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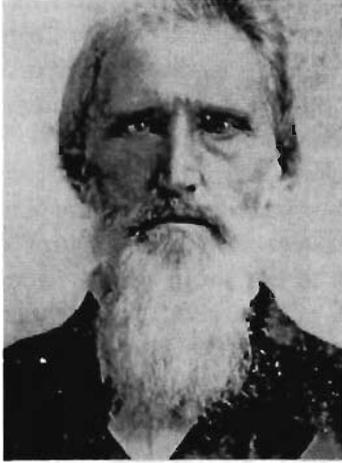
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## FROM SLAVE OWNER TO SCALAWAG: THE LIFE OF LEROY W. COOPER

Cameron Sinclair



Leroy Washington Cooper

Aldrich, *The History of Houston County Texas*

In the chaos and conflict of the Civil War and Reconstruction era, many Texans found themselves in the difficult position of reconciling their dedication to Texas and support for slavery with their dedication to the United States and their own political ideologies. Although a large majority of Texans supported secession and the Confederacy, many did not. These Unionists, as supporters of the Union were known, had to make numerous significant choices throughout this era. Should they stay and defend Texas in spite of their opposition to the recent political decisions, or should they leave, and either join the Union Army or simply wait out the war?

After the war, Unionists, regardless of their wartime actions, had to face even more decisions. Should they join the reconstructed government

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of Texas, now dominated by the Republican Party, or should they support the reconstitution of the old system? Those Texans who chose to join the Republican Party and support the policies of Reconstruction, more than most, walked the line between Antebellum Texas and the New South. A good example of this can be found in the life of Leroy W. Cooper. As a slave-owning lawyer before the war, an officer in the Texas State Troops and representative in the Confederate Texas Legislature during the war, and a Republican district judge during Reconstruction, his story provides a good deal of insight into the experience of many of Texas Unionists, or scalawags, as their opponents dubbed them.

The term scalawag was a pejorative label given to Southerners who joined the Republican Party and supported the policies of Reconstruction. Despite the persisting myth that carpetbaggers, a derogatory word for Northerners who came to the South during Reconstruction, dominated, and despoiled, the state of Texas, scalawags actually played the dominant role in that state's Reconstruction governments. Consequently, Texans like Leroy Cooper, though diverse in ideology and motivation, ultimately dominated Reconstruction Texas until the resumption of Democratic control, or what many called "redemption."

Born on October 16, 1822, Leroy Washington Cooper grew up on a modest family farm in Gwinnet County, Georgia. In March 1845, he received a license to practice law. In March of the following year, L. W., as he was also known, married Rhoda A. Brazier. Over the next decade, Rhoda gave birth to two daughters (Nettie and Georgia) and a son (Lewis, named after Leroy's father), while Leroy built a successful law practice. In 1856, Cooper decided to move his family to Texas, where they arrived in Crockett on November 18 that same year. Located in the East Texas county of Houston, Crockett was the only significant community in an otherwise sparsely settled and rural county. Carved out of Nacogdoches County in 1839, Houston County, by 1860, had a population of just over 8,000 residents, 2,800 of which were slaves, and only around 40,000 of its 760,000 acres of land improved. Its location between the Neches and Trinity Rivers, as well as its access to markets in the cities of Houston, Texas and Shreveport, Louisiana, however, placed it in a profitable position for the production of cotton and livestock.

Within a few years after his arrival in Texas, Cooper established himself as a prosperous member of the community as a lawyer, small planter, slaveholder, and school examiner. According to the Houston County

tax rolls, between 1857 and 1861, Cooper increased his personal wealth from \$12,925 to \$18,620, placing him near the wealthiest ten percent of antebellum Texans. Like many Southerners of this era, most of Cooper's wealth derived from two sources – land and slaves. Despite being a lawyer and a judge most of his life, Cooper consistently owned a sizable amount of land. In 1857, his first year in the tax rolls, Cooper already possessed over seven hundred acres of land in Houston County. By 1861, his landholdings had grown to over 2,336 acres, 320 of which were jointly held by Cooper and a fellow Georgian and future scalawag judge named James R. Burnett. Cooper's intentions for much of this land appear speculative, purchasing it for the purpose of selling it at a higher value later, but he used a good portion of it to supplement his income from legal pursuits with agricultural production. According to the 1860 census, Cooper owned a 560-acre farm that produced 4,000 pounds of cotton and 300 bushels each of corn and sweet potatoes, and maintained almost \$1,300 worth of livestock. During the war, Cooper sold off some of his landholdings, but held on to 1,651 acres, including his town plots in Crockett.

