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BROOKS - BAXTER WAR

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1872 - 1874

THE ADJUTANT GENERAL
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The Arkansas Military Journal is an unofficial publication of the Arkansas Militia Foundation. The purpose of the journal is to aid in the preservation of Arkansas military history. Comments and materials for publication are invited. Correspondence should be addressed to: The Adjutant General, CS-HS, P. O. Box 2301, Camp Joseph T. Robinson, North Little Rock, Arkansas 72118-2200.

EDITOR'S NOTE

This volume of the Arkansas Military Journal is the fifth in a series of historical works originally commissioned by Major General Charles H. Wilson, the Adjutant General of Arkansas, 1967-1970.

In May of 1969 the Intelligence Officer, Major James Henry Duncan, was assigned the project of preparing a history of the Arkansas Military Department. Files were screened at the History Commission and various libraries as well as records in the Office of the Adjutant General. Notes were prepared and organized covering a period from 1819 to the Civil War. A study of old newspaper articles was conducted to complete the Civil War period of the history. Notes covering a period from the close of the Civil War to 1970 were obtained, organized and prepared. At that time the publication of 3,000 copies would cost about \$6,000. This was based on an estimated 300 pages with additional pages costing approximately \$15 per page. The State Military Department did not have the funds appropriated or available for the publication of the document. Funds from some other source would have to be secured to complete the project (extracted from a summary of significant activities and accomplishments of the Arkansas National Guard, January 1967 - December 1970). To the best of our knowledge the history was never published.

The publications staff of the Arkansas Military Journal has endeavored to reproduce the text from the best existing copies that have been handed down to us. No attempts were made to change any of the subject matter content.

The task of preserving our history is a challenge to all who respect and value the moments of honor, sacrifice and dedication that have made Arkansas the Great State it is today. The Arkansas National Guard has a rich and colorful history and has made significant contributions to our state and nation. It is our intent for these journals to serve as a written memorial to commemorate the military achievements of our forebearers.

In the summer of 1873, the Brooks-Baxter War was set in motion. Governor Baxter felt he needed protection as rumors were rampant that Brooks was going to take the governor's office by force. Captain John C. Peay and his company of militia of the finest men in Little Rock were quartered in the state capitol. Joseph Brooks contested the election and filed suit in court to obtain the position. A copy of the complaint is as follows: "Court met pursuant to adjournment, Honorable John Whytock, Judge presiding with Joseph Brooks, Plaintiff vs. Elisha Baxter, Defendant. Comes the complainant by Messrs. Whipple, Benjamin and Burton, and by leave of the Court files his complaint herein, which said complaint is in words and figures as follows, to wit: Joseph Brooks brings this his complaint against Elisha Baxter and thereupon respectfully shows this Court:

1. That on the fifth day of November, 1872, at a general election duly held on that day in the State of Arkansas, pursuant to the Constitution and laws of said state for election, among the other officers that the Governor of said State, for the terms of four years from the first day of January 1873, the said plaintiff received the highest number of legal votes cast at said election for the office of Governor as aforesaid; the said plaintiff, then and there, received for said office of large

number of legal votes, duly and regularly cast, to-wit; more than forty-five thousand legal votes so cast as aforesaid; and the said defendant, then and there, receiving a smaller number of votes, to wit: less than thirty thousand votes for said office of Governor, as aforesaid received more than twenty-five thousand votes.

2. That at the time of said election, said plaintiff had attained the age twenty one years, etc. (stating his legal qualifications).

3. That, the plaintiff is entitled to exercise said office and to be installed therein, and placed in possession thereof.

4. That, on the seventh day of January, 1873, the said defendant usurped the said office of Governor, and has ever since unlawfully exercised the same, and withheld the same from the said plaintiff.

5. That, since the said usurpation, the said defendant has received a salary, fees, and emoluments pertaining to said office amounting to a large sum of money, to wit, to the sum of three thousand dollars.

6. Wherefore the plaintiff demands judgment with costs;

(1) That the defendant is not entitled to said office, and that he be ousted there from:

(2) That said plaintiff is entitled to the said office and to assume the duties of the same, and to be installed therein, and placed in possession thereof on taking the oath prescribed by law.

(3) That he may have judgment for the salary, fees and emoluments aforesaid.

(4) And for all their proper relief, M.W. Benjamin, R.A. Burton, Wm. G. Whipple, Attorneys for Plaintiff.

7. I, Joseph Brooks, say that I believe the facts and matter stated in the foregoing complaint to be true.

Signed JOSEPH BROOKS

8. Subscribed and sworn to before me this 16th June, 1873.
W. F. Blackwood, Clerk Circuit Court.

9. The filing was indorsed "Filed in open court June 16th, 1873", and a summons issued this 17th June 1873, and returned served on defendant by S. Oliver, Sheriff, the same day."

At the start of the Brooks-Baxter War there were 1500 stands of rifles in the State Arsenal. It was located in what is now McArthur Park.

In the case of Brooks vs. Baxter, in the nisi prius court of the Little Rock circuit, brought last summer, stating that Baxter was a usurper, Circuit Judge Whytock, at ten o'clock this morning,

overruled the demurrer of plaintiff as to jurisdiction and issued a writ of ouster. This occurred in the absence of Governor Baxter's counsel. Chief Justice McClure immediately administered the oath of office to Brooks, and soon after Sheriff Oliver served a writ on Governor Baxter at the executive office. He was accompanied by Brooks and an armed guard. Brooks demanded possession of the office, was refused, and then declared himself in forcible possession.

Brooks' friends had possessed themselves of the Capitol, and had broken into the state armory and seized guns and ordnance, Brooks sent word to say he could not see your correspondent yet. The Capitol halls are filled with excited groups. Governor Baxter, as leaving the State House, went to the Anthony House and held a consultation with his friends and counsel, then drove to St. John's College, on the outskirts of the city. The Brooks party are jubilant and defiant. It is asserted that the coup d'etat was planned by Messrs. Clayton and Dorsey, when here at Easter, after failing to agree with Governor Baxter regarding the management of the fall elections.

Brooks has revoked all Baxter's militia appointments, commissioned R. F. Catterson Adjutant General and Jack Brooker Major General. I went to Baxter's headquarters, in St. John's

College, at three o'clock. The entrance was guarded. Baxter said to your correspondent that he would act vigorously; that he had plenty of arms at his disposal at the U.S. Arsenal. Baxter is organizing the militia. General Robert C. Newton will call out the militia. There will probably be bloodshed if the government allows them to fight it out. The State House and grounds are well guarded tonight, over 300 Brooks men under arms. There is great excitement here, and the people from the country are arriving in masses.

Joseph Brooks, who claims as the Reform candidate to have been elected Governor in 1872, took the oath of office about eleven o'clock this morning before Chief Justice McClure, and within five minutes from that time seized forcible possession of the Governor's office and ejected the regular Republican official, Elisha Baxter, who by the returns of the election and the General Assembly was declared and installed as Governor, January, 1873. About one year ago Brooks commenced suit in the Circuit Court of Pulaski Count against Baxter as an usurper of the office of the Governor. This was shortly after the Attorney General had commenced suit against Governor Baxter by quo warranto in the Supreme Court, and after the latter court had rendered a decision that the courts of the State had no power to

decide a contested election for the office of Governor. By the State constitution it is provided that the Legislature, in joint session, shall canvass the returns for Governor, and announce the candidate elected, and all contests for Governor shall be decided by that body. The Legislature, in 1873, canvassed the returns and declared that Mr. Baxter was elected. Subsequently, that body rejected the petition of Brooks to contest Baxter's election. Nothing more was thought of the matter particularly until a few days ago, when the attorneys of Governor Baxter desired that the "usurpation" case in the Circuit Court of Brooks vs. Baxter be taken up on demurrer at an early day, with the object of disposing of the same. An understanding was then had that the demurrer should be submitted and argued next week, no day being agreed upon, as the U.S. Court was in session. On Monday, during the absence of the attorneys of Governor Baxter, Mr. Whipple, the attorney of Brooks, arose and stated that it had been agreed between himself and the counsel of Governor Baxter that a demurrer to the jurisdiction of the Circuit Court should be submitted. This, although in the absence of Governor Baxter's attorneys, was thought nothing of at the time. Yesterday morning, about eleven o'clock, when there were but few in the courtroom and neither of the Governor's counsel present, Circuit

Judge Whytock announced his decision, overruling the demurrer. None of Baxter's counsel being present to answer, plead over or more for an appeal, he then rendered final judgment and a writ of ouster was issued out of said inferior court against Baxter, then in charge of the office, in favor of Brooks, claimant. In five minutes from that time an armed mob, headed by Brooks entered the Governor's office demanding possession. The Governor declined to yield, whereupon forcible possession was taken and guards placed at all the entrances to the office. In the meantime, General Catterson who claimed to act as Brooks' Adjutant General, in the same building took possession of about one hundred stand of arms, Adjutant General Strong, of Governor Baxter's staff, refusing to give up the keys, although surrounded by armed men. Baxter refused to be ejected except by force, when some of Brook's men took hold of him and led him out. Since that time Brooks has been in possession of the State House. Governor Baxter has established his headquarters at St. John's College. The greatest excitement prevails throughout the city.

