W. L. Fleming, Documentary History of Reconstruction (Cleveland, 1907), I, p. 315.

10P. S. Peirce, The Freedmen's Bureau (Iowa City, 1904), pp. 47, 192.

11Thompson, op. cit., pp. 61-64.

12Fleming, op. cit., pp. 3-5.
hostile to the Negro. By the end of 1867, almost the entire Negro popula-
tion was brought under its influence and the order consisted solely of
black members with white leaders. Several minor orders of the freedmen
were absorbed, and the League became the machine of the Radical Republican
party in the South. 13

The methods employed by the League serve partly to explain why the
Negroes voted solidly for one party in spite of attempts made by the oppos-
ing party to gain an influence over them. The strictest discipline was
enforced, and personal injury, even death, was the penalty for voting a
Democratic ticket. "Night meetings, impressive, flamboyant ceremonies,
solemn oaths, passwords ... iron discipline, intimidation, threats of
being returned to slavery, and threatened abandonment by colored women if
their men didn't support the League," 14 all served to keep the Negro in
line. Violence, however, was not a purpose of the League, and if there was
any, it was due to the influence of the unscrupulous white leaders.

The League gained more influence through its connection with the
Freedmen's Bureau. Numerous officials of the Bureau were among the leaders
of the League. Commissioners were initiated and agents induced Negroes to
join until in some states (possibly Georgia) four-fifths of the newly en-
franchised voters had been enrolled. 15 With an elaborate organization such
as this, it is no wonder that the Republicans gained an upper hand in the
beginning.

13 Ibid., p. 4.
14 Ibid., p. 4.
15 Pierce, op. cit., p. 164.
The first military commander of Georgia under the new acts was General John Pope who held the position from April 1, 1867, to January 6, 1868. His division of the State into registration districts and appointment of registrars commenced the provisions of the acts. He fostered the registration of the freedmen and frequently redressed their wrongs. Negroes everywhere, endowed with the thoughts of their new political privileges and conscious of the fact that they were the root of the general happenings, began to hold meetings and prepare for the coming fall elections. For the remainder of the year in the larger cities and probably in the rural areas, freedmen convened, affiliated themselves with parties and constructed and adopted platforms. In Augusta, one thousand Negroes organized and avowed their support to the Union Republican party; they adopted a preamble and resolutions, the substance of which is as follows:

...the citizens of Georgia should give united and continued support to the Union Republican party; that there should be no distinction on account of race and color in the enjoyment of political rights; that the right to vote gives the right to sit on juries; that corporal punishment should be abolished, it being a relic of barbarism, that the widows and orphans of those who died in crushing the rebellion are entitled to the nation's protection and gratitude; that the national debt is a sacred obligation.

Principal speakers were J. T. Shepherd, Simeon Beard, ex-governor Johnson, Judge Starnes, and Abner Hilliard. Shepherd, though he supported the resolutions, was conservative in his remarks, whereas Beard was strongly Republican.

A much larger crowd attended a meeting in Macon; it numbered between six and eight thousand. Colonel H. P. Farrow, Reverend H. M. Turner, both of Macon, and John T. Costin of Washington, D.C., were the speakers.

16Daily New Era (Atlanta, Ga.), April 14, 1867, p. 2.
Turner, whose speech the Macon Telegraph pronounced the best, stated that among other things, he asked no more for his own race than he was willing to grant the whites. On the contrary, Costin stated that he had no use for the white man. A large number of whites attended the meeting but the freedmen were the sponsors.17

Both Negro and whites attended in large numbers the meeting of the Colored Conservatives in Columbus. The main speakers were John Wells, Barney Hawkins, Colonel Wm. L. Salisbury, Reverend Aaron Hurt, and A. R. Lomax of Columbus, and Benjamin Holmes and Joseph E. Williams of Tennessee, all of whom were conservative and conciliatory in their speeches. The theme of the meeting was peace and good feeling between the races, and an identity of political as well as material interests. Williams offered a series of resolutions which were adopted as a platform of the group. They were for the "Union of the States, equality of rights without distinction of race, universal amnesty and enfranchisement, and general public education."18

Registration for the coming election was in early October. Both races registered in large numbers but the whites had the largest, although the difference was not very great; an even larger number was expected, however, as can be seen by a newspaper which said:

We have been creditably informed that the registration of voters in Georgia has been concluded. The result is as follows:

- whole number of white voters 95,338
- whole number of colored voters 93,390
- total number of voters registered 188,728
- majority of white votes 1,948

This, to say the best of it, is a very extraordinary result. There must have been great default on part of the whites in registering; a much larger disenfranchisement of them than we had supposed.

17Daily Intelligencer (Atlanta, Ga.), August 29, 1867, p. 2.

18Ibid., September 3, 1867, p. 2.
under the military bills, or a license extended to freedmen in registering amounting to an abuse of that privilege, to have provided such a result.\(^{19}\)

But Pope exerted himself strenuously to see that the freedmen were duly registered. The whites, it was rumored, were not registering because their leaders advised against it. October 29 through November 1 were the days designated for the election that would decide whether or not to hold a constitutional convention and elect delegates to the same.\(^{20}\)

Prior to the election emerged A. A. Bradley, one of the most colorful persons of this period who was backed by the Republicans and who worked for the general betterment of all of the people. He conducted a well attended meeting in Savannah at which time he announced himself as a delegate to the convention. The things he proposed were: equal rights to colored voters and poor white persons without property or the reading and writing qualifications, homesteads, reduction of rents, regulation of labor, and prohibition of false arrests.\(^{21}\) Up to the time of, and even on election day, Bradley was active in securing his election.

The first day of the election in Savannah found the polls overcrowded with Negroes. They were there early in the morning before the polls opened and their excitement was very intense. On the second and third days, due to the slow process of casting a ballot, a great number of them declined to vote. Of an estimated crowd of two thousand present in the early morning hours, only a few hundred votes were recorded. Bradley was present at the polls every day making speeches for his election and showing the freedmen how to use the ballot. With but a few exceptions all of the

\(^{19}\)Ibid., September 24, 1867, p. 2.

\(^{20}\)Woolley, \textit{op. cit.}, p. 39

\(^{21}\)Daily Intelligencer (Atlanta), September 3, 1867, p. 2.
votes were for a convention and the Bradley ticket.\textsuperscript{22}

In Atlanta the scene was similar. The Negroes flocked to the polls on the first day, but the day's observations and experiences sufficed to exhaust the novelty of their new position. A newspaper of that city said:

From the countenance worn by many of them and the interest manifested by others, we are inclined to the opinion that they do not regard the new privilege as quite "so big a thing"... The new politician found himself warmly welcomed, cordially grasped by the hand, and was the recipient of any amount of sage advice from white men who seemed extremely solicitous for his welfare; and the new politician was never so fully conscious of his importance.\textsuperscript{23}

Such was the picture over all of the State. The Negroes cast their vote as they were instructed by that element of the people, known as carpetbaggers and scalawags,\textsuperscript{24} which was desirous of its own election. The returns showed that very few whites voted;\textsuperscript{25} however, of the total votes cast, a very large majority favored a convention.

It appears that there were two reasons why the whites refrained from voting in large numbers. First, a belief that the State had been gerrymandered to give the Negroes a majority of the delegates; second, their leaders advised them not to do so. There were many who believed the former; this opinion is explained by a New York newspaper, the \textit{Federal Union}, which

\textsuperscript{22}\textit{Ibid.}, November 2, 1867, p. 2.

\textsuperscript{23}\textit{Ibid.}, October 31, 1867, p. 2.

\textsuperscript{24}The native element of the white radical leadership came to be known as "scalawags," which has a connotation much the same as the word "renegade" Carpetbaggers were northerners who came to the South to get what they could especially political office. They reputedly carried one dirty shirt and a dirty pair of socks in an old carpet bag, hence the name. Both were emissaries of the Loyal League and some were agents of the Freedmens Bureau.

\textsuperscript{25}The returns showed that: In Savannah 3,934 voted; Americus 1,612 (no whites); Albany 1,753 (3 whites); Lagrange 1,804 (12 whites); Columbus 1,744 (50 whites); Washington 1,141 (8 whites); Macon 1,708 (3 whites); Rome 1,567; Milledgeville 1,019 (4 whites); Augusta 3,066; and Atlanta 1,199. The \textit{Daily Intelligencer}, November 2, 1867, p. 2.
So far as we have heard the Negroes had all of the fun of the bogus election to themselves, for a very few white men of the State had anything to do with it. When it was discovered that the State was districted in such a manner as to give the Negroes, although in the minority, a large number of the delegates, the whites saw that the thing was already settled and it was useless for them to vote. It seems more plausible however that the whites stayed away from the polls on the advice of their leaders, because there is no record of how the State was districted to substantiate the charge of gerrymandering. The evidence on the other hand strongly points to the fact that the leaders of the whites bade them to pursue a non-action policy in an effort to prevent the fulfillment of the one-half population voting requirement of the Reconstruction Acts. Benjamin H. Hill, staunch secessionist, supporter of states rights, and senator to be, said "I advise you to register; there is no dishonor in that. But don't vote for a convention ... don't go for anything which is an assent to the scheme but be against it at every step." This was also the policy advocated by most of the leading newspapers such as the Augusta Constitutionalist, the Macon Telegraph, and the Milledgeville Federal Union.

Whether done by Negroes or whites, the election returns showed that the question of having a convention was carried. There were one hundred seventy delegates elected, thirty-two of whom were Negroes elected from all parts of the State. Most outstanding of the Negroes were A. A. Bradley, former lawyer of Boston, H. M. Turner, minister and future bishop of the A. M. E. church.