Unlike the growth in Leroy Cooper's landholdings, his slaveholdings grew only slightly. From 1857 until emancipation in 1865, Cooper consistently owned between ten and twelve slaves for each tax year. These slaves, though small in number, actually represented close to half of Cooper's personal wealth in any given year. From 1864 to 1865, Cooper's real property increased by only forty acres, while his personal wealth dropped from \$16,775 to \$8,223, due primarily to the loss of his human property. In hindsight then, one can see that Leroy Cooper had a great deal to lose in February 1861, when Texas officially seceded from the Union. The real possibility of severe economic loss may well have been a factor in Cooper's decision to stay in his adopted state and serve. It may also have been the birth of his youngest son, James L., in 1861. Either way, when the war broke out, Cooper remained.

In spite of his decision to stay, however, it is very unlikely that Cooper supported secession with any real enthusiasm, if at all. Politically, he had been an admirer of Henry Clay and the national economic policies of the Whig Party. Gwinnet County, Georgia, Cooper's birthplace, produced significant support for the Whig Party during the 1840s and 1850s, and even voted against Georgia's secession in 1861. Houston County, like Gwinnet, possessed a sizable minority opposed to the Democratic Party, voting for alternative parties such as the Whigs, Know-Nothings, and the

Constitutional Unionists. In the 1859 gubernatorial race, 56 percent of the county voted for Union Democrat Sam Houston over pro-secessionist Democrat Hardin Runnels. On the other hand, slave owners, such as Cooper, made up about 6 percent of the free population and, regardless of party, held an entrenched position in Houston County, where roughly 2,800 slaves represented about 35 percent of the total population. In both cases, these percentages rose above the state averages of 5 percent and 30 percent, respectively. In the end, the county voted 552 to 38 in favor of secession, and Cooper, regardless of his political ideology, or his support, or lack of support, for secession, did, in fact, stay in Texas and even chose to serve in both the Texas State Troops and the Confederate government.

Did L. W. Cooper oppose secession, and if so, why would he choose to serve the Confederacy? Without written records of Cooper's opinions on the matter, it is almost impossible to know for sure how he voted. Either way, for many Texans, opposition to secession did not stop them from supporting the Confederacy. Unionist turned Confederate Ebenezer L. Dohony of Lamar County explained this phenomenon well in his own autobiography:

Many Northern people have never understood how the Union men of the South, who opposed Secession afterward went into the Confederate army... [A]ll these men believed their allegiance was first due to the state; and afterward to the general government; and when their respective states seceded and attached themselves to the Confederacy, they as faithful citizens of the state, went with it... Besides, few Union men could afford to leave their homes and families, and flee to other realms, until the Civil War was over. And no man of principle was willing to fight the people of his own state, his neighbors and often his own kinfolks; for neighbors and many families divided on Secession. So there was in realty [sic], nothing reasonable left for the Union men of the South to do, but to remain in their respective states and cast their fortunes with the Confederacy.

Cooper, like Dohony, may have felt a similar obligation to support his state regardless of his opinion on secession.

Cooper's wartime service began in 1862, following the enactment of a conscription law requiring "every able bodied free white male...between the ages of eighteen and fifty years" to provide some form of military service, including the Confederate Army or the state militia (recently reorganized into the Texas State Troops). Cooper chose to enlist in the eleventh brigade of the Texas State Troops, which primarily drew recruits

from the counties of Houston, Anderson, and Trinity. When the troops of the eleventh brigade elected their officers, they voted to promote Cooper to the rank of colonel. By November, he had become an acting brigadier general and even requested an appointment to superintend the enrolling of conscripts for the state of Texas. In 1863, Cooper was discharged from the Texas State Troops in order to replace James R. Burnett as the state senator for the eleventh legislative district, representing the counties of Houston, Anderson, and Trinity. Cooper served the remainder of Burnett's term in the ninth legislature, but did not return with the tenth legislature in 1864. Most likely, Cooper spent the remainder of the war tending to his crops and his law practice; however, this remains unclear in the historical record.

In August 1865, Leroy Cooper reemerged into the record when provisional governor Andrew J. Hamilton appointed him as judge for the ninth district court. Cooper, despite his service during the war, appears to have returned to his roots in the Whig party and, along with many other pre-war Unionists, joined the newly reconstituted Republican Party of Texas. With his new positions in the party and in the judiciary, Cooper used his influence to recommend the pardoning of several fellow Unionists who had also served in the Confederacy, and even endorsed another Unionist lawyer and fellow Georgian, Zechariah Norton, for a similar judgeship.