General Catterson now walked the State House as Military Commander. General Upham was his Assistant Adjutant General. Governor Baxter issued the proclamation of martial law in Pulaski County on 16 April 1874.

"PROCLAMATION"

"WHEREAS, An Armed rebellion exists in the county of Pulaski, against the state government, and it becomes necessary to employ all the force at my disposal to suppress it: Therefore, by authority vested in me by law, I hereby proclaim the existence of martial law within the said county, and command all person capable of military duty to assist in the putting down of said rebellion. During the time that martial law shall thus prevail, every infringement of the rights of peaceable and well disposed persons will be severely punished, by whomsoever it may be committed. The utmost respect shall be paid by all persons to citizens not in arms, and to their property, and to that of the federal government.

In testimony whereof, I, Elisha Baxter, governor of the State of Arkansas, do hereby set my hand and private seal, the seal of said State not being now accessible to the governor of the State, Done at Little Rock, the 16th day of April, A.D., 1874."

Elisha Baxter, Governor of Arkansas, and Commander-in-Chief
After Governor Baxter had issued his proclamation above quoted, placing the county of Pulaski under martial law, a company of militia was at once organized composed of the young men of the

city of Little Rock. The names of these young men are worthy of being given preservation in the history of the State, and are given herewith:

Benj. S. Johnson, Captain; Jas. A. Welch, 1st LT.; W.L. Terry, 2nd LT.; W.B. Whorthern, 3rd LT.; Dr. John R. Dale, Surgeon; Fred V. Syberg, 1st SGT; E.F. Officer, 2nd SGT; the Privates were: Frank H. Timms, E.W. Rector; Fred Elias Conway; L.B. Leigh; Martin L. Kumpe; Will F. Greene; Earnest Jennings; R.P. Bonnie; Geo.D. Clark; Dr. Claiborne Watkins; Fred Savage; Will Stevenson; Richard Jennings; W.S. Curran; Chas. H. Kumpe; W.W. Field; Wm. Loftland; Judge Sterling R. Cockrill; W.A. Fatherly; R. W. Worthen; Chas. E. Kidder; J. L. Bay; H. Clay Jones; Henry Brookins; Dr. M.T. Mast; Tom W. Newton; Dr. Put Dickinson; W.E. Booker.

EXECUTIVE OFFICE, LITTLE ROCK, APRIL 16, 1874

To the people of Arkansas:

1. An insurrection, organized in the interest of certain parties, disappointed in an attempt to secure the influence of the executive for proposed frauds in the approaching election has

effected the seizure of the Capitol, and now attempts to usurp the functions of government.

The momentary success of this insurrection, as far as regards the occupation of the building, has been owing to that security which the political traditions of the American people give to legitimate government in time of peace.

The armed sentries and loaded cannon which, for the moment, support the usurpation within the precincts of the State House had not been deemed requisite to the maintenance of a recognized government. The occupation of the building, unexpected and forcible, could not at the instant be successfully resisted. Aversion to unnecessary bloodshed has, for a few hours, withheld the arm of the State Government from the immediate vindication of its rights and dignity.

Forbearance has seemed only to embolden the impudence of the handful of insurgents. Forbearance therefore is at an end. General Order No. 1, from headquarters of the militia of Arkansas, of date correspondent with that of this proclamation, declares martial law in the County of Pulaski. It is due the people of the State that the circumstances which have rendered necessary this course of action.

General Newton placed ex-Confederate Generals T. J. Churchill and T. P. Dockery in immediate command of the volunteers, making the last named Military Governor of the city. With such arms as they could procure, and they seemed abundantly supplied, a complete chain of sentinels were established to command all approaches to the State House, also to guard the street crossings for several blocks in its vicinity. At the same time the Brooks men had assembled in the State House inconsiderable hearing this remark, it was said by witnesses, COL Rose drew his pistol and made a gesture or feint of striking at COL White; that Whit struck the pistol up with his hand, and it was discharging in the air above his head. COL Rose denied that he had any arms except his saber, and consequently could have not drawn a pistol. COL White maintained that Rose had a pistol and drew it.

Firing began immediately between the Brooks men standing on the opposite corners, and in the windows of the Metropolitan Hotel, and Baxter's men on the south side of the street, extending in the direction of the Anthony House. About two hundred of White's braves were without arms, and they speedily disappeared, taking shelter in the stores or down the alley west of the Anthony House. Shots from rifles rained upon the Anthony

House. One of the rifle balls struck the back of the head of David F. Shall and caused his death in less than an hour. The shower of bullets that fell from the same direction was intended doubtless for Baxter.

COL Wm. A. Crawford received a glancing shot in the head, and COL Dan Jones was hit and slightly wounded. One of White's colored men received a ball in the foot, and another was hit on the arm. O'Sullivan, an editor and Brook's man, was shot from an alleyway, with a rifle, the ball passing through both legs, breaking them.

At the opening of the fire COL Rose wheeled his horse and rode to the City Hall, in the direction of the State House. He quickly formed his men in line across Markham Street. They took the trucks of the hook and ladder fire company and erected them into a barricade across the street and placed behind it two pieces of artillery, promptly, brought from the corner of Main and Fourth Streets (U.S. Court-room). He also placed a piece in position at the corner of Second and Louisiana Streets, pointing to Markham Street, along which he anticipated the Baxter men should march to the State House, and made ready for action. General Newton rode up and down the Baxter lines, forming his men on different sites along the streets and giving them directions. A general

engagement of the Baxter men on one side and United States soldiers and Brooks men on the other seemed inevitable. A strong party of resolute Baxter's men advanced under the river bluff, beyond Main Street, in the direction of the State House, intending to enter the building from the rear and waited the advance of the main column and sound of firing. After a half hour's suspense, it was evident that there would be no more fighting. The United States detachments stood to their arms behind the hook and ladder barricade, and by their field-pieces at the street corners for an hour or more.

An individual reported that Colonel Rose knocked one of the members of the band down and this started the shooting. At any rate the war was now a shooting war and out of the hands of the politicians at least for the time being.

The morning of the 22nd of April, 1874, opened dark and dismal, the tread of armed men could be heard all over the city; guards of both factions were in evidence on all sides and no one knew what the day would bring forth. On April 22nd, Governor Baxter issued the following proclamation convening the legislature of Arkansas on the 11th of May, 1874.

It may be found in the Gazette of April 23rd.

"To the Members of the Senate and House of Representatives of the General Assembly of the State of Arkansas: Events of the most extraordinary character, involving the peace and welfare of the good people of the State, having recently transpired, as the executive of the State, I communicated these matters to the executive of the Nation, stating to him that I had been forcibly ejected from the executive office; and was prevented, by the intervention of federal troops from asserting by force, my claim to said office. At last, on this 22nd day of April, 1874, I sent the following dispatch to the President:

"To the President of the United States: As I can not move with any troops to assert my claims to the office of governor without a collision with the United States troops, which I will not do under any circumstances, I propose to call the legislature together at an early day and leave them to settle the question, as by law they alone have the jurisdiction; but to do this the members of the legislature must have assurances of protection from you, and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the legislature."

ELISHA BAXTER, GOV. OF ARK.

I was promptly assured by the President in the following language: "Hon. Elisha Baxter, Little Rock, ARK." I hereby approve any adjustment, peaceable, of the pending difficulty in Arkansas - by means of the legislative assembly, the courts or otherwise, and I will give all the assistance and protection I can under the constitution and laws of the United States to such modes of adjustment. I hope that the military forces on both sides will now disband."

U.S. GRANT, PRESIDENT

Now, therefore, deeming the present occasion one of sufficient magnitude, and, after such assurances received from the executive of the nation, I deem myself warranted in the exercise of the power vested in me by the constitution of the State to convene the legislature of the State of Arkansas to meet at Little Rock, the capital of said State, on Monday, the 11th day of May, AD. 1874, at 12 o'clock, in testimony whereof, I have hereunto set my hand and affixed by private seal, the seal of the State not being at present accessible. Done at the capitol this 22nd day of April in the year of our Lord one thousand eight hundred and seventy-four."