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26 Quoted in the Daily Intelligencer, November 6, 1867, p. 2.
28 Thompson, op. cit., p. 188
29 See appendix for listing of the names.
Church, and T. G. Campbell, who attempted to set up a government on St. Catherine Island.\textsuperscript{30} None of these men were native Georgians, except possibly Bradley; Turner was a chaplain in the United States Army, Campbell was from Canada, and Bradley had previously resided in New York and Boston.\textsuperscript{31} But all were learned men whose conduct and ability in their political positions commanded the attention and respect of both black and white colleagues.

\textsuperscript{30}Thompson, op. cit., p. 790.

\textsuperscript{31}Daily Intelligencer, January 25, 1868, p. 2.
CHAPTER II

THE CONSTITUTIONAL CONVENTION OF 1862-68

The Convention met in Atlanta on December 9, 1867, in a hall provided for that purpose by the city government. A reporter of the Savannah News said: "The Negroes in the Convention appeared well dressed and well behaved with but few exceptions. They usually sat together but looked to their white colleagues for their cues."¹ They participated in the activity from the opening day, and the intelligence behind their motions, speeches, and resolutions refutes any statement that they were ignorant and capricious. The Negroes had no aspirations to be officers of this body but Wm. H. DeLyons was elected doorkeeper, and T. G. Campbell was elected messenger.²

The first item to occupy the attention of the Negro legislators was the law demanding imprisonment for non-payment of debt. This antiquated practice which had led to the establishment of the colony of Georgia, was one which proved to be of great detriment to the freedmen who were inclined not to work. Many of those who worked were not properly compensated thus rendering them unable to meet the needs of living. The inevitable contraction of debt resulted in their being imprisoned and forced to work on state projects or being hired out to private individuals and concerns to work until their sentence expired. In a number of instances they were held after the legal expiration of their sentences. It was also more the rule than the exception that the sentences were long and unjust, thereby making imprisonment serve

¹Quoted in Thompson, Reconstruction in Georgia, p. 191.
²Daily Intelligencer, December 12, 1867, p. 2.
as a means of exploiting the labor of the Negro. To remove this obstacle from the enjoyment of liberty, [Campbell] presented an ordinance declaring imprisonment for debt forever abolished in the State.\(^3\) The ordinance was given to the committee on the Bill of Rights which recommended that it pass, the body concurring with the recommendation.\(^4\)

In reference to jails and imprisonment, [Bradley] introduced a resolution for the relief of some persons in these institutions. There were one hundred Negroes confined in a Savannah jail as a result of some offenses committed during Sherman's "March" through the State. [Bradley] said that they should be released, because their present confinement was illegal, since they could not be tried by any law except Confederate law which died with the Confederacy.\(^5\) On a later date he offered the following resolution which was adopted:

> Resolved, That the delegates of the people of Georgia, in Convention assembled, do request the Major-General in command to have examined all the jails and other prisons, and have released therefrom all persons unlawfully deprived of their liberty, and all persons tried ex parte, the right of appeal denied, and bail refused in violation of the Constitution and the laws of the United States and the State of Georgia.\(^6\)

In the latter part of May, 1947, M. D. Collins, State Supervisor of Education of the State of Georgia, made a statement to the effect that the public schools of Georgia could not operate on a level of efficiency and approved standards if the State did not receive financial aid from the Federal Government. Although Georgia spends approximately one third of her

\(^3\)Journal of the Convention (Augusta, 1868), p. 36.  
\(^4\)Ibid., p. 355.  
\(^5\)Daily Intelligencer, January 15, 1868, p. 2.  
\(^6\)Journal of the Convention, 1868, p. 156.
annual income for education, the amount is not sufficient to meet the needs of her growing school populace. The same can be said for practically all of the Southern States whose income is low.

However, the idea of Federal assistance to the State program of education is not entirely new. In fact, in the days of reconstruction, it was presented, though in a somewhat different form, by H. M. Turner who appears to be the first Negro to show concern about public education. He probably reasoned that political privileges could be of hardly any value to those who, from the lack of education, knew not how to use them. In the preamble to his resolution he pointed out that the moral, intellectual and physical greatness of a nation was dependent upon the literary status of the people who support it, and that it was the duty of a democratic government to provide for the education of its citizenry, especially when the vote of the masses determines the issues, laws and directors of the nation's destiny. With the fact in mind that the war had rendered the Southern states incapable of making adequate educational provisions for their inhabitants, he made the following resolution:

Resolved, That we the people of Georgia in Convention assembled do hereby most respectfully petition the Congress of the United States to set apart one half or more of the revenue collected from the cotton tax of 1867 for the benefit of schools in the several states where such revenue was collected. Resolved, That the President of this Convention is hereby requested to transmit a copy of this preamble and resolutions to the several State Conventions now in session for their concurrence of the same.7

The resolution was referred to the Committee on Education which for some inexplicable reason, neglected to report or comment on it.

Another issue which has its counterpart today and which commenced in

7Daily Intelligencer, January 25, 1868, p. 2.
the Convention was the Negro's fight against discrimination in public places and on public conveyances. Hotel and innkeepers, if they admitted Negroes, placed them to themselves, often in inferior accommodations. The railroads had the same policy. Freedmen were given coaches of the least comfort or cleanliness, and they were not allowed to ride in the better coaches with white people, except in some cases where a fare higher than that usually required was exacted.

In an effort to remove or remedy this evil, Bradley offered an ordinance "to prevent common carriers in this State from making distinctions on account of race or color. ..."8 He stated that this ordinance was one of great importance which should be incorporated into the organic law of the State, because it referred to oppression and intolerance, which if persisted in, would bring on war.9 This statement created quite a commotion and aroused the animosity of the white delegates. One of them offered a resolution declaring that the "so-called State of Georgia are (sic) now and have ever (sic) been ... a Government whose territory was secured by the white man, and over whose destinies the white man shall preside."10 Bradley contended that his fellow delegate's resolution was violative of the Civil Rights Bill and the Constitutional Amendment, and that its entertainment would be an insult to the Government of the United States. Campbell made a short speech in which he asked the Convention to show to the world its condemnation of such measures. Turner asked the body to vote on the question,11 but on the motion of Bradley,

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8Journal of the Convention, 1868, p. 48.
9Daily Intelligencer, December 18, 1867, p. 2.
10Journal of the Convention, 1868, p. 49.
11Daily Intelligencer, December 18, 1867, p. 2.
the ordinance was referred to the Committee on Franchise. The Committee was so long in its deliberation of the bill that Campbell subsequently moved that a law be passed prohibiting discrimination on public conveyances, as colored people were exposed to such terrible treatment on them. An attempt was made to incorporate the motion into the Constitution but it failed, so the matter was left for the General Assembly to decide.

As Dubois said: "Bradley was a fighter, and attacked both Democrats and Republicans when they tried to coerce Negroes. He was therefore given much publicity as a dangerous and undesirable Negro." Such publicity resulted from his efforts to get legislation as the above mentioned, but when he, in a speech, spoke of the incompetence of and asked the removal of General Pope and Governor Jenkins, he was the man of the hour. He said that the Governor had never taken the test oath, and that General Pope had been recreant to his trust and had not discharged his duty in such a manner as to advance the cause of Reconstruction, therefore, they both should be removed. His speech resulted in a petition by the Convention to the Commander of the Third Military District for the appointment of a Provisional Governor who would favor the work of Reconstruction.

The personal opinions and personal character of General Pope, combined with such interference as he did practice in civil matters, served to gain for him the dislike of the people and the rather unjust reputation of a

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13Daily Intelligencer, February 20, 1868, p. 2.
15Daily Intelligencer, December 12, 1867, p. 2.
16Journal of the Convention, 1868, p. 58.
petty tyrant.\textsuperscript{17} Resentment towards him in the Convention came from his failure to coerce Governor Jenkins to draw a sum of forty thousand dollars from the State Treasury in order to pay the delegates and support the Convention. Jenkins was of the opinion that the Convention, since required by Federal and not State law, should be supported with Federal funds; hence his refusal to honor the Convention's request for money. Bradley said that Pope should compel Jenkins to grant the sum, but that the General was too weak-kneed to do his duty.\textsuperscript{18} The Negro delegates, who probably needed the money worse than the others, voted unanimously for the removal of Jenkins. Bradley's role in this incident and his position in the Convention is shown by the following editorial which appeared in the \textit{Intelligencer}:

\begin{quote}
One thing we have to regret in the proceedings of yesterday, and it is this -- that the impudent and ignorant A. A. Bradley was not permitted to interrogate General Pope as he started to do. ... the impertinence, effrontery, and ignorance of this Negro Boston lawyer ... is most intolerable and not to be endured. It is not that we sympathize with the body in which this Negro is an arrogant leader, that we thus refer to him; by no means -- it is only to let our readers know how lost to self-respect the majority of that body have become, when they suffer themselves to form political alliance with such, and what is more, to submit to his insolence and dictation. Did we belong to the Negro-radical party in the so-called State Convention, and were a delegate in the body, our first move would be to "turn him out;" as it is, we trust the body will keep him in until it has done the ignoble work for which it has assembled.\textsuperscript{19}
\end{quote}

The aftermath of Bradley's criticism of the General was the removal of Pope and his replacement by Major-General George G. Meade whose administration, begun early in 1868, was more vigorous, although his ideas were similar to those of his predecessor.