As ninth district court judge, Cooper heard cases in the counties of Houston, Cherokee, Anderson, Henderson, and Smith. District Courts held original jurisdiction over felony cases and civil suits of \$100 or more, as well as appellate jurisdiction over county courts. According to the records of the Supreme Court of Texas, at least two of the cases heard by Cooper during this appointment were appealed to the Texas Supreme Court. In both cases, however, one over a land title dispute and the other over the voiding of notes payable in Confederate bonds, the Supreme Court, presided over by Unionist Chief Justice Amos Morrill, reversed Cooper's decisions. In 1866, when Texas attempted to rejoin the Union according to the Reconstruction guidelines of President Andrew Johnson, the state held new elections according to the newly written Constitution of 1866. The lenient policies of Presidential Reconstruction, however, allowed many of the antebellum old guard to participate. Consequently, many of Hamilton's Unionist appointees lost the election. Cooper, for example, attempted to run again for the ninth district judgeship, but lost the election to Reuben A. Reeves, a pro-secession former captain in the Confederate States Army.

Following his defeat, L. W. Cooper returned to his law practice in

Crockett. In 1869, Cooper appeared before the Texas Supreme Court to represent a Houston County man charged with robbery. In this case, the previous judge did not issue a formal verdict, so the State appealed the lack thereof. The Supreme Court, however, found in favor of Cooper's client, ruling that an appeal cannot be made when there is no formal verdict. In addition to his legal activities, Cooper also remained active in politics. In 1868, he served on the State Executive Committee for the Republican State Convention, and, in 1869, successfully ran for the Texas State Legislature. In the years between Cooper's loss in 1866 and his victory in 1869, substantial political changes had taken place. In 1867, the United States Congress took control of Reconstruction, invalidated all the governments elected according to President Johnson's guidelines, and established new guidelines that reduced the participation of former Confederates and required the participation of African-Americans, all of which virtually guaranteed the election of Republican-dominated governments across the South.

In 1870, Texas produced a state government dominated by Republicans and elected Radical Republican Edmund J. Davis as governor. With the ascendancy of the Republican Party in Texas, Cooper, by now a committed Republican, joined his fellow scalawag, James R. Burnett in the twelfth legislature as the state representatives for the third legislative district, which represented both Houston and Cherokee Counties. Once in the legislature, Cooper assumed the chairmanship of the House Committee on Counties and Boundaries. As the chairman, he supported a bill to create Delta County out of parts of Lamar, Hopkins, Fannin, and Hunt Counties. In honor of his support for this bill, residents decided to name the county seat Cooper.

In July 1870, Governor E. J. Davis appointed both Cooper and Burnett as district judges for the third and thirtieth districts, respectively. The legislature had recently expanded the number of judicial districts from seventeen to thirty-five and authorized the governor to appoint each of the corresponding judges, rather than allow for elections. The newly drawn third district, over which Cooper presided, included the counties of Houston, Angelina, and Trinity. At the time, some speculation appeared suggesting Davis had appointed Cooper in order to gain more support for his Militia and Police Bills, which provided for a much more expansive law enforcement capacity for the state. Others suggested that Davis chose Cooper in an attempt to bridge the division between the Radical Republicans, like Davis, and the more-conservative Hamilton Republicans, like Cooper. Nevertheless, neither of these characterizations appear to have

adversely affected Cooper's position in the party or in his judicial service. During his term on the district court bench, Cooper heard numerous cases ranging from violent crimes to county-level corruption to land disputes. For those cases whose appeals reached the Republican-dominated Supreme Court presided over by Chief Justice Lemuel D. Evans and then Chief Justice Wesley B. Ogden, the court reversed Cooper's judgments eleven times, affirmed his judgments three times, and dismissed the appeals all together three times.

In November 1872, the political fortunes of Reconstruction shifted again when Texans elected a legislature with a Democratic majority for the first time since the war. "Redeemers," Democrats attempting to end Reconstruction by regaining control of the government, dominated the thirteenth legislature. Immediately after it assembled in January 1873, the "Redeemer" legislature aggressively worked to undo or limit most of the legislation passed by the Radical Republicans, and attempted to remove or force out as many Republicans as it could. "Redemption," as this process is known, affected Republicans across the state at every level of government, and culminated with the election of Richard Coke, a Redeemer Democrat, over the incumbent Radical Republican, E. J. Davis. By 1874, the state judiciary remained as the only power-center left for Republicans. Shortly after his inauguration, Coke appointed five new supreme-court justices, including Chief Justice Oran M. Roberts, a former pro-secession Confederate colonel and future Democratic governor, and Reuben A. Reeves, who had defeated L. W. Cooper for the ninth district judgeship in 1866.