ELISHA BAXTER, GOVERNOR OF ARKANSAS

By the governor:

J.M. Johnson, Secretary of State.

The act of Governor Baxter in calling together the general assembly of Arkansas, with the approval of President Grant, brought great comfort to the citizens of Arkansas, except Joseph Brooks and his adherents. It was the first evidence of the "silver lining behind the cloud" overshadowing the State, and the hopes of every one were greater, brighter and stronger, that the end would come soon, and the government and good order be restored once more.

Governor Baxter, after having issued this proclamation of April 22nd convening the general assembly to meet May 11, 1874, and while waiting for the day to arrive, made many efforts to place matters on a peace basis. Brooks and his party refused all overtures toward any peaceful arrangements. Governor Baxter sent President Grant the following telegram April 27: "To U.S. Grant, President of the United States, Washington, D.C.: In accordance with my correspondence with you, by telegraph, I have convened the legislature for the 11th day of May. I have sent home part of my forces, and would willingly send the balance, except a small body guard, but Brooks retains his whole force, and receives reinforcements. All the people want is that peace be

restored, and the legislature protected in the performance of their legitimate business."

ELISHA BAXTER, GOVERNOR OF ARKANSAS

At the same time Governor Baxter, through his officers, addressed the following letter to Brook's officers, with a view of disbanding their forces on each side, and submitting the controversy to the arbitration of the legislature.

"TO JUDGE MCCLURE"

Will Brooks, claiming to be governor of Arkansas, consent--

1. That all the troops now under arms on his side and on the side of Baxter, claiming to be the governor, be by their respective commanders dismissed to their homes in a regular manner, except a body guard to each claimant, not to exceed one company.
2. That all hostilities cease and be suspended until the question of the governorship be determined by a competent tribunal.
3. That no person on either side shall be molested or menaced in his person or property on account of anything done during the present disturbances.
4. That Colonel Page furnish transportation to citizens dismissed to their homes under para 1.

5. That citizens having business in any of the public offices in the State House, other than the executive office, be admitted peaceably, and without molestation to such offices.

The above propositions are submitted by us on behalf of Elisha Baxter, claiming to be the right and legal governor of Arkansas, as a means of keeping peace between the two contending parties, until the question of the right of the office of governor of Arkansas is settled by competent authority." A.H. GARLAND, E.W. THOMPSON, Colonel and Chief of Staff to Governor Baxter.

Judge McClure, on behalf of the Brooks part, acknowledged the receipt of the above document and conveyed it to Mr. Brooks. On Monday the 26th after a twenty-four-hour truce, all was quiet along the contending lines. The preparations for the combat continued. More breastworks were erected around the State House. The material of which the Brooks army was composed was pretty well understood: several hundred intrepid white men, under the lead of brave and experienced officers from both armies of the late war, and a great many Negroes.

The Baxter forces were also making preparation for continued conflict. The Baxter men repaired the old sixtyfour-pounder that had stood on the river bank near the Kamer schoolhouse, where it had been left by the Confederates on the evacuation of the city,

and afterwards known as "Lady Baxter". Governor Baxter, sent the President the following dispatch:

"On the 19th of this month, as Governor of this State, I telegraphed you that there was an armed insurrection against the legal government of this State, and made requisition upon you for aid to suppress it, and to prevent domestic violence. I have just now been advised that you never received that requisition. I now take occasion to say that an armed insurrection exists in this State against the lawfully constituted authority thereof, and as the Legislature cannot meet until the 11th day of May, I call upon you for aid to protect the State from domestic violence."

ELISHA BAXTER, GOVERNOR OF ARKANSAS

It seemed at this period of the conflict that Governor Baxter was grasping at any help he could get. Most of the state officials in Washington were for Brooks and a court order had placed him in the office of governor. In addition, he had now been in procession of the State House for over a week.

The *Republican* of April 25th, published the following as a "full roster" of military officers in command of Gov. Brooks' State Militia, furnished by Adj. Gen. Upham. Evidently Catterson

and Upham had changed position. Catterson was reported as Adjutant General earlier.

Major General commanding State Militia, R.F. Catterson; Commandant of the Post, Lee L. Thompson; Brigadier General, O.S. Dillon; Adjutant General, D. P. Upham; Chief of Artillery, COL Edwin Bancroft; Surgeon General, Thomas Smith; Asst. Quartermaster General, M.O. Andrews; Ordnance Officer, Maj. Geo. M. French; Captain Brigade Surgeon, Jas. A. Dibrell, Jr.; Major Brigade Surgeon, David H. Dungan; Asst. Surgeon, A.F. Kaufman; Quartermaster, Henry Rudd; Captain and Asst. Quartermaster, Moses Reed; Capt. and A.A.G. Staff of General Lee L. Thompson, John S. Duffie; aide-de-camp, W.B. Morgan; Captain 1st Reg. Light Artillery, Jas. A. Bridgman; 2nd LT. Battery, W. E. Hinman.

The officers of the First Regiment State militia, are: COL John Brooker, Lieut. Col. A.S.Fowler, MAJ J.D. Sibbald, on staff of General Catterson; Captains George N. Perkins (COL)., J.K. Barnes (w)., Wm. H. Rector (COL), Jessie Butler (COL), Isaac Gilliam (COL), Henry K. Pinkney (w)., Ed F. Stowell (w), Newal Brown (COL) Chas. Goerte, Commissioned Captain of the Governor's Guard.

On the 28th H. King White, at Pine Bluff, newly promoted Brigadier General, telegraphed General Newton that he had 1,300

men enrolled; would send 200 to Little Rock on Thursday. Signed, "H. King White, Brigadier General Commanding."

The Brooks men showed no disposition to cease hostilities. Two thousand Springfield rifles and 13,000 rounds of ammunition were shipped to Brooks from St. Louis, through purchases by George W. McDiarmid, paid for out of the State treasury, i.e., on the State's credit.

To the efforts of Governor Baxter to restore peace and quiet, Mr. Brooks responded, refusing positively to agree to any proposition looking to a peaceable and final disposition of the disputed gubernatorial question in a constitutional and legitimate manner. This compelled Governor Baxter to refrain from sending home his troops and forced him to retain them at a heavy expense, and he prepared to protect the legislature when it convened on May 11th.

During all this time there had been conflicts all over the State between partisans of the two factions. The State was practically in a condition of anarchy.

The Gazette of April 30th, published this interesting extract from the *St. Louis Times* of the Tuesday before:

"For the past two weeks there had been so journeying at the Southern Hotel a quiet, unassuming little gentleman who

registered as George W. McDiarmid, Little Rock, Ark. Unobtrusive in his manner and as a general thing very reticent, he attracted but little attention, and was generally found absorbed in the columns of some newspaper. Silent and unassuming as he was, however, his presence in St. Louis had far more significance just at this time than the habitués of the Southern might imagine. Mr. McDiarmid was formerly County Clerk of Pulaski County, is a prominent citizen of Little Rock, and a staunch supporter of Mr. Brooks. When the present troubles broke out in Arkansas, the Federal Commander of the post took good care that the arms belonging to the State, and which were in the U.S. Arsenal, should fall into the hands of neither of the antagonistic factions. This virtually left both factions without arms, except with such as the respective followers of Brooks and Baxter might happen to possess. But Mr. Brooks had the state treasurer and auditor on his side, and immediate appropriations of \$50,000 were made to defray the expenses of the Brooks party. The usurping factions wanted arms; of men they had an abundance. Mr. McDiarmid was accordingly chosen by his coworkers as the agent to purchase those arms, and upon that mission he appeared in St. Louis, and right faithfully did he fulfill his instructions as may be gathered from the following:

"Within the past two weeks there have been shipped, piece-meal, from St. Louis to the Brooks faction, two thousand Springfield rifles. These were forwarded from the Democrat office by express, and marked "Arkansas State Reports". Last Wednesday morning the Baxter forces went through the express office at Little Rock in search of ammunition of war, as it was strongly suspected that Brooks was receiving aid from abroad. Ten minutes previously, five hundred stands of arms were delivered at the State House. In this case a miss was as good as a mile to the Brooks men."