The \textit{Intelligencer}'s editorial of December 21, 1867, where the editor

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{17}Woolley, \textit{Reconstruction in Georgia}, p. 43.
\item \textsuperscript{18}Daily \textit{Intelligencer}, December 24, 1867, p. 2.
\item \textsuperscript{19}ibid., December 21, 1867, p. 2.
\end{enumerate}
\end{footnotesize}
mentioned "turning Bradley out" of the Convention was not so wild a dream for him because this paper started a movement which culminated in the expulsion of the fighting delegate from Savannah. In a later issue of the paper there appeared from an unidentified correspondent a letter to the editor which read:

It is charged that in 1849 there came to the city of Williamsburg, New York, one Bradley, a Negro who claimed to be a lawyer, but made it his special business to cobble shoes; that in June, 1850, a true bill was found against said Negro by the Grand Jury of Kings County, (New York) for seducing under promise of marriage, a mulatto girl; that on the twelfth of June, 1857, said Negro on said charge was tried ... found guilty ... and sentenced to two years imprisonment at the State Penitentiary, at Sing Sing, New York; that said Negro served out such term of imprisonment and was never restored to his rights of citizenship by any special legislation; that on release, said Negro practiced in Boston; that in 1864, said Negro was, on motion of one Charles Sumner, and Salmon P. Chase, admitted to the bar of the Supreme Court of the United States; that thereafter said Negro sought admission to the bar respectively of New York, Philadelphia, and Savannah, and was in each case peremptorily rejected; and that said Negro was sent, by the radical Congressional Committee, to Georgia.

In your reports of the bogus Convention now in session in this city, mention is made of one "Aaron Alpecia Bradley, Negro," and this Mr. Editor, is to ask if said Negro be identical with the one herein described.20

Troup

This marked the beginning of Bradley's misfortune and the turning of sentiment against him. The letter was brought to the attention of the Convention by a white delegate who asked that the charges be investigated. Bradley asked for the expulsion of Troup, the anonymous correspondent of the Intelligencer whom Bradley thought was that paper's reporter to the Convention, for slandering him and calling the Convention a "bogus Convention." J. T. Costin also voiced his disapproval of the proceedings of the Convention as published by the Intelligencer. He stated that its reports were derogatory and unjust to the members.21 Turner said that the United States was a country built on

20Ibid., December 21, 1867, p. 2.
21Ibid., January 25, 1868, p. 2.
democratic principles, one of which was the freedom of speech, so he didn't see why the Convention should restrict the liberty of the press. Neither was it ever proven that the Intelligencer's reporter in the Convention was the anonymous "Trout." Nevertheless, a committee composed of S. W. Beard, J. T. Costin and others was appointed to investigate and report to the Convention, the truth or falsity of the charges made against Bradley.  

Bradley, undaunted by the attacks upon him, continued with his brilliant lawmaking in securing recognition and equality for everyone. He added to the Bill of Rights an article which was incorporated into the body as Section II. It read:

> All persons born or naturalized in the United States, and residents in this State, are hereby declared citizens of this State, and no law shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States or of this State, nor deny to any person within its jurisdiction, the equal protection of its laws.  

But such constructive work was shortlived. The committee appointed to investigate the charges against Bradley found them to be true, and in its report recommended that he be expelled from the Convention on the grounds that crime disqualified him for his seat. The accused filed a denial of the charges and asked to be heard personally by the Convention; his request was granted, and he was allowed to remain a member of that body until the following Tuesday. On that day, as a result of a magnificent speech in Bradley's behalf by Turner, final action was postponed for further consideration.

This speech of Turner's was regarded as the greatest of the Convention on any subject. The Intelligencer printed it verbatim and gave it

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22 Ibid., p. 180.

23 Ibid., pp. 216-17.

24 Ibid., pp. 271-76.
preference over speeches by more important men. The paper said that rhetoricians might find fault in its construction, but for thought, logic, integrity, and sheer presentation of facts, it was unexcelled and its equal might never be seen.  

Turner attacked the charges from Biblical and legal angles. Using the Bible as a basis, he traced the history of man in which he showed by use of many Biblical allusions and allegories, that man was always forgiven for his past if his present was of worth. From the legal angle he said that the Convention could not prove that the Bradley alluded to was the Bradley who held a seat in the Convention. He said:

What evidence has this Convention that the person spoken of was the identical Aaron A. Bradley (sic) that legitimately claims a seat on this floor? The Bradley (sic) here spoken of answers to the name of answers to the name of Aaron A. Bradley, but the seventeen years ago Bradley was an Aaron Bradley, and unless you can show that same Aaron Bradley, did by permission of some legislature which had the right to change his name, the whole question tumbles to the ground.

He criticized the investigating committee because it had, without authorization by the Convention, sent to New York for papers on the case. He deemed its report poor and incomplete because it had heard from only the city court of Brooklyn. "Who knows," he said, "but that the whole case was repealed by a higher court?" "What evidence has the committee ... that no higher court ever reversed the decision of the city court spoken of?" He said too that the Governor of New York may have pardoned Bradley before the expiration of his sentence, which action would have restored him to his rights of citizenship.

Another aspect of the case from the legal angle, Turner asserted, was

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26 Ibid.
27 Ibid.
the status of Bradley at the time of his conviction. He probably drew this point from the Dred Scott decision and the fact that the Thirteenth and Fourteenth Amendments had not been passed. Said he:

In 1851, Mr. Bradley was not a citizen, otherwise, the decision of the Supreme Court of the United States was a foul libel before the American people. He was then a mere chattel, and the New York courts had no more right to try him than it had to try a horse, cow, or jackass.

Seventeen years ago it was impossible for a Negro to commit felony. He was too low for that.28

In furthering the point of Bradley's status, he attacked the jury system:

Were those jurors who sentenced him white men? If so, what right did white men have to adjudicate a question involving a principle of honor, and civilized respectability between chattels? I hold that any decision pronounced upon a Negro either acquitting or condemning him where he is denied the right to be a juror himself is in every instance doubtful.29

If the Convention should expel Bradley, it would place itself liable to intervention by Federal authorities, contended Turner. His final point against expulsion was that the Convention lacked authority to do it:

What is there in the Reconstruction laws under which we are acting to support you in depriving Mr. Bradley of his seat? Though we may expel him, General Meade could recall him, and you could do nothing but submit. Congress required only a test of present loyalty, regardless of antecedents.30

It would seem that such a brilliant defense could be put up only by a friend; but there was no such love between Turner and Bradley. During the entire proceedings of the Convention they were at odds and ridiculed each other. Turner himself admitted that. He stated also that he spoke in Bradley's defense not because of color, but because of the injustice of the

28Ibid.
29Ibid.
30Ibid.
whole affair. He said:

I am not advocating his cause because I am on such intimate terms with him, or because he is a colored man. I don't regard his color; I would speak the same way about the gentleman here from Harris County, whom I regard as a full blooded antagonist to the elevation of my race. I argue this question on the basis of even-handed justice and square sense.31

As was earlier stated, this eloquent defense of Bradley by his worthy opponent Turner caused final action on the former to be postponed for more consideration. The day following Turner's speech, Bradley, speaking in defense of himself, used what was termed "gross insults" to the body. He accused a delegate, the President, and their families of committing an offense of similar nature as was charged to him. These accusations turned the wave of thought against him, culminating in his expulsion by a unanimous vote (the Negroes voting in the affirmative) of 130-0.32 It is thought by many, and it is highly probable too, that had Bradley not insulted the body, he would have been acquitted of the charges and allowed to remain in the Convention.33

After the expulsion of Bradley, Negro contributions came to practically a standstill. Although Bradley was not their acknowledged leader, they seemed to be like sheep without a shepherd. The only measure of note was a resolution by Costin against discrimination on juries. In the selection of juries and jurors, the freedmen were being overlooked; they were not allowed

31Ibid.


33We call attention to the fact that Dubois in Black Reconstruction, page 499, said that Bradley left the Convention because of charges that he had deceived Negroes on an island off the coast of Savannah, but that his constituents, still faithful to him, sent him back to Atlanta as Senator in 1868. A careful investigation reveals that Bradley left the Convention for the reason explained above. He was also sent back as a Senator in 1868, instead of 1888.
to serve where the case involved whites, and they were hardly ever selected when both defendant and plaintiff's were Negroes. Reasons for this may have been their illiteracy and ignorance of the law or that jurors were compensated more than it was desired that the Negro should earn. To see that their rights were respected, Costin introduced a resolution which was incorporated in the Judiciary report as the 12th section and passed by the body, to wit: "Resolved That there shall be no distinction between the classes of persons who compose Grand and Petit Juries. Jurors shall receive adequate compensation for their services, to be prescribed by law."34

The passing of Turner's resolution requesting the Union Republican Executive Committee at Washington to publish and circulate 20,000 copies of the new Georgia Constitution, his motion requesting 5,000 copies to be printed by the Convention, and the resolution of M. H. Bentley requesting that the city officials be thanked for their courtesy to the Convention, closed the Negro's activity in that body.35 After having done what was demanded of it by the Reconstruction Acts, the Convention adjourned. The Negro members, as was earlier stated, conducted themselves well, and as has been seen, made some worthy contributions to the development of the Constitution and the laws of Georgia.

As a whole, the Convention was conducted better and made more advancement than Conventions of other States. This was probably due to the presence of men with conservative ideas. The proportion of Negroes was less than in other Conventions, and they exercised more intelligence than their brethren in other States. The number of carpetbaggers and scalawags in the Convention was also at a minimum. Accomplishments of the Convention were:

34 Journal of the Convention, pp. 468-69.
abolition of imprisonment for debt, prohibition of slavery, establishment of
citizenship without discrimination, provisions for public education, en-
franchisement of the Negro, and, provisions for an election of the General
Assembly.