As for the district courts, the judges' appointments lasted until 1878, but Redeemers saw the removal of these Republicans as essential to their plans. Oran Roberts, writing in the 1890s, described these Republican district judges as "adherents of Governor Davis," who were "in full sympathy with his mode of government." Like most Redeemers, Roberts saw Davis, and the "extremism" he represented, as the root cause for much of the problems facing the state. In his 1898 history of the state, Roberts wrote, "[a] domineering spirit of arbitrary absolutism was generated and fostered by the central power concentrated at the capital, that radiated throughout all parts of the State and inspired officers of all grades to assume powers in the discharge of their official duties which they would not have done under more favorable circumstances..." According to the Texas Constitution of 1869, district judges could be removed through impeachment or an address. The address allowed the legislature, with the support of two-thirds

of each legislative house, to petition the Governor to remove someone for “incompetency [sic], neglect, neglect of duty, or other reasonable causes, which are not sufficient grounds for impeachment.”

The fourteenth legislature, assembling in January 1874 with a four-fifths Democratic majority in both houses, immediately began efforts to remove many of these judges. Shortly after these proceedings began, Leroy Cooper found himself the target of an address, which listed a number of specific charges against him and included several of his rulings as evidence. The address stated that Cooper, “is possessed of no adequate amount of legal learning, and is, therefore, incompetent.” “By Reason of his incompetency,” it continued, “he has failed to discharge the duties of his office, resulting in the county of Houston, in the obstruction of public justice, by the unnecessary accumulation of business, and the virtual denial of justice to parties seeking redress in the judicial tribunals of that county.” The address specifically charged Cooper with improperly influencing jury verdicts, accepting bribes for judgments, and, most importantly, for showing partiality to “his political friends of the Radical persuasion” and to his son-in-law, H. W. Moore, who argued cases in Cooper’s court.

According to historian Patrick Williams, Redeemer Democrats leveled these and other similar charges – “protecting Republican defendants by slanting charges to juries, setting aside guilty verdicts, excluding Democrats from juries, or blocking indictments” – in most of the addresses against Republican judges, including Cooper’s long-time associate James Burnett. Despite the number of charges, however, few judges actually faced removal. In the case of L. W. Cooper, the state legislature met in a joint session on March 24, 1874, to hear the address and determine his fate. After two days of testimony, nine state senators and thirty-two house Democrats voted against removing Judge Cooper, denying each house the two-thirds vote necessary for removal. In the case of Burnett, the legislature dropped the charges all together for lack of evidence.

Why did so many Democrats oppose Cooper’s removal? It is difficult to ascertain exactly why, but his pre-war position in the Houston County community as a lawyer and small planter or his wartime service in the Texas State Troops and Confederate Texas Legislature may have endeared him to a few Democrats. In the case of bribery, Williams suggests the charge against Cooper may have been fallacious, or at least misleading. Evidence suggests he accepted the \$100 not in exchange for a judgment, but rather as compensation for a horse the defendant had stolen from Judge Cooper

himself. Other evidence also suggests that violence and intimidation in Cooper's district may have prevented him from aggressively pursuing Republican policies. In 1868, a group of armed men ransacked Cooper's law office in Crockett, damaging a significant amount of property, and in 1871, Governor Davis received a report on political violence in East Texas, stating specifically that Unionists in Houston County, among others, were intimidated and virtually silenced by the threat of violence. If, indeed, Cooper had been intimidated, that may well have made him more palatable to some Democrats. In any case, Democrats generally did not have a unified vision as to what constituted grounds for removal, and therefore remained divided on many cases.