Thirteen thousand rounds of ammunition have also left and been safely received. These were shipped as "whisky" and marked J. Garibaldi and Co. When it is known that J. Garibaldi & Co. are wholesale liquor dealers, opposite the State House at Little Rock, this matter of shipment may be accounted for, although Garibaldi and Co. were not cognizant of the fact. The moment the "whisky" was delivered at Garibaldi's door, the Brooks men, who were on the alert, seized upon it and took their ammunition to the state house. Several cases of revolvers were also sent and duly received. Five car-loads of provisions of all kinds have also gone forward and are now at Brooks' Headquarters, and in all probability a large shipment of shot and shell was received

yesterday. In this case, would Baxter become too troublesome, Brooks will undertake to treat him to a little bombardment. The shot and shell did not go from St. Louis, but from other points. The entire sale, which must amount to quite a sum, was made by J.W. Richard's & Co., No. 27 North Fifth Street. It is remarkable that the employees of the express and railroad companies never suspected the nature of the freight they were carrying. The only remark ever passed was by one express agent, who wondered what books a certain box contained weigh so heavy. Every dollar's worth of munitions and provisions were paid for on the spot, showing that Mr. Brooks and his party have not only got money, but are spending it to continue this revolution. From that a *TIMES* reporter could learn, Brooks has provisions and munitions enough in the state house to stand a siege of two month's duration. An employee of the *DEMOCRAT* office is now in Cincinnati looking up the possibility of purchasing further military supplies for the "Parson".

During all this time the law firm of Pike & Johnson of Washington, D.C. composed of General Albert Pike and Honorable Robert W. Johnson, Former U.S. and Confederate States Senator, was representing the State of Arkansas and had been urging the President to recognize Baxter and suppress Brooks. To aid the

Herculean efforts of these gentlemen, Judge U.M. Rose of Little Rock had been sent to Washington by Governor Baxter, with full powers to act in his behalf with them.

On the 30th of April General T.J. Churchill with a party of Baxter men, including his aide-de-camp Terry, Ed. Doyle, Booker Worhern, Henry Brooking, Frank Timms, Fred. Syberg, Eustace Officer, J.M. Pomeroy, and E. Conway, marched to the depot to protect an expected arrival of Baxter reinforcements. A detachment of Brooks militia, commanded by Col. W. S. Oliver, of the Brooks militia, surrounded the house and demanded their surrender. Pomeroy made his escape on horseback. General Churchill was paroled. The others were kept in the guard-house a few hours and then released.

April 30th General James F. Fagan, having been appointed by Gov. Brooks to the command of the Arkansas militia, published an address 'to the people of Arkansas'. He upheld the claim of Brooks to be the legally chosen Governor of Arkansas, and issued the following orders:

GENERAL ORDER NO. 1

Headquarters Arkansas Militia Forces, Little Rock, April 30, 1874. By order of Gov. Joseph Brooks, Commander-in-Chief, I

hereby assume command of the militia forces of the State of Arkansas.

J.F. Fagan, Major General Commanding.

GENERAL ORDER NO. 2 (APR 30, 1874)

The following officers are assigned for duty on the Staff of the Major General commanding militia forces of the State of Arkansas:

Brig. Gen. Dandridge McRea, Chief of Staff; LT. Col. D. M. Kavanaugh, A. A. G.; COL Bob Newwell, Inspector General; COL Poindexter Dunn, Aide-de-camp; COL John D. McCabe, Aide-de-camp; COL M.L. Rice, Judge Advocate; COL John S. Duffie, Quartermaster; Col. Dan O'Sullivan, Chief Commissary; Maj. E. E. Blanks, A. A. Q. M.

By order of J. F. FAGAN, Maj. Gen. Commanding

C. THROWER, COL and A.A.G.

General Fagan had been a Civil War hero and now was taking the lead of the militia of Governor Brooks. It would seem that both General Catterson and Upham had been replaced by Fagan. This could have been a move to take advantage of the popularity of General Fagan or the result of a power struggle between General Catterson and Upham.

The latter two were unpopular dating back to the Powell Clayton administration. Brooks could use some popularity within the state even though he seemed well set with Washington.

On April 30th information was received at the Baxter headquarters that King White had 200 men and was going to attack COL J. M. Murphy and about 150 men near Cornerstone. Later dispatcher revealed that White was the winner of the encounter.

On May the 3rd a train from Memphis brought two members of the Supreme Court to Argenta. Captain William of Baxter's Militia seized the two men. News of this was received by the Brooks forces. They were feared dead, however, on the 5th a note from Judge Bennet revealed they were held captive.

May the 4th General D. McRae, of White County, arrived and went upon duty as Chief of Staff of General Fagan. Brig. Gen. Mangum was commissioned and assigned to the command of the First Brigade, compression all the troops south of Markham Street, including those in the Benjamin block. General Ed. J. Brooks, of the Second Arkansas Infantry of Fort Smith, was commissioned Brigadier General and assigned to the command of the Second Brigade, which included the troops in and around the State House. Brooks received large reinforcements during the day. About 9 o'clock that night the Baxter guards were doubled and no one was

allowed to pass up or down Markham. All hackmen were ordered off the stands at the Metropolitan corner. At 10 o'clock Company C., U.S. Infantry was called out at the City Hall, west of the Metropolitan Hotel, and formed across Markham Street, and at midnight Company I, U.S. Infantry, was stationed at the corner of Louisiana and Second Streets. The people were out in crowds after midnight, and great excitement prevailed without apparent cause. It proceeded from uneasiness caused by resentment at the capture of the two Judges.

A writ of habeas corpus was sued out and served on General Churchill, commanding him to produce the bodies of E.J. Searle and John E. Bennett the missing Judges.

They had escaped after actually being released by the sheriff and officer while they were being taken back to Little Rock. It is believed they were released because federal forces were searching for the missing judges.

On May 7th a figure again entered the power struggle pictured in Arkansas. He was Captain Sam Houston. The same man who lost the guns and ammunition near Memphis some years earlier when Governor Powell Clayton had purchased them for his militia. This time proved to be the end of his career.

May 7th the steamboat *Hallie*, under command of Captain Sam Houston as naval commander, and with Captain Welch's company of forty men, Baxter forces, on board, was ordered by General Newton to proceed up the river and intercept and capture if possible COL Folwer, with his raft or flatboat, coming down the river with guns he had taken from the Arkansas Industrial University. Welch's company mustered about forty. Will Terry, Worthen and Curran were officers also of the company. The *Hallie* left about 3 o'clock (a.m.) and in passing the State House, was fired upon. General Fagan became aware of the object of the *Hallie's* mission, and in a short time had caused six companies of Brooks' First Arkansas Militia Company A, Captain Aiken; Company B, Captain Stowell; Company C, Captain Pinckney; Company I, Captain Cox; the Governor's Guard, under Captain Chas. Goerte, and Captain Gibbons' Independent Company, all under command of COL Jack Brooker, to be put on board the train going to Fort Smith, with orders to leave the train and form on the north bank of the river, at the mouth of the Palarm Creek, which the railroad crosses near the river at Boyle-Danley place, and prevent the further passage of the steamboat up the river.

On the night of May 7, 1874, Governor Baxter received authoritative information that a barge loaded with arms and

recruits for the Brooks forces had left Fort Smith for Little Rock. At once steps were taken to capture this barge and its contents, as in aid of an insurrection, and in violation of the laws of the State. General Newton at once issued an order commanding the "Hallie Rifles" to take possession of the steamer *Hallie*, lying at the wharf in Little Rock, to proceed up the river, seize the barge, capture the recruits thereon and bring them prisoners to headquarters. The "Hallie Rifles" was the first company that went to Governor Baxter's relief, it escorted him from St. John's College to his headquarters in the city. Under the command of Captain B.S. Johnson, after martial law had been declared, it took possession of the city. It held the city alone as the only military organization for Baxter, for two days, before the citizens of the State could understand the issues, and rally to the support of Governor Baxter. It had in fact been the main reliance and bodyguard of Governor Baxter all through the struggle. The company was not ordered to undertake a dangerous expedition.

So on the 7th of May the "Hallie Rifles" in command of Captain Jas. Alex. Welch, who had succeeded Captain B.S. Johnson, the latter having been disabled and being confined to his bed with a badly injured leg and under the care of surgeons. First

Lieutenant W.L. Terry, Second Lieutenant W.B. Worthern, Surgeon D. Dale, First Sergeant F.V. Syberg, Second Sergeant E. F. Officer, and the remainder of the company were marched to the city wharf and took charge of the steamer *Hallie*. The officers of the steamer in charge of handling the vessel were Captain Sam Houston, and the pilots were Captain John Myers and Captain Ed. Houston.