The next step in restoration, after the Convention had framed a new
Constitution, was its ratification by popular vote and the election of state
officers and representatives to Congress. The election and vote were
ordered by General Meade to be held on April 20th through the 24th, 1868.
The whites, dropping their non-action policy, voted heavily for the Democratic
party; their leaders urged them to vote this time to undo what the Constitutional
Convention had done. It was a heated battle for both parties
were trying to gain control of both houses of the Legislature. Negroes,
comprising the bulk of the Republican party, were greatly intimidated by the
Ku Klux Klan and by the registrars themselves in an effort to stem the flow
of the tide to Republicanism. "Johnson Williams, colored citizen of Marshall-
ville, was called a damned rascal, struck in the face and kicked by a white,
George Shailey, because he, Williams, had voted for Bullock (Republican candi-
date for governor); he was ordered to leave the country, or else the KKK
would take him in hand." "Aaron Haile was deprived of his vote because the
manager would never examine the list to see if his name was registered, al-
though there was no crow and plenty of time to do it in."

Regardless of these obstacles, a number of Negroes and Republicans were
elected to the Legislature, and the Republican candidate, Bullock, was elected
governor. The Constitution was accepted by the majority of the people.

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36 Miscellaneous Documents on the Negro. State Department of Archives.

37 See appendix for listing of the Negroes elected to the General Assembly
of 1868.
It was ratified by a vote of 89,007 for, to 71,309 against. The total vote was 160,316, while the total registration was 191,501. Such a great disparity was probably due to intimidations and negligence.

Most of the Negro delegates who were in the Convention, continued in the General Assembly the work which they had begun in the Convention, and because of their activity and participation were worthy of the honor bestowed upon them by their constituents.

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CHAPTER III

THE GENERAL ASSEMBLY - 1868

The House began its session on July 4, 1868, with the Governor-elect, Bullock, acting as chairman pro tem until the House was organized. H. M. Turner was the first to introduce a resolution. It was to the effect that the committee appointed to notify General Meade of the House's ratification of the Fourteenth Amendment, also select some suitable place outside the Hall for the inauguration of the Governor.¹

The bill against discrimination on public conveyances which came up in the Constitutional Convention, was the first measure of importance presented by the Negro representatives. It grew out of the fact that when coming to the Convention and General Assembly, the colored delegates had been subjected to all manner of ill-treatment on trains and other modes of public transportation. To remedy this, Turner introduced a bill "to prevent common carriers from distinguishing between white and colored persons in the quality of accommodations furnished, upon certain conditions, and to prescribe penalties for the same."² There was no action on this until two weeks later when Representative James Porter again presented it as a bill "to compel common carriers to provide equal accommodations for passengers, without discrimination."³ This time it was referred to the Judiciary Committee which failed to recommend its passage.

¹Journal of the House, 1868, pp. 92-94.
²Ibid., p. 169
³Ibid., p. 212.
There were no measures fostered by the colored members for the relief and education of the freedmen. There was little discussion of these measures until after expulsion. But there were items of minor interest which the colored members offered. Representative S. W. Beard introduced a bill to authorize volunteer companies, and Representative Turner introduced a measure to define and punish duelling, both of which were lost. Representative Porter reported a bill to extend the incorporation of the German Fire Company of Savannah, and the Honorable T. M. Allen reported one to protect the farmers of Jasper County against fox-hunters, but neither was passed.

After abolition, labor was supposed to be employed instead of enslaved. Employers were to make with their employees contracts denoting the work, hours, and pay. Many of these contracts were unfair to the freedmen in the matter of hours and pay and they were freely broken by employee and employer alike. Unscrupulous white men took advantage of the untutored Negro by exploiting his labor. To insure fair treatment of the Negro laborer, Representative Turner reported a bill to limit and regulate the hours of a day's labor, declaring that eight hours should constitute a day, and all time over that should be paid for. After the second reading the bill was handed to the Judiciary Committee which recommended that it not pass, and on the

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4Ibid., p. 94.
5Ibid., p. 111.
6Ibid., p. 111.
7Ibid., p. 128.
8Ibid., p. 219.
9Daily Intelligencer, August 27, 1868, p. 2.
third reading it was lost.

Representative U. L. Houston reported a bill "to levy an extra tax of five cents per acre on arable cleared land not in cultivation," but the bill was lost. This was the extent of the activity of the Negro members prior to their expulsion from the House.

In the Senate, proceedings were not too different. There were only three Negro members of this body: Messrs. A. A. Bradley, T. G. Campbell, and George Wallace. Of these three, Wallace was the only one who was not in the Constitutional Convention. They were appointed to the following committees: Wallace to Privileges and Elections, and the Military, Campbell to Petitions and General Education, and Bradley to the Judiciary and State of the Republic Committees.

The fight against discrimination on public conveyances in the Senate was championed by Senator Campbell. He introduced a bill entitled "an act to compel common carriers to provide equal accommodations for passengers without any discrimination." It was given to the Judiciary Committee which recommended that it not pass, a decision with which the Senate, after short discussion, acted in accord.

As was shown by several citations in chapter two, the election of the members of the General Assembly was characterized by intimidations and general disorder in some places. The privilege of voting which was guaranteed the Negro by the Constitution was denied him by registrars and secret organizations which purported to be for law and order. To insure this guaranteed

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11 See appendix for the Committees to which the Negro Representatives were appointed.

12 Journal of the Senate, 1868, p. 81.

13 Ibid., p. 170.
right, Senator Bradley introduced a bill to protect citizens in their privileges and immunities. After the second reading the bill was laid on the table and probably handed to the "drainage committee" as no further record of it was found.

Another bill by Senator Campbell was one to incorporate the Georgia Steam Navigation Company and invest it with powers of insurance. The Committee on Internal Improvements to which the bill was referred was adverse to its passage, and the Senate concurred with the decision of the committee.

Before the Senate began its deliberations, a movement was started to expel Senator Bradley on the same charges as were preferred against him in the Convention. At the same time, a resolution contesting the eligibility of all of the Negro Senators on the grounds of color was presented but it was tabled temporarily. The majority report of a committee appointed to investigate the charges against Senator Bradley found him guilty as charged and declared him ineligible. The minority report, composed in part and presented by Senator Campbell, declared him not ineligible because by Georgia laws at the time of his conviction, his offenses were not high crimes, but misdemeanors. But the majority report was adopted, and a resolution declaring Senator Bradley ineligible was passed. However, before this action was taken, the Senator had resigned.

The action on Senator Bradley, notwithstanding, the General Assembly

14Ibid., p. 170.
15Ibid., p. 162.
16Ibid., p. 19.
17Ibid., pp. 121-27.
18Daily Intelligencer, August 14, 1868, p. 2.
seemed to be doing its work well and Georgia was well on the road to restoration. She had accepted the Constitution and her Legislature had ratified the Fourteenth Amendment. Then came that fatal mistake — the expulsion of the Negro members. The question was whether Negroes were eligible to hold seats in the Legislature. It was argued that the Constitution enumerated among the rights of citizens, the right to hold office. By virtue of the Constitution Negroes were made citizens of equal rights with all other citizens; therefore, they had the right to hold office. On the other hand it was argued that the right to hold office did not belong to every citizen, but only to such citizens as the law specially designated, or to such as possessed it by common law or custom. There was no specific grant of law stating such, and certainly the Negro could not claim the right from custom or common law. In the Constitutional Convention, according to Thompson, there had been discussion on inserting into the Constitution a clause which distinctly conferred upon Negroes the right to hold office, but it was omitted. The Negroes were told that they would be eligible to hold office without distinct provision, and that the absence of such a clause would insure ratification of the Constitution by the white voter who might object to the Negro holding office.

Action on expulsion was begun early in July, 1868. It was reported to the House that Representative F. H. Fyall of Macon County, was ineligible to a seat on grounds that previous to the election he was not a resident of that county, but of Bibb County. It was further charged that he was a

19Woolley, op. cit., p. 57.
20C. M. Thompson, Reconstruction in Georgia, p. 196.
free person of color and under the State Constitution was ineligible to hold office. Although a resolution denying the eligibility of the Negroes had been presented, it was never acted upon; so a similar one was presented again. It read:

Whereas, (the twenty-nine Negro Representatives) holding seats on this floor are not eligible thereto under the Constitution of Georgia, said members being free persons of color; therefore, be it Resolved that said members be no longer regarded or recognized as members of this House, and that the Clerk shall hereafter cease calling the names of said persons.

Definite action was not taken immediately as there were some in the House who did not believe that this measure should be taken. Discussion ensued for nearly two weeks, during which time the Negroes were allowed to speak and protest in their behalf.

The protests, which were remarkable for men just three years removed from slavery, were presented from several different angles. One was that it was a moral wrong and was undemocratic, and another was that expulsion had no legal basis and was illegal. Representative Fyall and Representative Porter based their protests more on the illegality of the measure and its violation of the Constitution of the United States. Said Fyall:

This House having decided by a vote this day to expel the undersigned member from the seat to which he has been legally elected -- for no improper conduct on his own part, -- and for no legal reason

21 Journal of the House, 1868, p. 221.

22 The first person to declare the Negro ineligible to hold office was former governor Charles J. Jenkins. Prior to the election he made a series of speeches in which he stated that the Constitution did not give the Negro the right to hold office. Since his views were respected by the majority of his people, the Senate appointed a committee to inquire into the validity of his statements. That was the result of the first resolution denying the eligibility of the Negroes.

or pertinent cause except a suspicion ... that the undersigned has African blood in his veins. ... he does further protest because it is in violation of the Constitution of the United States and of this State. ... 24

F. H. Fyall

Representative Porter was more explicit in his protest. He quoted the exact places in the two Constitutions which entitled him to a seat. He said that they were being expelled "for no other charge than being free persons of color" but that

... Article 3, Section 3, Paragraph 3 of the Constitution in speaking of the qualification of members of the House of Representatives, says nothing of color as a qualification.