In spite of the failure to remove most of the Republican judges, Democrats continued to grapple for control of the judiciary. On the Supreme Court, Chief Justice Oran M. Roberts heard numerous appeals to judgments made by Republican judges. For the most part, however, at least in the case of Cooper, the court maintained a fairly even distribution of judgments. From 1874 to 1881, the Supreme Court reversed fourteen of Cooper's judgments, affirmed eleven, and dismissed two. On the other hand, the Democratic-controlled legislature continued more aggressive tactics against Cooper, and several others, through redistricting. The legislature simply shrunk the districts held by Republican judges, leaving them with much less authority. In April 1874, the legislature attached the counties of Angelina and Houston to the fourth judicial district, leaving only Trinity County under Cooper's judgeship. Cooper, like several other victims of redistricting, stayed on the bench, but in a much less relevant position. In 1876, the new constitution reduced the number of districts to twenty-six and reopened the office to election. In most cases, the gerrymandering of the judicial districts produced positive results for Democratic judges, which effectively ended the so-called "Democratic raid on the judiciary."

After leaving the bench in 1876, Leroy Cooper did not give up on politics. He remained active in the Republican Party and, in that same year, sat on the Committee on Platforms and Resolutions at the Republican State Convention and served as a delegate to the National Republican Convention in Cincinnati. At the national convention, he deviated from the rest of the Texas delegation to vote for Roscoe Conkling, a strong supporter of Reconstruction from New York, rather than Rutherford B. Hays, a moderate from Ohio. After the election of 1876 and the subsequent "Compromise of 1877" ending Reconstruction, Cooper continued to

be active in Republican politics. In 1878, he unsuccessfully ran on the Republican ticket for associate justice for the Texas Supreme Court and, in 1884, was chosen as a presidential elector. Nevertheless, in spite of a few efforts to revive his political career, L. W. Cooper returned primarily to his law practice. In 1877, he appeared in a statewide legal directory, although it erroneously listed him as having been the district judge for the ninth and thirty-second district, rather than the ninth and third. He may also have leaned toward the growing temperance movement during the latter part of his life. In a brief biography of Cooper by the Houston County historian Armistead Aldrich, the author concludes with the statement that, “[i]t is said of him that he never drank a drop of intoxicants, as a beverage in his life.”

Cooper spent the final twenty-four years of his life in Crockett, Texas. During that time he maintained a slow, but relatively steady, rise in property value from \$10,657 in 1876 to \$12,830 in 1885. By the mid-1890s, however, Cooper had begun dividing his land up among his children. Of his children, both daughters married fairly prosperous members of the Houston County community. His youngest daughter, Georgia, married Harvin Moore, a lawyer and judge trained by her father, who had also been implicated in the 1874 address against L. W. Cooper. Leroy's oldest son, Lewis, remained in Houston County, following in his father's footsteps as a lawyer and judge. His youngest son, James, however, became a doctor and moved to Ft. Worth. In 1898, the last year he appears in the tax rolls, L. W. Cooper held property valued at \$5,580. On October 25, 1900, nine days after his seventy-eighth birthday, Leroy Washington Cooper died at his home in Crockett, Texas.

During the seventy-eight years of Cooper's life, and especially the forty-four years in Texas, Leroy Cooper took part in many of the dramatic events of that era. He moved to Texas during the great migration following the war with Mexico. He experienced the Civil War, both politically and militarily, though not in combat. He was on the front lines of the titanic struggle to reshape the South during Reconstruction. He continued to practice law and promote the Republican Party in a state overwhelmingly dominated by Democrats. All together, Cooper's life seems quite remarkable, and yet, in many ways, he represents an entire generation of Americans who lived through the dramatic political and economic changes of the latter two-thirds of the nineteenth century. His story provides insight into the choices faced by those Americans, especially Southerners, and the consequences

that followed those decisions, especially in the South.

## ADDRESS AGAINST THE HONORABLE LEROY W. COOPER

*To His Excellency Richard Coke, Governor of the State of Texas:*

The House of Representatives of the State of Texas, the Senate concurring therein, do hereby address your Excellency, and would represent that one L. W. Cooper, Judge of the Third Judicial District, composed of the counties of Houston, Angelina and Trinity, is unfit to hold the office of Judge of the District Court, for the reasons following, to-wit:

First, He is unqualified [sic] for the position of district judge, because of the fact that he is possessed of no adequate amount of legal learning, and is, therefore, incompetent.

Second, By reason of his incompetency he has failed to discharge the duties of his office, resulting, in the county of Houston, in the obstruction of public justice, by the unnecessary accumulation of business, and the virtual denial of justice to parties seeking redress in the judicial tribunals of that county.