The company, under direction of its officers, immediately proceeded to place cotton bales all around the guards of the boat to protect its machinery, and to act as breast works for the men. After all was done in this direction which the means at hand permitted, the steamer pulled out and started up the Arkansas River. It was night. No effort to stop or attack the steamer was made as it proceeded on its way up the river; all was quiet and everything went well. A careful and constant look out was kept for the on-coming and expected barge. Morning came and as the *Hallie* was passing a point a short distance south of Palarm Station on the Little Rock & Fort Smith Railroad where the tracks run near the river bank, a terrific volley of musketry was poured into the steamer from the shore. The "rifles" to a man responded without fear. While the firing was in progress a stray shot had pierced the connecting supply pipe between the boiler and the

engine, thus destroying the power to operate the vessel's machinery, and the vessel at once commenced to drift. The firing, however, continued until the vessel drifted down the river out of gun range, and lodged upon the opposite bank.

Upon examination it was found that Captain Sam Houston and Private F.F. Timms had been killed, Captain John Meyers had been mortally wounded, and died shortly afterwards; Pilot Ed Houston was slightly injured; Private L. Bascom Leigh had been shot through the left knee, and lay between life and death for weeks afterwards, but finally recovered with a stiff knee.

These were all the casualties suffered by the "Hallie Rifles" and the officers of the vessel. The boat was disabled beyond means of repair at that time and with the means on hand. The captain of the steamer and the two pilots on board had been mortally wounded or disabled, so the steamer could not proceed. She was fast to the bank.

Captain Welch disembarked his men and marched back to Little Rock, leaving a guard with the wounded, reporting that several of the Brooksites had been killed. The steamer was taken possession of by the Brooks part and brought back to Little Rock.

A good portion of Saturday, May 9th, the Baxter men were throwing up fortifications on the river bank between Main and

Scott Streets. The Baxter men placed the big gun near the river. About 3 o'clock Sunday morning a party of Baxter men fired, from the Red Mill, at Stonewall Jackson (a guard, thus brought out the Brooks guard on the steamer *Hallie*, near there). During the battle, Baxter's men, crossed the river and sank the steamer *Hallie*. Thus ended its part in Arkansas militia problems. It was ended for her and her captain, Sam Houston.

General King White arrived with a company of mounted men and a company of foot troops at noon Saturday and reported several hundred men fully armed coming on behind with ammunition and supplies. About 6 p.m. Aiken's Company, on guard at the sunken steamer, were withdrawn, and a guard of Federal infantry placed over her by LT. Noble. COL Bancroft, of Brooks' artillery, gave notice to the citizens of Argenta that unless they prevented firing across the river into the Brooks encampment, he would shell the town! John Blackford, of Captain Stowell's Company, Brooks' militia was killed in the fight at Palarm, about daylight.

It would seem that the Brooks forces had won a battle if not the war. They had prevented the Baxter forces from seizing their on coming weapons and ammunition; however, they lost a valuable boat that they had captured.

Also on Saturday, General King White was back in Little Rock. This time he had two companies with him, one mounted and one foot troops. He reported that more units were following him. Late Saturday the Brooks' forces received considerable fire from across the river in Argenta. The river is too wide to enable accurate fire; however, harassing fire was possible.

Colonel Fowler's flat boat with the guns from Fayetteville towed by steamer *Danville*, reached the State House Sunday. General Bishop, President of the University, served a writ of replevin for the guns on Col. Fowler, and summoned him to the June term of the Washington Circuit Court. The State arms in the arsenal (1600 stand) were dismantled by the Federal commander and stored to prevent either party access to them. White's Cavalry crossed the river, supported by a Lonoke company, commanded by Captain Eagle, and threw out a line along the Cairo & Fulton railway, to attack the Brooks' force covering the landing of the *Danville*. Brooks' men crossed the bridge to meet them.

Colonel Rose dispatched a company to Baring Cross, west of Argenta, and quartered them in the railroad shops. A Rodman gun was planted at the foot of Louisiana Street, commanding the low-lying level of Argenta. The next day a large force of Baxter men arrived from Newport. The only casualty reported was a man

of the Brooks' camp killed, two wounded on the Brooks side. The Baxter men held possession of the Fort Smith & Little Rock Railroad shops, from which the Brooks men tried to drive them. News of the arrest was received on the 9th of General Brizzolara with eight men, at Spadra on the 6th. They had been sent to seize the steamboat *Robert Semple*. The owner obtained a warrant, which was served on Brizzolara.

Lieutenant Summerhill who had released the two judges between Benton and Little Rock switched sides. He had been with the Baxter forces and now serving with the Brooks forces. On the 9th he and Sam Williams were fired upon by the Baxter forces. Summerhill escaped but Williams was killed.

The U.S. Infantry was called out at the sound of the firing, and forted across the street in front of the City Hall, behind the movable barricade of the fire-trucks. Two Roman guns, from the arsenal, were placed in battery at the corner of Markham and Louisiana. Brooks men covered the Benjamin block and prepared to repel the Baxter men. The United States Regulars, Saturday night, were stationed in the front and rear of the city Hall, on the corner of Main and Third and corner of Main and Fourth. The following dispatch from the U.S. Attorney General was received at Little Rock:

WASHINGTON, DC. MAY 9, 1874

"It is agreed, this May 9, 1874, at Washington, D.C. between the respective attorneys and agents of Joseph Brooks and Elisha Baxter, claimants for the office of Governor of the State of Arkansas that on account of the conflicting claims of the parties and the division of sentiment among the people of said State, that the Legislature of the State shall be called by the said Brooks and Baxter to meet in extra session on the fourth Monday of May, A.D. 1874, at 12 o'clock noon, at the usual place of meeting in the State House, each to be issued an exact separate call forthwith for that purpose, and the Legislature so called shall be permitted to meet without molestation or hindrance by either of said parties or their adherents.

That they shall receive and entertain a communication from Mr. Brooks, setting forth specifically the ground for his claim to the office of Governor, as well as his reason for contesting Baxter's right thereto. That they shall investigate the facts and allegations so set forth by Brooks, and such investigation shall be conducted in the manner prescribed by the Constitution and laws of the State, giving to both parties a full and fair hearing upon such competent and relevant testimony as either may offer. That the Legislature shall determine the manner

prescribed by a law which of the contestants received at the November election, 1872, a majority of the legal votes, and declare the results, and the parties shall abide that action.

Brooks and Baxter shall each relieve from duty and send home all his troops, retaining only so many as each may think necessary as a body guard at Little Rock, not exceeding one company. All warlike demonstrations are to forthwith cease, and both parties are to keep absolute peace and refrain from any interference with each other or their adherents until the contest is finally decided by the Legislature, or the national government has taken action thereon. That until the determination by the General Assembly as to who was legally elected Governor, on a contest to be made before that body by Joseph Brooks, the question as to which of the contestants has the legal right to exercise the functions of the office of Governor must at his discretion be determined by the President on the applications heretofore made to him by the respective contestants; that the Legislature shall receive from each claimant to the office such communications as either may send it until the contest for the office is finally decided by the General Assembly.

I submit the forgoing plan adjusting the difficulties in Arkansas to the claimants for Governor, it having been agreed by

all their friends and attorneys here, subject to approval, and I have to say that the President earnestly desires its adoption by both parties.

GEO H. WILLIAMS. Attorney General

Joseph Brooks, in his dispatch of the 10th of May, accepted the suggestion of the Attorney General. Elisha Baxter, instead of accepting it, issued an address to his "troops", declining to be a part to it.

EXECUTIVE OFFICE, STATE OF ARKANSAS

LITTLE ROCK, May 11, 1874

Citizen Soldiers:

The Little Rock *Republican* of this date publishes a proposition of Mr. Brooks' friends, submitted to me through the Attorney General.

I have to say to that I have declined the proposition.

Elisha Baxter, Gov. of Ark.

It is difficult to understand any why Baxter declined the suggestion to the Attorney General. It had been his contention all along that the Legislature had the only authority to determine who was the rightful governor of the State. Brooks, on the other hand, was now for all practical purposes, the governor. He had a court order as such and was in possession of the State

House. Baxter was a governor in exile while yet in the same state and even the same town.

Governor Baxter sent U.M. Rose to Washington to present the facts, as he saw it, to the Attorney General. It is apparent that this argument influenced the Attorney General. Yet Baxter refused his suggestion.