He went on further to say that:

... the second section of the Bill of Rights, of the Constitution of the State, the law of the land, solemnly declares: that all persons born or naturalized in the United States are hereby declared citizens of the State, and no law shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States, or of this State, or deny to any person within its jurisdiction, the equal protection of its laws. And that it shall be the duty of the General Assembly, by appropriate legislation, to protect every person in the due enjoyment of the rights, privileges, and immunities guaranteed in this section. 25

It is interesting to note that the article of the Constitution used by Porter is the very one that Bradley contributed in the Constitutional Convention.

Representative Turner's protest was not based so heavily on legal points. He appealed to common sense and tried to show the moral wrong in expulsion. According to the Intelligencer, Turner's speech was the best on that side of that question. Turner said that he would not cringe or beg for a seat because he was entitled to it. He said that he was a man and claimed the

24 Original Document from Miscellaneous Documents on the Negro. State Archives.

25 Miscellaneous Documents on the Negro, loc. cit.
rights of a man. The white Democrats, he stated, were responsible for the condition of things.

We are charged with holding office. We begged white men to run for the Convention. They would not do it but sent us. Ben Hill told the white men to stay away from the polls. If anybody is to blame, I blame the Democrats for every black man who has a seat on this floor. It was not the carpet-baggers.26

Throughout his speech were passages showing the equality of man and races. The scientific examination of a Negro, he asserted, would show that he was the same as a white man, and that if the skin was stripped from both, they would be indistinguishable. Being a man, the Negro had as much right to hold a seat as anyone else, he said.

... the leader of the Democrats ... says a member of the legislature is not an officer; he simply enjoys a privilege. If Fitzpatrick and Franks, who were elected by the same votes as myself, can hold their seats, why can't I do so? Was not every State reconstructed under the act that made no difference, no discrimination should be made on account of color, race, or previous condition? If I am to be a political tool, a political slave, if every man, carpet-bagger or scalawag, with a white skin is to ride into power on my back, I say to Congress, take away the ballot. Submit this question -- I dare you to do it -- to Congress. Call the Convention which made it together, and I will submit to their decision on this question.27

In closing his protest, Turner, although threatening, was very dramatic. He said:

You may drive us out, but like Wycliffe and Latimore, we will light a torch which will never be put out. You will make us your foes; you will make our constituency your foes. I'll do all I can to poison my race against Democracy. This thing means revolution; when we go out you'll see. They will go to work to turn you out, to impeach Governor Bullock and upset the Constitution.28

27Tbid.
28Tbid.
There was a somewhat different approach in the protest of Representative James Sims. He stated that "three arguments were used by the perpetrators: difference of color, inferiority of race, and incapacity from ignorance." But Representative Sims himself was an example of how these three arguments could be torn down. Two years ago, 1866, he presented resolutions of a convention of colored people which met in Macon to the Legislature then in session. He was told to return home and that ten years hence would be time enough for him to ask for political privileges. However, two years later he was being heard by consent of the House. Although Negroes were the only members referred to, expulsion, the Representatives said, was based not on color but on the degradation of slavery. He stated that "God had reversed Taney's decision and let the North succeed in the War, because it had decided that Negroes were citizens."29

The protests concluded with Representative Romulus Moore stating that he was elected by the qualified voters of his county, and if he was expelled, his constituents would be denied representation; he believed, however, that the Federal Government would reinstate the Negro with honor.30

Regardless of the sound reasoning and the validity of the protests, the Negro members were expelled on September 3, 1868, by a vote of eighty to twenty-three. Representative Turner said that he hoped the Democrats would pay him for his services up to the day, and that ultimately, he expected to receive his pay for all of the time that the Legislature remained in session. (The Democrats cried out -- "you shall be paid!"). Representative Porter offered a protest which was signed by all of the colored members and ten

29Ibid., August 30, 1868, p. 1.
whites, but he was advised to withdraw it as it contained some irrelevant matter. Representative Turner requested the House to remain seated while he retired; he then led the Negro members out, stating that in imitation of Christ he would (and did) brush the dust off his feet. Twenty-five of the twenty-nine Negroes were expelled. Ryall, Beard, Belcher, and Davis were excepted because their light complexions gave rise to doubt as to their classification as Negroes.

In the Senate, on the fourth day of its session, a resolution was introduced declaring the colored Senators ineligible, but it was tabled temporarily. After the expulsion of the Negro Representatives of the House, it was taken up and treated the same as the House resolution. The Negro Senators were given opportunity to lodge the following protest:

Mr. President and Gentlemen of the Senate:
You have this day decided by your vote, declared us not eligible to seats on this floor.
Sirs, by a very large majority of all the votes cast in our several districts, and by the right guaranteed us both in the Constitution of the United States and of the State of Georgia, as well as in the Reconstruction laws of Congress; we claim to be the legally elected Representatives of a very large portion of, and nearly one-half of the legal electors of the State of Georgia.
Sirs, the Constitution and the laws of Georgia strictly provides that no law shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States, or of this State, or deny to any person within its jurisdiction, the equal protection of its laws.
Therefore in behalf of ourselves, our constituents, and also in behalf of nearly five thousand loyal citizens of this State, we do enter our solemn protest against the illegal, unconstitutional, unjust, and oppressive action of this body, based on the resolution of the Senator from the 35th Senatorial District, declaring us ineligible on account of color.
And we respectfully request that this, our protest, be spread upon the journals of the Senate.

T. G. Campbell
George Wallace
by his friend,
T. G. Campbell

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31 Ibid., September 4, 1868, p. 2.
32 Miscellaneous Documents on the Negro, loc. cit.
There was also a protest by several white Senators against the action taken by their brethren. This protest showed, like all others, the constitutionality of Negroes holding office. But regardless, the Negroes were expelled by a vote of twenty-four to eleven.

This expulsion of the Negro legislators was accomplished because the Republican friends of the Negro were not numerically strong enough to prevent it. The Republicans ran the Constitutional Convention because the Democrats did not participate; but to counteract the effects of the Convention, the Democrats exerted every effort to win the election of 1868. As a result of their campaign, there did not occur in Georgia, as it did in other states, a sweeping victory by the Republicans. A Republican Governor was elected, but the Democrats won a majority in the House, and the Senate was equally divided with a middle group which swung to either side, depending upon the issue.

In October of the same year, 1868, the men who were expelled from the Legislature called a Colored State Convention in the city of Macon. There were one hundred thirty six delegates representing eighty-two counties. H. M. Turner was elected President; Sims, Costin, and Joiner, vice-presidents; Porter and Wallace, secretaries; and some others as doorkeepers and messengers. Turner delivered an address in which he acknowledged the honor of his office, and criticized the Legislature as being illegal and revolutionary. Committees were appointed on resolutions, finance, murders and outrages, on memorializing Congress, and on address to the people of Georgia. The main purpose of the Convention was to inform the freedmen of their political standing, and advise them in regards to the fall elections.33

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33Daily Intelligencer, October 8, 1868, p. 2.
The expulsion by the Legislature of its Negro members, together with other acts perpetrated by Georgians, postponed restoration of the State for some time. Governor Bullock and other witnesses, including Sims and Turner, appeared before a Congressional Committee and testified as to conditions in the State. The memorial of the Colored Convention citing the grievances of the colored people was also reviewed. As a result of this, on December 22, 1869, a bill called the Georgia Bill was passed by Congress. It put the State under military jurisdiction according to the Acts of 1867, and required the adoption of the Fifteenth Amendment as a further condition of admission. Under this bill of reorganization, the General Assembly was called to meet in January with all the members declared elected in 1868, which included the expelled Negroes, as its body.

While these events were transpiring in Washington, Negroes were not idle about speaking for and trying to secure their rights. Turner travelled over the North making speeches in favor of the ratification of the Fifteenth Amendment. He also gave pictures of the situation in Georgia and some of his experiences in the State. According to the New York Tribune, he made a speech in New York City in which he said relations between the races were progressing, but assassinations and outrages upon Negroes and loyal men were still common. He told of having to have an armed guard at night, and when travelling in the Southwestern section of the State, how he had to move from one house to another after dark in order that his location remain unknown.

After the Negroes were expelled from the Legislature, the question

34 Thompson, op. cit., p. 257.
36 Quoted in Daily Intelligencer, May 9, 1869, p. 2.
foremost in the mind of the people was: "Is the Negro eligible to hold office?" It appears that one's party affiliation determined the answer to the question; but distinct flavor was given the affirmative side by the decision of the Supreme Court of Georgia in the case of Richard W. White vs. the State of Georgia. White, a Negro, and W. J. Clements, a white person, were candidates for Clerk of the Chatham County Superior Court. White was elected, but he was declared ineligible under the Georgia law pertaining to Negroes holding office. Clement, having the next highest number of votes, was given the office. White took the matter through the Courts, finally reaching the Supreme Court which handed down a decision in his favor.37

In the midst of this political turmoil, provisions for Negro education, though private, were commenced with the Founding of Atlanta University. Edmund A. Ware, superintendent of schools in North Georgia, first envisioned this grand plan of a university in Atlanta. His vision included: a public school system open to all; true religion; a noble home life; and a strong school that should open to the freedmen an opportunity for the highest possible educational advantages.38 His status as an officer of the American Missionary Association and the Freedmen's Bureau enabled him to secure the means to get started. A loan from the Bureau was obtained and the State granted a charter to the institution. The charter, unlike the bill for public education, made no mention of color or race as prerequisite for attending the institution. Fifty acres of land in the western part of the city were purchased as a site for the university, and the erection of a building, North Hall, was begun.