Third, The said judge has been guilty of gross partiality to his political friends and associates in the discharge of his official duties, as evidenced by his rulings and official conduct in the case of *The State of Texas v. .... Gireaux*, the same now pending on appeal in the Supreme Court at this place, wherein, after a perversion of the law, in his charge to the jury in the interest of the said party defendant, he did fix the appeal bond at one hundred dollars, when the jury had rendered a verdict against the defendant for two hundred dollars, when the jury had rendered a verdict against the defendant for two hundred dollars, he being charged with an aggravated [sic] assault and battery, or false imprisonment, for having, as a policeman, placed irons and handcuffs on a citizen of Houston county, on the plea that he had not obeyed E. J. Davis's high handed usurpation, known as his "Election order," in 1871, when said citizen had violated no law of the land. And further, the said judge then accepted as bondsmen Wm. Hood and ..... as the sureties without requiring an oath of them as the law provides, and refusing to allow the attorneys representing the State to have their solvency tested, when it was then asserted and a notorious fact, that said sureties were wholly insolvency; and for other acts and rulings in said

cause, evincing a disposition to favor the defendant at the expense of public justice. Also, for many other acts of similar character in numerous cases, where the said judge has manifested his partiality for his political friends of the Radical persuasion, which this House will reserve the right hereafter to specify.

Fourth, For attempting to use and in using his official influence as judge aforesaid in persuading parties prosecuting and others concerned, and in various ways attempting to defeat the operation of the law, by hearing and attempting to secure the dismissal of cases where parties were charged with grave offenses against the law. As evidenced in his conduct in certain causes pending in the District Court of Angelina, styled the State of Texas v. Wm. Benner et al, wherein defendants were charged with murder, and thereafter for wrongful conduct and erroneous rulings and charge to the jury in said cause, whereby he sought to secure the acquittal of said parties, and did thereby secure the acquittal of the defendants at the expense of public justice and to the scandal of the judicial authority; and for many other similar acts throughout his district in the interest of his political and personal friends, which this House will reserve the right to hereafter specify.

Fifth, For his gross and unbearable partiality for his son-in-law, H. W. Moore, a practicing attorney in his court, whereby his whole judicial authority and influence are and have been exerted in the interest of the said Moore, both in civil and criminal cases, to the prejudice of other attorneys of the said court, resulting in great injustice to parties litigant, and bringing judicial authority into disgrace, as evidenced by his nearly every official act where the said Moore was concerned, and as evinced by his rulings and charge in cause of E. M. Collins vs. Thomas F. Cook, now pending on appeal in Supreme Court at this place, to which reference is made. And for many other similar acts, which this House reserves the right hereafter to specify.

Sixth, For presiding in the cause of The State of Texas v. W. D. Taylor, pending in Houston county, wherein defendant is charged with murder, and making rulings therein in the interest of the said Taylor, when the said judge had previously been engaged as the attorney of the said Taylor, (and his son-in-law was then one of the attorneys for the said Taylor,) all in contempt of the law, and in utter disregard of his official oath.

Seventh, For compounding felony in the case of The State v. Abe Smith, pending in Houston county, wherein the defendant was charged with theft; whereby the said judge did receive the sum of one hundred dollars as

an inducement for and in consideration of his thereafter having the said Smith discharged, or some such similar service, whereby the said Smith was promised that he should not be further troubled in said cause; and that the said judge thereafter failed and refused to discharge his duty, in said cause, and his failed to have said Smith brought to trial and has refused, on application of the attorney representing the State, to allow a forfeiture taken on said Smith's bond, though the said Smith had repeatedly and uniformly failed and refused to attend the said court, as required by his said bond, and for many other derelictions of duty and corruptions in office, which this House reserves the right hereafter to specify.

## Endnotes

<sup>1</sup> For comprehensive studies on Unionism in Texas see during the Civil War era see Dale Baum, *The Shattering of Texas Unionism: Politics in the Lone Star State During the Civil War Era* (Baton Rouge: Louisiana State University Press, 1998) and James Marten, *Texas Divided: Loyalty and Dissent in the Lone Star State, 1856-1874* (Lexington: University Press of Kentucky, 1990).

<sup>2</sup> For an examination of the persistence of this myth see Randolph B. Campbell, "Carpetbagger Rule in Reconstruction Texas: An Enduring Myth," *Southwestern Historical Quarterly* 97 (April 1994): 587-596.