On the 11th of May, Brooks sent a telegram to the President of the United States. He asked that the question be settled. He was perfectly willing for the Legislature to determine who was the rightful governor of the state. No doubt he felt secure in that he believed he received the most votes and the court had declared him winner. His only reservation was that the Legislature determine if vacancies existed in their body and if so that they be filled before the vote was taken. He doubted the integrity of the body as it then existed. He wished the courts to decide who the proper numbers of the Legislature were.

In the Senate there were Askew, Beavers, Bunn, Duke, Frierson, Hanks, McChesney, Ratcliffe, Scott, Pollard and Jones. In the House were Pindall (acting as Speaker), Arnold, Barton, Beasley, Boswell, Burton, Carter, Coffin, Conway, Cleveland, Crowell, Davis, L.W. and Davis, S. F., Duffie, Eagle, Erwin, Files, Foster Galbreath, Gest, Gassett, Hawkins, Hixon, King,

Johnson, B.W., Johnson, L.L., Joyner, Lester, Mitchell, McClellan, McGuire, Montgomery, Pindall, Preston, Reed, Sumpter, Thompson, Tillar, Walker, and Wheat. There was not enough to constitute a quorum.

Governor Baxter had called a special session of the Legislature. It met behind Baxter lines as Brooks had possession of the State House.

On May 12th, COL John S. Duffie, who had captured a Baxter picket at the corner of Scott and Third, narrowly escaped shooting by a Baxter squad under Ben J. Johnson. The same day the steamer *Robert Semple* arrived from up the river, and was reported to be loaded with Baxter men.

Detachments of Brooks militia were ordered to the boat on the south side of the river, just above the bridge. Detachments of Baxter's men reaching the same locality, skirmishers were deployed by each side and firing commenced. The militia occupied the old rifle pits near the Union depot. Baxter's men were in positions of Fifth, Sixth and Seventh Streets, further south, under Generals Churchill and Blocher. General White with his cavalry, occupied a position behind the penitentiary where the State House now stands and on the hills of the Deaf School, overlooking the depot. Four hours the firing between the Baxter

militia and the Brooks militia continued. At about 4 o'clock COL Clayton took command of the right wing of Brooks' militia, when a resolute attack was made by the Baxter men on the Fort Smith Company, at the corner of Spring and Second Streets. Company I, U.S. Infantry, went from Arch Street over to Broadway, but the Baxter men had retired and the fight was over. There was another skirmish near the Hornibrook residence. The Baxter forces were under the command of General Blocker, it is unknown who the Brooks forces were under.

Governor Baxter had purchased two twelve pound artillery pieces in Texas. They arrived on the 13th and were positioned so as to have commanding view of the State House. It is doubtful if any intent was ever made of shelling the State House with such tremendous pieces of artillery, however, they did now make an impressive display.

On the 13th the Brooks militia captured fifteen Baxter men, one of these was reported to be the owner of the steamer *Robert Semple*, General Meyers.

On the 14th Governor Brooks sent another dispatch to the President. He reminded him that (1) He was elected by the people (2) The Circuit Court had ruled him elected (3) His present occupation of the office of Governor (4) The State Supreme Court

had ruled him Governor (5) The other constitutional officers were supporting him with the exception of the Secretary of State (6) He was willing to abide by the decision of the Legislature as suggested by the Attorney General.

A more convincing argument could not be made. Everything pointed to Brooks as Governor.

Reinforcements from Dardanelle and Fort Smith under Colonel Gibson came to the Brooks camp on May 15th. On the same day some of the Baxter troops again fired upon the State House from across the river. The Federal forces again came between the two combatants and stopped the firing.

Generals Poindexter Dunn and Edward J. Brooks took a flag of truce to the Baxter headquarters. They were received by Generals Newton, Churchill and Rottaken. It seemed that hostilities would finally end.

The President of the United States had sent the following proclamation:

BY THE PRESIDENT - WHEREAS, certain turbulent and disorderly persons pretending that Elisha Baxter, the present Executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such Executive and other authorities of said State; and, WHEREAS, Said Elisha Baxter had

been declared duly elected by the General Assembly of said State, as provided in the Constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the Constitution and laws of said State and ought by its citizens to be considered as the lawful Executive thereof; and, WHEREAS, It is provided in the Constitution of the United States that the United States shall protect every State in the union on application of the Legislature, or of the Executive when the Legislature can not be convened, against domestic violence; and, WHEREAS, The said Elisha Baxter, under Section 4 of Article IV, the Constitution of the United States and the laws passed in pursuance thereof, has heretofore made application to protect said State against domestic violence; and, WHEREAS, It is provided in the laws of the United States that in all cases of insurrection in any State, or of the obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of said State, or of the Executive when the Legislature cannot be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and, WHEREAS, It is required, whenever it may be

necessary in the judgment of the President to use the military forces for the purpose a aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time;

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and return peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said Executive and the other constituted authority of the State, and I invoke the aid and co-operation of all good citizens to uphold the law as preserve public peace.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, this fifteenth day of May, in the year of our Lord eighteen hundred and seventy-four and of the Independence of the United States the ninety-eight.

U.S. GRANT

By the President, Hamilton Fish, Secretary of State.

M. McCanany

Evidently General McCanany was made Adjutant General some time during this conflict. The orders making this appointment

were not found. He did sign General Order NO. 25 as Adjutant General.

CONGRATULATORY ADDRESS OF GOVERNOR BAXTER

Headquarters, State of Arkansas, Little Rock, May 15, 1874

General Order No. 25.

Officers and Soldiers of the State of Arkansas:

1. Inspired by true patriotism you have responded to my call to resist and put down by arms the most inexcusable and reckless attempt to usurp the government of this State, that ever disgraced our country. Regardless of your individual interests, and of everything but the public good, you came to the support of civil liberty; in the face of great and perplexing difficulties you have stood manfully at your posts; your patience and discipline have only been equaled by your courage; you were restrained by your respect for law and peace, from making war upon the Federal soldiery, who stood persistently between you and the insurgent force in the capitol; upon every occasion, when you have been able to meet the public enemies you have been victorious, and forced them to seek protection behind the federal guns. At length your valor and patriotism are rewarded.

The following has been received from Washington. (The proclamation of the President preceded these words.)

As citizens and soldiers of Arkansas, I congratulate you. You will see to it for the future that, as by your promptness, vigilance and good conduct in this emergency, the fights of citizens of our State have been rescued from a vile ring of tyrants and thieves, so in the future they shall be preserved and handed down unsullied to our posterity. Henceforth, let Arkansas be the home of a free people, who know their rights and dare maintain them.

Finally, let us together give thanks to the great God of armies, who has blessed our cause; let us remember with gratitude the great citizen soldier, the President of the United States, who has at length recognized the justness of our cause; and, as your conduct has been thus far marked in a most extraordinary degree by order, sobriety and discipline, let not our friends, the people, have any cause to censure you for any disorder or riotous conduct now in the moment of victory.

II. The commanding general will see that this order is read at the head of each company at retreat this evening.

ELISHA BAXTER, GOV. OF ARK.

Official: M. McCanany, Adjutant General.

CORRESPONDENCE

Headquarters Arkansas State Guards, Little Rock, May 15, 1874. To his Excellency Elisha Baxter, Governor of Arkansas:

I have the honor to send Colonel P. Dunn, bearing a flag of truce, requesting to know if you will receive a commission of two citizens and two officers of this command, for the purpose of considering and settling any question in reference to the time of disbanding the troops in each command, and sending them home.

By order of the commander-in-chief, M.T. Sanders Adjutant General.

ENDORSEMENT BY GOVERNOR BAXTER

Headquarters State of Arkansas, Little Rock, May 15.

Respectfully referred to Maj. Gen. R.C. Newton, commanding military forces of Arkansas.

By order of the commander-in-chief, E.W. THOMPSON, Brig. Gen. and Chief of Staff

Headquarters Arkansas State Guards, Little Rock, May 15, 1874. General Jas. F. Fagan, Commanding; etc.:

GENERAL - I have the honor to enclose herewith a communications addressed to his excellency, Governor Baxter, which has been referred to me.

I have verbal instructions from the governor to attend to the matters to which it relates. Not being informed as to what commander-in-chief is represented by Adjutant General Sanders, if it is the objective that the military forces under your command should be represented, I think it should be done by direct communication between yourself and me; and that if, on the other hand, it is thought better that Honorable Joseph Brooks should communicate with Governor Baxter in regard to the matter spoken of in the communication herewith enclosed, then that they should correspond directly with each other, and not by or in the same of staff officers.

Very respectfully,

R.C. NEWTON, Maj. Gen. Commanding

State of Arkansas, Headquarters Militia Forces, Little Rock,
May 15, 1874.