37Eugene Davis, court reporter, The Decision of the Court in the Case (Atlanta, 1869), p. 108.

38Myron W. Adams, A History of Atlanta University (Atlanta, 1930), pp. 10-12.
The Cornerstone, laid in June, 1869, was celebrated with ceremonies which attracted an enormous number of Negroes and whites.\footnote{Daily New Era, June 3, 1869, p. 3.} The principal speaker for the occasion was \textit{John M. Langston}, prominent lawyer and educator of Washington, whose theme "Educate - Educate - Educate" was very appropriate.\footnote{Adams, op. cit., p. 12.} Other addresses were delivered by Governor Bullock and Justice McKay of the Supreme Court of Georgia. The buildings, estimated at a cost of one hundred thousand dollars, were not expected to be completed until the fall of 1869 when the University was scheduled to open.\footnote{Daily New Era, June 3, 1869, p. 3.}
CHAPTER IV

RECONSTRUCTION COMPLETED

For the second time the General Assembly elected in 1868 met to fulfill the requirements which would restore Georgia to statehood. It assembled on January 10, 1870, and opened with the reading of a proclamation by Governor Bullock which embodied the acts to promote reconstruction. The proclamation consisted of provisions for recognizing qualified Negro Representatives and reseating the twenty-five members who were expelled two years earlier. True to Representative Turner's and others prophecy, they were returned to their rightful seats.

In the House Proceedings, the never settled question of discrimination on public conveyances was the first measure of importance to be introduced. It had arisen previously in the Constitutional Convention and in the General Assembly of 1868 but action on it was always unfavorable. Its presentation in this Assembly saw its passing for the first time. Representative Porter introduced it as a bill "to define the duties and obligations of common carriers conformably with the laws of Congress. ...."1 Going through the usual procedure, the bill was referred to a committee which reported that "common carriers shall provide equal accommodations for the white and colored races."2 The report was agreed to, and the bill passed and was made law. In its entirety it read:

1Journal of the House, 1870, I, 309.
2Ibid., p. 480.
Be it enacted, That from and after the passage of this act, all common carriers of passengers for hire in the State of Georgia shall furnish like and equal accommodations for all persons, without distinction of race, color, or previous condition.Violation of this act was deemed a misdemeanor which was punishable by a fine of not less than two hundred dollars, not more than one thousand dollars, or imprisonment not exceeding twelve months, or both.

This law was in effect for twenty-one years. It was repealed and reversed to what it was before 1870 which is the law that exists today. It reads:

Railroad companies doing business in this State shall furnish equal accommodations, in separate cars or compartments of cars, for white and colored passengers. Officers and employees having charge of railroad cars shall not allow white and colored passengers to occupy the same car or compartment.

After five years of freedom, the Negro Legislators began to see truth in the adage "an ignorant people is a helpless people." They saw people lined up at the polls with ballots in their hands but knowing not what was printed on them; they saw people make contracts and affix their signatures to other papers by signing an "X" or other marks meant for identification and verification; they saw their people fooled and exploited, all for the lack of a basic education. It is known that very few Negroes could read or write, because during slavery it was a crime to teach a slave these arts. It is probable, however, that those who worked in the house and who were body servants had some degree of literacy. Sometimes it was a kind master who would teach his favorite slave how to read and write in order that the

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4Tbid.

servant might be intelligible to him. This was only in a few instances though, because the greater portion of the freedmen were grossly ignorant. It was only natural then, that the Negro legislators should turn their efforts toward securing an education for their brethren.

The sixth Article of the Constitution framed by the Convention required that the General Assembly "shall provide a thorough system of General Education, to be forever free to all children of the State." Representative Porter introduced a bill to carry that article into effect, and later, Representative Turner presented a bill to appropriate the State Capitol and the Governor's Mansion at Milledgeville to education purposes. He had intentions of establishing there a school for Negroes. Both of these bills were given to the Committee on Education. When the Committee made its report, it did not give the bills separately as was the usual procedure, rather it brought in a substitute for all of the bills on education which were referred to it. All of the bills were combined to form one bill - a bill to establish a system of public education. The bill was made up and read in sections, each section providing for some aspect of the system, such as commissioners, buildings, teachers, salaries, support, etc. Representative Turner moved that the bill be amended wherever an amendment was deemed necessary. His motion was adopted. The bill of Turner's requesting the State buildings at Milledgeville to be donated to education, was amended by Representative Joiner who offered a measure calling for one hundred

thousand dollars to be appropriated for the purpose of creating a college for colored people to be erected in whatever part of the State the Negro members of the Assembly selected. Representative Porter offered an amendment which asked for the transfer of the funds to the Atlanta University, or the erection of the college in a central locality known as the Black Belt. The Committee on Education recommended that the bill pass, but it was postponed indefinitely and finally lost.

The whole bill which the Committee on Education composed was full of discriminatory clauses. This is suggested by repeated efforts of Representatives Beard and Belcher to strike out the word "colored." It was specified that education of the races should be separate. Section 32 of the bill read:

And be it further enacted, That it shall be the duty of the trustees in their respective districts, to make all necessary arrangements for the instruction of the white and colored youth of the district in separate schools. They shall provide the same facilities for each, ... but the children of the white and colored races shall not be taught together in any sub-district of the State.

A report from the Committee on the Penitentiary showed that there were three hundred and four Negro males and fifty-nine whites in this institution and sixteen colored females and one white female. Prejudice and mismanagement made conditions deplorable; moreover, convicts lived in constant fear

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10 The President of Atlanta University, who was a personal friend of Representative Porter, asked the Representative to attempt to have funds come to Atlanta University to widen the facilities of that already established school. This information gained from a personal interview with Dr. James M. Porter, dentist of Atlanta, Ga., and son of the Representative.


12 Ibid., pp. 434, 449.

of their lives. The Committee, a joint one with the Senate, included Turner, and Simms, and Wallace from the Senate, suggested numerous reforms. It recommended that the hours of a day's work be shortened, and it forbade labor on Sunday, except when absolutely necessary. It asked that punishment by the lash be restricted to twenty-five strokes, and that females not be whipped at all. It wanted sanitary facilities increased, required religious services on Sunday, and required a monthly inspection of the prison. These proposals were not agreed to, and another Committee was appointed to inspect the penitentiary. This committee found conditions to be better than those depicted by the first committee, but it did suggest repairs. The main item of the second committee's report was a bill to provide for colored idiots and lunatics who were housed in the penitentiary but who were not given the proper care and treatment. It stated that if living quarters for these unfortunates could be erected adjoining those of the penitentiary, it would save the State some money. It also made provisions for a corps of doctors and nurses to attend to these individuals. Since the bill dealt with monetary matters, it was referred to the Finance Committee which was adverse to its passing. But the suggestions for improving the general conditions of the penitentiary were adhered to by the House.

At the time of expulsion, Representative Turner remarked that he hoped to be paid for his services which he gave to the Assembly in 1868 and for the remainder of the time which that body was in session. Some Democrats said that the expellees would be paid; but up to this date, they had not. In order to secure what was due them, Representative Porter offered a


15Ibid., pp. 764-65.
resolution directing the State Treasurer to pay the Negro members their per diem pay for thirty-three days in 1868, and sixty-six days in 1869, their mileage one way in 1868, and both ways in 1869. The Auditing Committee was instructed to audit the expellees accounts to see how much they were entitled to so they could be paid.\textsuperscript{16}

The Senate, at the same time, had organized and taken cognizance of the Negro members; although only two were expelled on account of color (Bradley because of his past), the elected three were reseated. Their first measure was presented by Bradley. It was a resolution to the effect that the Negro Senators be paid the same amount that the white members elected at the same time were paid.\textsuperscript{17} This was supported by a white member who made a resolution to the effect that the Negro Senators receive per diem pay for twenty-four days of the 1868 session, for sixty-five days of the 1869 session, and their mileage both ways. The resolution was adopted with little or no disagreement.\textsuperscript{18}

The fight against discrimination on public conveyances was opened by Senator Wallace who offered a bill to amend the common carrier law for better accommodation of colored people.\textsuperscript{19} The bill was referred to a committee which was adverse to its passage. A bill was passed, however, which required the different railroads to furnish equal accommodations to all without regard to race, color, or previous condition, when a greater amount of fare was demanded prior to January 1, 1861.\textsuperscript{20}

\textsuperscript{16}\textit{Ibid.}, pp. 128-29, 145, 152.

\textsuperscript{17}\textit{Journal of the Senate}, 1870, I, 118.

\textsuperscript{18}\textit{Ibid.}, p. 138.

\textsuperscript{19}\textit{Ibid.}, II, 261.

\textsuperscript{20}\textit{Ibid.}, III, 508.
On the matter of penitentiary reforms, the Senate was governed by the report of the committee appointed to investigate this institution; Wallace was a representative of the Senate on this committee. Its report was the same as that made in the House. Senator Bradley proposed an amendment to the report which, had it passed, would have been beneficial to the State and the convicts. It requested that the contract between the State and the construction firm of Grant, Alexander and Company to which convicts were farmed out be nullified. The company, Senator Bradley stated, was swindling the State and treating the convicts inhumanly; they were often held longer than the time designated by the courts, and were punished by other than legal methods. The Senate neglected this amendment but it accepted the report of the committee and pledged abolition of the undesirable conditions of the penitentiary.