<sup>3</sup> Eighth Census, 1860, schedule 1: Free Inhabitants, Bureau of the Census, Department of the Interior, United States, record group 29, National Archives, Washington, DC (microfilm, University of North Texas Libraries); Tenth Census, 1880, schedule 1: Population, Bureau of the Census, Department of the Interior, United States, record group 29, National Archives, Washington, DC (microfilm, University of North Texas Libraries); Twelfth Census, 1900, schedule 1: Population, Bureau of the Census, Department of the Interior, United States, record group 29, National Archives, Washington, DC (microfilm, University of North Texas Libraries); Armistead Albert Aldrich, *The History of Houston County Texas* (San Antonio: The Naylor Company, 1943), 142-143; Aragorn Storm Miller, "Cooper, Leroy Washington," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/CC/fcolf.html> (accessed September 9, 2010), published by the Texas State Historical Association; United States, Department of Agriculture, Bureau of Soils, *Soil Survey of Houston County, Texas*, by William T. Carter and A. E. Kocher (Washington: Government Printing Office, 1906): 5-6; Thomas Nelms Mainer, *Houston County in the Civil War* (Publications Development Company of Texas, 1981): 4.

<sup>4</sup> Aldrich, *The History of Houston County Texas*, 48; Houston County, Texas, tax rolls, Texas State Library, Austin (microfilm, University of North Texas Libraries); Randolph B. Campbell and Richard G. Lowe, *Wealth and Power in Antebellum Texas* (College Station: Texas A&M University Press, 1977), 146-153; Houston County, tax rolls; Eighth Census, 1860, schedule 4: Productions of Agriculture, Bureau of the Census, Department of the Interior, United States, record group 29, National Archives, Washington, DC (microfilm, University of North Texas Libraries).

<sup>5</sup> Houston County, tax rolls; Tenth Census, 1880, Schedule 1; Twelfth Census, 1900, Schedule 1.

<sup>6</sup> Aldrich, *The History of Houston County Texas*, 143; James Alex Baggett, "Origins of Early Texas Republican Party Leadership," *The Journal of Southern History* 40 (August 1974): 442-443; "Voting America: United States Politics, 1840-2008," Digital Scholarship Lab, <http://americanpast.richmond.edu/voting/interactive/> (accessed October 6, 2010), published by the University of Richmond; United States, Department of the Interior, Bureau of the Census, Population of the United States in 1860; *Compiled from the Original Returns of the Eighth Census* (Washington, D. C: Government Printing Office, 1864), 485-486; United States, Department of the Interior, Bureau of the Census, Agriculture of the United States in 1860; *Compiled from the Original Returns of the Eighth Census* (Washington, D. C: Government Printing Office, 1864), 241-242; Carl H. Moneyhon, *Republicanism in Reconstruction Texas* (Austin: University of Texas Press, 1980), 197, 202.

<sup>7</sup> E. L. Dohoney, *An Average American: Being a True History of Leading Events in the Life of Lafayette...* (Paris, Texas: E. L. Dohoney, 1907), 89-90 [quote].

<sup>8</sup> H. P. N. Gammel, *The Laws of Texas, 1822-1897*, vol. 5 (Austin, Texas: The Gammel Book Company, 1898): 455-465 [quote]; Service records, Office of the Adjunct General, Texas, Texas State Library, Austin; Election Registers, Office of the Secretary of State, Texas (microfilm, University of North Texas Libraries).

<sup>9</sup> Election registers; Baggett, "Origins of Early Texas Republican Party Leadership," 452-454; O. C. Aldrich, E. Currie, William M. Taylor, L. W. Cooper, and A. H. Casteel to Andrew Johnson, November 4, 1865, *Case Files of Applications from Former Confederates for Presidential Pardons* ("Amnesty Papers"), 1865-1867, Adjutant General's Office, Department of War, United States, record group 94, National Archives, Washington DC; L. W. Cooper and John H. Potts to Andrew Johnson, February 22, 1866, *Amnesty Papers*; O. C. Aldrich, L. W. Cooper, John H. Potts, A. H. Casteel, and W. A. Stewart to Andrew Johnson, February 23, 1866, *Amnesty Papers*; John H. Potts and Leroy W. Cooper to Andrew Jackson Hamilton, August 16, 1865, Andrew Jackson Hamilton Papers, Texas State Library and Archives, Austin, Texas.