General R. C. Newton, Commanding, etc.:

Yours per Colonel Rottaken, of this inst., in which I am informed that your preference, as even as that of Governor Baxter, is that the question with reference to this disbanding of the troops in each command of the State forces be discussed.

In order that there may be no further delay, I suggest that you receive a commission of two citizens and two officers of this

command, for the purpose contained in the note of Gen. M.T. Sanders prior to this, in reference to the time of disbanding the troops in such command.

Respectfully,

J.F. FAGAN, Maj. Gen. Commanding

Headquarters, Arkansas State Guards, Little Rock, May 15,
1874

General J.F. Fagan, Commanding, etc.:

GENERAL - I shall be pleased to receive, at any time you may suggest, the commission you may designate, to arrange for the proper disbanding of the forces of your command, and the giving of all proper direct guarantees to your soldiers upon their return home.

Of course, the State Militia can not be disbanded without legislative action, but I propose to send the troops of my command to their respective counties as rapidly as possible.

I think that with either you in person, or with a commission designated by you, I can readily arrange for the transportation of citizens of the State, who may be here in arms, to their respective homes, and for their protection in returning to their different localities after they arrive there.

Very respectfully,

R.C. NEWTON, Major General

A commission from the Brooks side was in consultation with General Newton at a late hour last night, to arrange upon terms. On May 16th, the two opposing forces met and agreed to disband the militia forces. A General Order was published by General Robert C. Newton in which the agreement was published.

On May 16th, 1874, both houses of the general assembly passed an act entitled "An act providing for a convention of the people of the State of Arkansas to frame a new constitution."

At last Brooks surrendered and the so-called war ended.

We copy the articles of surrender from the GAZETTE of May 17, 1874, as follows:

THE SURRENDER OF BROOKS

The following is the cartel agreed upon by Generals Newton and Fagan in reference to the surrender of the Brooks forces:

Headquarters Arkansas State Militia, Little Rock, May 16, 1874

General Order No. 10

I. The following arrangements between the major general commanding and General Fagan commanding the opposing forces, will be respected by officers and soldiers of this command:

"Little Rock, May 16, 1874"

"AGREEMENT by and between Major General Robert C. Newton, commanding Arkansas state forces under Governor Baxter, and Major General James F. Fagan, commanding forces under Honorable Joseph Brooks, arranging terms for the transportation to their homes of the forces on both sides.

It is mutually agreed----

1. That in obedience to the proclamation of President U.S. Grant, of the 15th, the Brooks forces, under command of Major General J.F. Fagan, shall be dispersed as hereinafter particularly agreed on; and
2. That the state forces under command of Major General R.C. Newton, to such extent and as rapidly as the dispersing of General Fagan's forces quietly to their homes will justify, will be moved to their respective counties, and used in the military service for no other purpose than the preservation of the public peace, and the protection of all persons against violence, without regard to politics, or color, or any participation in the recent troubles in the State.
3. That all men and officers under command of Major General Fagan are to retain their private arms and private property.
4. That the command of Brigadier General Edward J. Brooks, from Fort Smith and up the Arkansas River, shall be allowed to retain

their private arms and twenty-five stands of state arms, the latter to be receipted for by General Brooks, and turned over to him by an officer to be designated by General Newton; the command to start today per steamer *Robert Semple*, under a white flag.

5. That all men of the Brooks forces living eastward on the line of the Memphis and Little Rock railroad, shall start tonight, or as soon thereafter as possible by train, under charge of their officers, the train to be under a white flag.

6. That all the Brooks forces from Pine Bluff, or down the Arkansas River, shall be sent by boat as soon as transportation can be furnished.

7. That the mounted men of the Brooks forces may be retained, if desirable or necessary, until the uncaptured portions have dispersed.

8. That the members of the Brooks forces living in Pulaski County shall be sent to their homes, by companies under discreet officers, as rapidly as possible.

9. That all men of the Brooks forces included in the agreement, who have been acting as enlisted men under the command of their officers, are assured that full protection shall be given them, and they will be permitted to return to their homes and their

usual avocations, and shall not be molested for acts done under the orders of their officers; nor shall officers going to their homes, with or without troops, be molested.

10. That all public arms and munitions of war now in the hands of the Brooks forces, except those above mentioned as being allowed temporarily to General E. J. Brooks, shall be left at the armory at the State House, unless Major General Newton shall allow other portions thereof to be used by either side, pending the removal of troops from the immediate scene of hostilities.

11. Transportation herein above referred to shall be furnished by the State of Arkansas.

Signed in duplicate the date first above mentioned.

(signed) **R.C. NEWTON, Major General Commanding**

(signed) **J.F. FAGAN, Major General Commanding**

II. The immediate lines of the troops at Little Rock are confined to a line running from the Arkansas River along the eastern side of east Main Street to Third Street; thence along the east side of Rock street to the Arkansas River; thence along the south side of that street east to Rock Street. The lines of the opposing forces are confined to a line running from the Arkansas River above Broadway to Third Street; thence along south side of the latter street to Louisiana Street, and along with

west side of the last named street to the Arkansas River. A Patrol guard of U.S. Troops will occupy the balance of the city for the protection of the citizens; and within our own lines officers and soldiers will see to it that no depredation, nor any breaches of the public peace shall be committed; so that the magnificent record made up to this time by the army may not be marred.

III. There will be no scouting parties sent from this command beyond the immediate lines of the army, as above designated, until further orders.

By order of Major General R. C. NEWTON

The Brooks forces left immediately. The *Robert Semple* left on the 16th and a train for Memphis on the same day transported others. The war ended as quickly as it began. Governor Baxter again took possession of the State House, and the Legislature convened in it also. There were no more military conflicts.

A bill was passed calling for a constitutional convention. The convention devised the constitution that with amendments exists today. A. H. Garland led the convention and later was elected governor replacing Governor Baxter.

BEAL HEMPSTEAD, COLONEL AND A.A.G.:

Captain Sleeper's company from Lewisburg are entitled to great credit. The news of the rebellion reached them on the 17th of April. They raised a company of eighty-five men and reached here by the first train. A portion of the company has remained in active service, doing hard guard duty and fighting from that time to the present. Lieutenant Hill deserves special credit for the faithful manner in which he has discharged his duty.

Secretary of State, J.M. Johnson, yesterday took possession of his office and the great seal of State. He turned over the keys of the two houses of the general assembly to the secretaries of the respective bodies.

Governor Baxter last evening received the following dispatch from General Emery, the US. Military Commander of this district:

"NEW ORLEANS, May 16, 1874"

"To His Excellency Elisha Baxter, Governor of Arkansas:

I have this day ordered the commanding officer of the U.S. troops at Little Rock to hold the state arms in his possession subject to your order, and to afford you in the position of governor all the protection the case calls for.

"W. H. EMERY, COL & Brig. Gen. Commanding."

A GENERAL REVIEWS

By the following order it will be seen that there will be a general review of the state forces this evening:

Headquarters Middle Division, A.S.M.

Little Rock, May 17, 1874

"General Order No. 14."

Pursuant to orders from the major general commanding there will be a general review and inspection of all the Arkansas State Troops now quartered in this city at 5 o'clock p.m. this day.

By command of MAJ. GEN. T. J. CHURCHILL

B.F. DANLEY, COL & A.A.G.

On the 18th of May the Governor issued the following proclamation, revoking martial law:

EXECUTIVE OFFICE, STATE OF ARK

Little Rock, May 18, 1874

WHEREAS, on the 16th day of April, 1874, martial law was by me proclaimed in Pulaski County, in consequence of the existence of an armed insurrection, under the authority vested in me as Governor by the Constitution and laws of the State, and on the 11th day of May, 1874, said proclamation was revoked in so far as not to interfere with the meeting and proceedings of the Legislature; and, WHEREAS, The armed insurrectionists are now

dispersing, and many persons are at large who are notoriously guilty of treason against the State of Arkansas, and it is not desirable to proceed against them by military law;

Now, therefore, I Elisha Baxter, Governor of Arkansas, do hereby further revoke said proclamation of martial law, so far as to permit the arrest and detention, by criminal process from the civil magistrates, of all persons charged with treason against the State in the late insurrection; but nothing in this proclamation shall interfere with the carrying out of any and all military orders from the headquarters of the State of Arkansas, or any legitimate military authority.

In testimony whereof, witness my hand and the seal of the State, etc.