Senator Campbell presented a bill to carry into effect the sixth article of the State Constitution which provided for a thorough system of education. The bill was passed to the Committee on Education which recommended that it pass. The Committee was asked to construct a bill that would provide for public education, but the House bill on education came up for ratification and it was adopted by the Senate.

The presence of Senator Bradley seemed to be an anathema to some of the Senators. A motion was made denying his eligibility on the same grounds that were charged him in the Constitutional Convention and the Assembly of 1868. His defense this time was as follows:

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21 Ibid., II, 57.
22 Ibid., III, 148.
23 Ibid., II, 27.
As yet the Senate of Georgia has acted, and can only legally act, under the reconstruction laws of Congress, and the act of December 22, 1869, reseating all Senators elected, as appeared by the proclamation of Major-General George G. Meade, dated June 25, 1868, and not under article three, section four, of the Constitution of Georgia, making each House the judges of the election returns and qualifications of its members.24

Brief and concise, but legally valid, his defense probably caused those who wished him expelled to reconsider, because the resolution declaring him ineligible was voted down twenty-six to seven.25 Nevertheless, a special committee was appointed to investigate the charges. It reported that it found the charges to be true; consequently, a motion was made that he be expelled.

This time, Senator Wallace, with a brilliant argument, defended his colleague. Bradley, he stated, was not a citizen at the time of the action; he was a fugitive from slavery which his master, under the fugitive slave law existing at that time, had the right to go to New York and bring him back to the cotton fields. The laws which made the accused a citizen, were made since he committed the act, Wallace asserted, and they erased all blemishes of his past. He further contended that Georgia did not regard Bradley's act as a crime at the time it was committed. For the Senate to enforce the provisions of the Constitution would be to his mind, he stated, the nature of enforcing an ex post facto law, in violation of the Constitution of Georgia and of the United States.26 This argument resulted in the tabling of the motion to expel Bradley, but it was never acted upon, thereby permitting the Senator to remain in the Senate for the entire session.

24Ibid., I, 5.
25Ibid., I, 7.
26Ibid., III, 195-96.
It is the opinion of some that the action of the General Assembly of 1870 was detrimental to the State as a whole; but it was quite constructive in its measures. One of its few black marks was that it was controlled by Bullock and it worked for the financial advancement of Bullock and his henchmen. Its expenses ran quite high. It was in session three hundred twenty-eight days which cost the State nearly a million dollars. In addition to their pay for this session, the Negro members drew approximately $28,938 for the time which they were expelled. According to Avery, this Assembly compared with previous assemblies led by Democrats, spent more in one year than the Democratic assemblies did from 1853 to 1862. To be sure, this is true; but the assemblies previous to the War had no such large public undertakings as public education, penitentiary reforms, and internal improvements. There was also a reduction in taxes which lessened the income of the State. In light of these projects, the large expenditure appears justifiable.

With the ratification of the Fourteenth and Fifteenth Amendments by the Legislature, it appeared that Georgia should be ready for readmission. Satisfied by the contrition of heart shown by the State, Congress did admit her a second time in July, 1870, but refused to seat the new Senators elected by the Legislature. The Legislature had elected new Senators because it thought the Legislature of 1868 was illegal and the Senators elected them unqualified. But Georgia was again in the Union.

Republicanism was definitely on the decline during the latter part of Bullock's administration; the corruption of the Governor turned many people


against the party. The results of the election of December, 1870, showed a large Democratic majority in both houses; this spelled doom for Bullock. He read the handwriting on the wall and knowing that he would be impeached, resigned his office and turned the government over to Benjamin Conley, president of the Senate. He left the State in 1871, but was arrested five years later for misuse of public office. However, he was acquitted on grounds of insufficient evidence.

The Negroes, who were the backbone and had supported the Republican party wholeheartedly, were caught in the middle of this change of circumstance. To combat whatever bad effects their position produced, Turner and others issued a call for the freedmen to hold a convention in Atlanta on February 1, 1871. The call, gratuitously published by friendly newspapers, said:

To the colored people of Georgia:
Our precarious condition in this State, which has been enhanced by the results of the recent election, makes it highly necessary that we take some action in the premises. Whatever is done, must, in order to be effective, be the work of mature deliberation, where all statesmanship's experience, intellectual sagacity in our possession can be brought into requisition, especially so, since questions involving momentous issues touching the destiny of our people, may have to be considered and decided upon.

The Convention was organized into a working body similar to that of the General Assembly, and the laws which governed the General Assembly were adopted as the laws of the Convention. Seventy-five counties were represented and the meetings, over which Turner presided, were well attended. Declarations were made to the Republican party, and a pro and con discussion on the Negro leaving Georgia was the highlight of the meeting. Romulus Moore

31. Daily New Era, January 12, 1871, p. 3.
and Turner were in favor of the Negro leaving Georgia to go north or west; on the other side were Campbell, Belcher, and J. F. Quarmes who thought that the Negro should remain in this State. The Convention proposed: to establish a newspaper by colored people in colored people's interest; to call a convention of colored people of the entire southern states; to petition Congress to aid colored people in their rights and outlaw Ku Kluxism; and to send the Convention proceedings to Jefferson E. Long, who was elected in the last election as Congressman from Georgia, for his approval and aid.

Negroes were advised to vacate the Republican party by another Negro who seemed reasonably intelligent. In a letter addressed to the colored people he said:

The first thing that arises under this state of affairs is: are we prepared by education or otherwise to select the best men for office, (and if not) to whom are we to look for advice and guidance on this question which so deeply involves the fate of our people? ... with a few exceptions my people are not capable of the necessary discrimination; and this is not necessarily of any inferiority of race, as may be suggested, but is a result of what would be in any people the consequence of a long continued slavery and a general want of education. ... Now, to whom shall we look for advice? It is time that the North has struck the fetters from our limbs; but we are to inquire seriously into this question, while we are bound in gratitude to thank them for this service, whether this action was for the love of the colored man or of hatred to the rebellion and its adherents. ... Your interests are identically those of the people of the South.

He did not say in exact words that the Negro should abandon the Republican party, but the idea is conveyed because the "people of the South" were

32Ibid., February 2, 1871, p. 3.
33Atlanta Constitution, February 5, 1871, p. 4.
34"Letter of Henry Gwinn to the Colored People," quoted in Ralph Wardlaw, Negro Suffrage in Georgia (Athens, 1931), pp. 24-25.
certainly Democrats.

Before he resigned his office, one last thing that Governor Bullock did which deserves note was his appointment of a Negro, James Sims, as Judge of the First District. Of Sims Bullock said:

Mr. Sims, as is well known to nearly every citizen of Georgia, is a colored man, possessed of fair education, excellent moral character, and far more than ordinary natural ability. He represented, by selection of a large majority of the qualified voters, the city of Savannah, the county of Chatham, in the lower house of the General Assembly. The journals of that body, and the recollections of its members, will justify the statement that the Hon. Mr. Sims conducted himself as a member with marked ability, and at no time did he fail to maintain his proposition upon the floor of the House with a readiness, argument and eloquence which did great credit to himself and his race.35

The appointment of Sims to this position was accepted by the general public, but there were whites working under him who objected to him having the judgeship merely on grounds of color.36

The Act of July 15, 1870, passed by Congress, provided for the representation of Georgia to that body, and also gave cognizance to an election for members of the General Assembly. The Georgia Senators did not take their seats, however, until February of 1871. The delay was due to argument over who were the rightful senators - the ones elected in 1868 or the ones elected in 1870. Joshua Hill and H. V. M. Miller, elected in 1868, were decided the legal representatives.37 In the fall election which Congress certified, there were twenty-one Negroes elected to the House and five to the Senate.

35Daily Intelligencer, February 7, 1871, p. 2.

36Ibid.

37Thompson, op. cit., p. 269.
In answer to a question about suffrage, a barber made this remark: "To be sure, sah, we wants to vote, but, sah, de great matter is to get in de witness-box." This was the first thing with which the representatives elected to the House concerned themselves. Representative Atkinson presented a bill to provide for a jury of half white and half colored persons to try all colored persons charged with a crime or misdemeanor. Representative O'Neal gave a bill to provide who shall be jurors in cases in Baldwin County Courts when colored persons are parties. Representative Clower, also restricting his bill to his county, wanted to provide juries in certain cases (undoubtedly where colored were concerned) in Monroe County, and Representative Smith, of Coweta County, offered a bill to provide for juries in cases where the accused was a colored person. The bills were handed to the Judiciary Committee which was adverse to their passing; the bills of Atkinson and O'Neal, however, were presented later in another session.

The bills concerning juries were the most important of the measures presented in the House by the Negro representatives. Other items were of local nature affecting county lines, corporations, commissioners, and rules of procedure for the House. Their lack of activity could be credited to a block of their measures by the Democrats who possibly planned negative results on measures presented by Negroes as a means of discouraging them from


39 Atlanta Constitution, November 14, 1871, p. 3.

40 Ibid., November 24, 1871, p. 3.

41 Journal of the Senate, 1872, p. 231.
politics. Examination of the records show that the majority of the bills and resolutions presented by the Negro representatives, however sound and beneficial they might be, were voted down by the largely Democratic House.

Although there was a larger number of Negroes in the Senate than in previous sessions, the situation was similar. They were hardly recognized and the issues which they presented were torn asunder. There was a bill providing for colored jurors, but it was withdrawn by its proponent, Senator Anderson. A bill was passed which prohibited the sale of agricultural products between sunset and sunrise in certain counties. Senator Deveaux moved to reconsider the bill because, he said, it inflicted greater hardship on the colored people than on the white. Senator Wallace stated that the bill was wrong and unconstitutional, and restricted the immunities and privileges of the citizen, thereby working an injury to all classes - farmers and laborers. However, the bill had been sent to the House which did not return it because a resolution was not made to that effect; hence, it stood as passed.