<sup>10</sup> Election registers; Gammel, *The Laws of Texas, 1822-1897*, vol. 5, 865-866; Randolph B. Campbell, "The District Judges of Texas in 1866-1867: An Episode in the Failure of Presidential Reconstruction," *Southwestern Historical Quarterly* 93 (January 1990): 358-361; Texas, Supreme Court, and George W. Paschal, *Reports of cases argued and decided in the Supreme Court of the State of Texas, during the Tyler and Austin sessions, 1867, and part of the Galveston session, 1868*, vol. 30 (1870): 246-257; *Reports of cases argued and decided in the Supreme Court of the State of Texas, during part of Galveston session, 1868, all of Tyler and Austin sessions, 1868, and Galveston session, 1869*, vol. 31 (1882): 172.

<sup>11</sup> For the best overview of federal Reconstruction politics during this era, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988); *Reports of cases argued and decided in the Supreme Court of the State of Texas, during the Tyler and Austin sessions, 1869, and the greater part of the Galveston session, 1870*, vol. 32 (1871): 104-108; Election registers; *Galveston Flake's Bulletin*, October 7, 1868; E. W. Winkler, *Platforms of Political Parties in Texas* (Austin: University of Texas, 1916): 115.

<sup>12</sup> Election registers; *Flake's Bulletin*, May 8, 1869; Gammel, *The Laws of Texas, 1822-1897*, vol. 6, 216-217; Miller, "Cooper, Leroy Washington."

<sup>13</sup> Election registers; *Houston Union*, July 12, 1870; Gammel, *The Laws of Texas, 1822-1897*, vol. 6, 195-197, and vol. 7, 411-413; *Flake's Bulletin*, July 16, 1870, September 28, 1871; Carl Moneyhon, *Edmund J. Davis of Texas: Civil War General, Republican Leader, Reconstruction Governor* (Fort Worth: Texas Christian University Press, 2010), 162-170; *Reports of Cases Argued and Decided in the Supreme Court of the State of Texas*, vols. 35, 37-39.

<sup>14</sup> For the most recent overview of Texas politics during Reconstruction, see Carl Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004) or *Edmund J. Davis of Texas: Civil War General, Republican Leader, Reconstruction Governor* (Fort Worth: Texas Christian University Press, 2010); *Cases argued and decided in the Supreme Court of the State of Texas, during the Austin session, 1874*, vol. 40 (1882); Patrick G. Williams, *Beyond Redemption: Texas Democrats after Reconstruction* (College Station: Texas A&M University Press, 2007), 41.

<sup>15</sup> O. M. Roberts, "The Political, Legislative, and Judicial History of Texas for Its Fifty Years of Statehood, 1845-1895," in Dudley G. Wooten, *A Comprehensive History of Texas, 1685-1897*, vol. 2 (Dallas, Texas: William G. Scarff, 1898): 211 [quote]; Gammel, *The Laws of Texas, 1822-1897*, vol. 7, 412-413 [quote].

<sup>16</sup> *Journal of the Senate of Texas: Being the Session of the Fourteenth Legislature...January 13, 1874* (Austin, Texas: Cardwell & Walker Printers, 1874), 59-60 [quote]; *Waco [TX] Daily Examiner*, February 1, 1874.

<sup>17</sup> *Journal of the Senate of Texas*, 205-207, 217-218, 226-227; Williams, *Beyond Redemption*, 37, 42-46 [quote].

<sup>18</sup> Williams, *Beyond Redemption*, 37, 43-46; *Flake's Bulletin*, April 18, 1868; Moneyhon, Edmund J. Davis of Texas, 205.

<sup>19</sup> *Reports of Cases Argued and Decided in the Supreme Court of the State of Texas*, vols. 40, 42, 44, 46, 50, 54; Gammel, *The Laws of Texas, 1822-1897*, vol. 8, 85-86; Williams, *Beyond Redemption*, 45-46, 48; Randolph B. Campbell, "Scalawag District Judges: The E. J. Davis Appointees, 1870-1873," *The Houston Review* 14 (Fall 1992): 87-88; Williams, *Beyond Redemption*, 48-60.

<sup>20</sup> Brenham [TX] *Weekly Banner*, October 11, 1878; Winkler, *Platforms of Political Parties in Texas*, 176-177, 190, 215-216; Aldrich, *The History of Houston County Texas*, 143-144 [quote]; Henry Lewis Bentley, *Texas Legal Directory For 1876-77*, (1877): 45.

<sup>21</sup> Houston County, tax rolls; Aldrich, *The History of Houston County Texas*, 143; Frank W. Johnson, *A History of Texas and Texans*, ed. by Eugene C. Barker and Ernest William Winkler (Chicago: The American Historical Society, 1914): 1846-1847.

<sup>22</sup> *Journal of the Senate of Texas*, 59-60 [quote].