ELISHA BAXTER, Governor

Attested by J.M. JOHNSON, Secretary of State

General Newton was still a young man during this war. He was under 40 years of age, yet he had served General Hindman during the Civil War as his Adjutant and later was in command of the militia under Governor Flanagin.

As a fitting close to this sketch we copy from the *GAZETTE* of May 20, 1874, the following:

"About daylight yesterday morning, Joseph Brooks, who stole the state house from Governor Baxter thirty-four days ago, departed from the public building going where no one seemed to know. After diligent inquiry we could learn nothing on his whereabouts. The impression seemed to prevail that with a detachment of mounted men, he took the road in the direction of Fort Smith. The barricades across the street in front of the Republican office made by the U.S. forces, were removed yesterday morning. Secretary Johnson was in his office early in the morning seeing to the clearing up and repairing the buildings. Colonel Johnson states that when he went up to the state house, Joseph was in the governor's office, but all at once he disappeared. He wanted to see him on some business, proceeded to his office and made an important capture. It was an old single-barrel pistol that had been in use since Washington's time. It had but one screw in the stock, and was tied with a twine string. It is supposed that Joseph kept it for his protection.

Colonel Page states that he had never honored a single warrant drawn upon the treasury since Baxter left the state

house. He said he did not refuse directly, for if he had done so, he would have been arrested for contempt.

My Babcock, of the Brooks camp, was the only man we found of the insurgents yesterday morning. He had been left to turn over the arms and ordnance stores.

About twelve o'clock Major General R. C. Newton, Major General T.J. Churchill, General Barton, Colonel J.M. Johnson, Secretary of State, Colonel W.N. Portis, Colonel S. B. Reardon, Colonel Sam O. Smith, and Colonel Arnold Syberg, Staff Officers, went to the State House headed by Companies A and B of the Woodruff guards, commanded by Captain Jones. On entering the ground many strange sights were to be met with those who had not been there during the past month. Earthworks on the southeast and east corner of the building of rather a formidable character were to be seen, together with plank barricades scattered throughout the grounds and in the building. The facings of the front doors, which led into the main hall, as also the rear doors, were cut down so as to admit the easy egress and ingress of the artillery. Everything was topsy turvy. Guns were piled pell mell about the building, plank barricades were met with at every turn, and thought there was a scene of desecration which can hardly be described.

The building was in a fearfully filthy condition, a mixed perfume of sour bacon and human being pervading the entire edifice which was positively nauseating.

Perhaps the filthiest room in the whole building was the state library. The shelves had been turned into extemporaneous tables, with sheets of the geological survey doing duty as table cloths, while the books were trodden under foot and soiled, many of them utterly ruined. It is fortunate for the city that the war is over and peace declared before the hot summer months, else the city could not have escaped a pestilence.

In the armory were about a hundred stands of arms, and as many more piled loosely in the north hall adjoining. In the rear of the building at a truck wagon were kegs of powder which were stolen from Miller & Penzel and were placed in small holes in the ground just in rear of the sheriff's office.

In the various rooms workmen were busy renovating and refitting. In the senate chamber the matting was being placed upon the floor, and it looked as though it might be ready for occupancy today. The representative hall was not in so forward a condition, though the workmen thought they would get through this morning.

At 12:30 the yard was cleared of all spectators, and the guards specially detailed for this duty were assigned their posts under command of Colonel Rottaken. They were the companies of Captain Jones and Mason, Woodruff County Guards, who were stationed at the right of the main entrance, and Colonel J.W. Williams of Hempstead County, who occupied a similar position on the left. They were among the first in the field and naturally felt proud of what they considered the post of honor on this occasion. From their number sentinels were detailed throughout the building.

This was about the condition of affairs at one p.m. around the State House. General Newton was there in person, and after having a thorough inspection made of the surroundings, he sent the following note to Governor Baxter, who was in Odd Fellows' Hall, waiting to be notified:

Headquarters, Arkansas State Militia, Little Rock, Ark, May 19,
1 P.M., "His Excellency, Elisha Baxter, Governor of Arkansas":

"Sir: I have the honor to report that I have possession of the capital buildings and grounds with my guards posted so as properly to protect the same. I write this from the executive office which I take great pleasure in reporting as ready for your reception. With high regard, I am very truly, etc.

R.C. NEWTON, MAJ. GEN., Commanding, etc."

As soon as the governor received the message, in company with his staff and a few citizens, he went down stairs, where the carriages were in waiting for the party. Governor Baxter, W.E. Woodruff, SR, General M. McCanany, Secretary of State Johnson, and E.E. Jones, Esq., occupied the first carriage. The next was occupied by Colonel A.H. Garland, Judge F.W. Compton, Mr. Carroll, of the *NEW YORK TIMES*, Mr. Smith of the *CHICAGO TIMES*, and J.N. Smithee of the *GAZETTE*. General King White's cavalry were in front, the governor followed next, and the infantry and artillery brought up the rear. At the gate the governor's party halted, got out of the carriages, and at once proceeded to the state house. His friends insisted on his taking his usual seat. Before doing so, the governor made a short speech, in which he stated that thirty-four days ago, one morning before he knew anything about what was going on, he looked up and saw the grim visage of Joseph Brooks standing opposite his desk; that Brooks said to him he had a judgment of the Pulaski Circuit Court, and desired to take possession of the office of governor. Governor Baxter responded that he could only do so by force. Whereupon Brooks retired, broke open the armory and at once filled the building with armed men, putting him out by force. The governor

took his seat, and as he did so the big seventy-four pounder was touched off announcing the event to the happy people of Little Rock. This was immediately followed by round after round from the Parrot guns, which were placed in position at the foot of Louisiana Street. Congratulations then followed. Everybody was happy, and amidst the firing of the cannon and the excitement which followed the Baxterites rambled through the buildings and ground lately occupied by the Brooksites.

All the public offices were closed. The sheriff's office was occupied by the governor's forces. The approaches to all the offices were guarded. The enthusiasm was beyond description. The Parrott guns were commanded by Captain Geo. A. Merrick and Lieutenant E. J. Courtney. One hundred and one guns were fired. Miss Maggie Trigg pulled the lanyard which touched off the first cannon. Miss Mollie Morton walked up bravely and pulled the next one. Miss Trigg received a slight wound in the face by the friction primer. Mrs. Skull fired the seventy-four pounder. Miss Sophie Creese also showed her courage by firing one of the guns, and waved her hat to the Baxterites as she did so. One of the active artillerists, Charles Mayer, of Washington, Hempstead County, had his face and head badly burned and

blackened by the premature discharge of one of the pieces while firing the salute.

The members of Colonel Bull's battery artillery, and their friends met last evening at the residence of Major Robert Grindred, and passed a social evening.

Thus after an active contest between Governor Baxter and Joseph Brooks commencing on April 14, 1874, and ending on May 20, 1874, a period of thirty-four days; and after about two hundred citizens had lost their lives, peace once more reigned in Arkansas.

General Newton addressed his soldiers on May 19th as follows:

Headquarters Arkansas State Guard, Little Rock, May 19, 1874.

SOLDIERS -- You have been directly insulted by the two houses of the General Assembly, who have seen fit to reward your patriotism, your splendid discipline and valor by admitting to the halls of legislation those who, even before the dispersion of the insurgent forces, knocked for admittance, but who, the very day before thus applying to be recognized as Legislators, boasted through the public press of the glory of meeting you on the battle-field.

While such men, your enemies in arms, are thus allowed in your very presence a voice and vote in making laws to govern you who have so admirably deported yourselves when assembled for the vindication of legitimate government in out state; and when John M. Clayton, as a Senator, and Brig. Gen. L.L. Thompson, as a Representative, and lesser ones in positions and influence, who have been known to be in arms against the Baxter government, are permitted to make laws governing the recognition of your services and the matter of your compensation, it is calculated, I know, to arouse indignation. I can but caution you to observe the same discipline and conduct yourselves in the soldierly manner as heretofore. Hoping that as time makes all things right, those to whom is committed the gathering of the fruits of your triumph will not through sentimentality throw away all the results of your victory.

R.C. NEWTON, Maj. Gen. Commanding

General Newton resigned his commission because of the revoking of martial law by the governor. He felt that those who had supported Brooks should not be permitted to sit in high positions of state government.

Thus an era ends. The militia played an outstanding role in building Arkansas during the Territorial period, had fought

gallantly in Mexico, had fought a losing fight for Arkansas during the Confederacy, been called to enforce military rule during reconstruction and now fought each other in this seemingly futile war. A war more closely divided than the one between the states during the Civil War. This war was between families and neighbors. It is remarkable that bitterness did not linger for generations.