The Senate passed a bill which favored Negro education. A bill to appropriate one third of the net proceeds of Agricultural Land Scrip to the North Georgia Agricultural College at Dahlonega had been passed. Senator Wallace offered a substitute which appropriated the scrip to Milledgeville in order that an Agricultural College might be established there; he favored

42 Ibid., pp. 198, 378.
43 Ibid., p. 358.
44 Atlanta Constitution, August 17, 1872, p. 2.
half of the scrip for Milledgeville but did not think it right to divide it because he believed that Milledgeville had more advantages than Dahlonega. Senator Campbell offered an amendment which asked that the appropriation be split three ways, one third going to Atlanta University and other mentioned places. This amendment was accepted, and the bill was read a third time and passed.46

A bill to perfect the public school system and to supersede existing school laws was reported by the Committee on Education. Section seven of the bill, which was read in sections, had discriminating clauses which Senator Campbell moved to amend by eradicating all inferences relative to preventing white and colored from being taught in the same school; he also made a motion to strike from the twenty-sixth section the words "provided that colored and white children shall not attend the same school." Both of his motions failed to pass.47

Due to the unstableness of the State financial and economic system, the Legislature found it necessary to authorize individuals and concerns to issue scrip in place of money to their employees. This scrip was to be acceptable in lieu of money until legal tender was made available. However, in a number of instances employers and others were not honoring the scrip when money again came into circulation. Senator Campbell presented a bill to make penal the refusal of mill owners to redeem the scrip which they had issued to their employees. He supported his bill at length, maintaining that it would operate to protect a large class of deserving citizens who


had no adequate remedy for the perfidious abuse of their confidence, as they were compelled to accept the scrip which was unconvertible and worthless. Although the bill showed good reasoning, it did not pass.48

In the State at large, Republicanism was dying out, or rather, its ranks were being deserted by both black and white. It appears that the letter of Henry Gwinn carried advice that was a prophecy, for liberal Republicans and Negroes were turning to the Democrats. The Republicans tried to rally their forces before the fall election of 1872 with a State Convention in Atlanta. The greater portion of the delegates, as always, were Negroes; among them were: J. F. Quarles, E. H. Clower, A. A. Bradley, H. M. Turner, Finch, A. Simmons, M. Davis, Jeff Long, and T. G. Campbell. Seventy-two counties were represented by two hundred seventy-two delegates who still clung to Republican principles. They ratified the nomination of Grant for United States President, and chose Dawson A. Walker as their candidate for Governor.49

The election proved to be an overwhelming victory for the Democrats; their candidate, J. M. Smith, was elected Governor, and the General Assembly was predominantly Democratic. Only two Negroes were elected to the Senate: Deveaux, Republican of the twenty-first District, and Anderson, Republican of the twenty-third District. There were only seven elected to the House: James Blue of Glynn County, Jack Heard of Greene County, A. F. Atkinson of Thomas County, Jasper Battle of Thomas County, and T. G. Campbell, Jr. of McIntosh County, all Republicans; the party affiliation of Alexander

48Atlanta Constitution, January 11, 1872, p. 2.

49Atlanta Constitution, August 8, 1872, p. 1.
Nicholson of Decatur County and W. A. Golden of Liberty County was not recorded.50

The end of the year 1872 saw Georgia once again a sovereign state, a member of the Union, fully reconstructed, and controlling her own destiny. The Republican hold on the State was broken and the Democrats were back in power. The Negro, no longer a political issue or factor, was relegated to a subservient position and second class citizenship, though still holding office, a privilege which he was going to relinquish in the undoing of Reconstruction in Georgia.

50Ruth Blair, comp., Georgia's Official Register (Atlanta, 1925), pp. 283-436.
The role of the Negro in the political reconstruction of Georgia was not a small one. From the end of the War and for several years ensuing, political action was both aimed at him and centered around him. His organization and integration into the political activity of the period was not a slow process, for he showed surprising aptitude and astuteness.

In line with the new suffrage opportunities and requirements of the Reconstruction laws we find him registering in large numbers and voting in larger numbers than was expected. Thirty-three Negroes were sent to the Constitutional Convention where they were initiated into large scale politics. The measures they presented and the measures they supported were ones which were beneficial not only to Negroes but to the people of the State at large. They supported public education, non-discriminate juries, and relief for imprisoned and destitute persons. Turner's speech in the defense of Bradley was hailed as the greatest speech of the session, and the motions and bills of many of the delegates showed intelligence and clear thinking.

Thirty-two Negro members were elected to the General Assembly of 1868. They introduced measures against discrimination on public carriers, for the regulation of labor, and for the protection of citizen's rights. In this assemblage their right to hold office was contested and denied, which resulted in their expulsion. Their protest against expulsion was based on law and common sense and was one of the highlights of the year. Their expulsion resulted in the passage of a bill which required more of Georgia than the previous requirements for readmittance, and which also provided for the reseating of the men expelled. The Georgia Supreme Court also handed down a decision in favor of the Negro holding office.
The General Assembly of 1870 saw the passage of the bill against discrimination on public carriers and a system of public education established. Georgia was readmitted to the Union, and the Republican party began to decline. The Negro leaders made a final stand for their party, but they could not stem the tide of defection of Negroes to the opposition. The appointment of a Negro as District Judge in Savannah was one of the highest honors that was given to the race. Republicanism, though feeble, was holding on during the election of 1870, for twenty-six Negroes were elected to the General Assembly. The Negro members concerned themselves with establishing an equal jury system, but their efforts were of no avail. An appropriation was made for Negro education but discriminatory provisions in the public education system were not eliminated.

For the election of 1872, the Republicans attempted to rally their fastly dying forces, but were smothered by a Democratic landslide. Only nine Negroes were elected to the General Assembly where they met more hostility than at previous assemblages. This marked the beginning of the Negroes' decline in active politics, and they were no longer the focal point of Georgia politics.

The most notable figures of this period undoubtedly were Bradley, Turner, Campbell, and Porter. Bradley and Turner, who had had some training in the intricacies of law, were probably the most outstanding of the group. But the contributions of the group as a whole were of such nature that they cannot be discarded from the annals of Georgia history.
APPENDIX

DELEGATES TO THE CONSTITUTIONAL CONVENTION AND THEIR COUNTIES

Robert Alexander .................................................. Clay
Isaac Anderson ....................................................... Houston
Simon W. Beard ...................................................... Richmond
Moses H. Bentley .................................................... Chatham
A. A. Bradley ....................................................... Chatham
Tunis G. Campbell ................................................ McIntosh
J. C. Casey ........................................................ Marion
Malcolm Claiborne ................................................ Burke
S. A. Cobb .............................................................. Houston
John Costin ............................................................ Talbot
Robert Crumley ...................................................... Warren
Jesse Dinkins ........................................................ Schley
W. A. Golden ........................................................ Liberty
William Guilford ..................................................... Upson
William H. Harrison ............................................... Hancock
James A. Jackson .................................................... Randolph
Philip Joiner ........................................................ Dougherty
Van Jones .............................................................. Muscogee
George Linder ....................................................... Laurens
Robert Lumpkin ..................................................... Macon
Romulus Moore ..................................................... Columbia
W. H. Noble .......................................................... Randolph
Daniel Palmer ....................................................... Washington
Lewis Pope ........................................................... Wilkes
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<td>W. H. D. Reynolds</td>
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<tr>
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<tr>
<td>George Wallace</td>
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<tr>
<td>Samuel Williams</td>
<td>Harris</td>
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<tr>
<td>T. M. Allen</td>
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<td>Robert Lumpkin</td>
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<tr>
<td>Romulus Moore</td>
<td>Columbia</td>
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COMMITTEES OF THE HOUSE - 1868 - ON WHICH NEGROES WERE APPOINTED

On the Lunatic Asylum: Williams and Campbell.
On Finance: Sims and Porter.
On New Counties and County Lines: Allen and O'Neal.
On Privileges and Elections: Campbell, Claiborne, Clower and Golden.
On Agriculture and Internal Improvements: Colby, Lumpkin and O'Neal.
On Deaf and Dumb Asylum: Floyd Joiner and Gardner.
On Asylum for Blind: Turner.
On Auditing: Harrison.
On Manufactures: Smith, Barnes, Allen and Belcher.
On Public Education: Harrison, Belcher and Beard.
On Banks: Allen.
On Military Affairs: Stone.

\[1\text{Journal of the House, 1868, pp. 95-97.}\]
<table>
<thead>
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<td>Pollock (Paulk)</td>
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2Atlanta Constitution, January 15, 1871, p. 2.
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A list of office holders in Georgia from colonial times to 1925.

A general history of Georgia with adequate space devoted to the period of reconstruction.

The most extensive piece of work on the Negro's part in reconstruction. An overall picture of all of the Southern States.

The portion on reconstruction gives a good view of the leaders of that period.

A biography of Johnson which gives his tolerable views on the Negro.

A biographical sketch of the man by his son. The collection of his speeches and writings make it a valuable book.

A behind the scene view of the reconstruction measures, their interpretation, and an analysis of the motives of the men who championed or opposed them.

A classified summary of the legislation of the thirty-ninth, fortieth, and forty-first Congresses, together with action on the Fourteenth and Fifteenth Amendments, and political, military, and judicial facts of that period.


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