O. Hart Recalls High Spots in Pinchback's Life

the death of P. B. S. Pinch-
a few days ago it is thought
able the last of the negro
bers of the Louisiana Consti-
al Convention of 1879 has
n away. The accompanying
le by Mr. Hart gives an in-
review of political condi-
as they existed during the
d when Pinchback was a
r in politics and for a time
ana's acting governor.

BY W. O. HART

death of Percy Bysshe Shelley
ck (or Pinckney Benton Stew-
chback, as he was sometimes
at the age of 84 years, which
d in Washington December 21,
sented a unique figure in the
of Louisiana and probably
ding negro politician in the

ck was a native of Macon,
his father was said to have
foreigner, who had his son
in Cincinnati but where he
curious name or when he
New Orleans, I have never
before the war he was steward
tant steward on Mississippi
amboats and my distinguished
he late James Madison Dare,
many years was the nestor of
at engineers in New Orleans,
that he knew Pinchback well
frequently been on boats
m.

ck first appeared before the
during the administration of
N. P. Banks as military
ler in New Orleans during
between the states, when he
ruiting officer for and after-
captain of what was known
"Corps d'Afrique," being a
mmand organized by General

he was a customs inspector
then elected a member of
stitutional Convention of 1868,
on November 23, 1867. In this
on he was known as Captain
ck and in connection there-
rofessor Pickles describes him
orator of no mean ability."
e second day of the session,
Wickliffe offered the follow-
arkable resolution;
olved, that all subordinate
ers and employes of this con-
n shall be drawn equally
both races."
ck favored this resolution
was laid on the table by a
of 33, the vote of the negro
on the subject being about
divided. The Journal of the
on shows that Pinchback was
the most active members
as hardly a day passed when
not present an ordinance or
ion said n. was made chair-
the committee on militia.
eath of Pinchback leaves the
ving member of this con-
Hiram R. Steele, now prac-
w in New York, who was
attorney general, attorney
Judge of the Superior Crim-
t of New Orleans, district
for the Concordia district
member also of the Constitu-
Convention of 1879. Pinchback
being a member of that body,
Madison parish.

ICAL MEASURES

ED MORE LEGAL MEASURES
of the radical legislation pro-
the convention of 1868 was
by Pinchback. A resolution
nchise forever most of those
ed in the Confederate army,
eously opposed and because
adoption in Article 99 of a
n excluding from suffrage
who held office, civil or mili-
one year or more, under the
ate styled 'the Confederate
of America;' those who regis-
themselves as enemies of the
States; those who acted as
of guerilla bands during the
ellion; those who, in the ad-
of treason, wrote or published
or articles or preached ser-
aiding the late rebellion; and
who voted for and signed an
ce of secession in any state,"
each person "shall have re-
himself by voluntarily writing
ing a certificate setting forth
acknowledges the late rebel-
have been morally and politi-
wrong, and that he regrets
and comfort he may have
, and he shall file the certi-
the office of the secretary
and it shall be published in
egal journal," he hesitated
ating the constitution but
did sign it with, I think, all
members.

ck also originally opposed a
civil rights provision in the
ion, using this language:
ality, like water, must be
d to its own level, and no
can effect it. Any attempt
this on it will be the death
our people."
er, before the convention ad-
he evidently changed his
It was changed for him be-
ticle 13 of the constitution
to have been written by him.
persons shall enjoy equal
and privileges upon any
ate of a public character;
places of business or of
sort; or for which a li-
is required by either state,
or municipal authority,
be deemed places of a pub-
character, and shall be opened
accommodation of patron-
all persons, without dis-
or discrimination on ac-
of race or color."
the constitution of 1868,
was elected to the state
when Oscar J. Dunn, who
the lieutenant governor with
, died. November 22, 1871,
Warmoth called an extra
the Senate for December 6
vacancy in the office of
Governor."

D LIEUT. GOVERNOR

tution of 1868 provided
egislative assembly should by
law how vacancies in the
lieutenant governor should
ed, and no such law was passed,
the reconstruction times laws
of importance, or the absence
any moment, the Senate
a vacancy election, and by a
of 16, Pinchback was elect-
lieutenant governor. His adversary
Coupland, a white man,
deputy clerk of the United
Court. There was a
on the subject in 1865 but
to have effect under the
of the constitution of 1868.
time during the administra-
President Grant, Pinchback
held the position of receiver
Freedmen's Bureau at New Orleans but
not appointment. His name
the city directories of 1870,
as a commission mer-
chant, 114 (old number) Carondelet street, between Poydras and Lafayette streets, as a member of the firm of Pinchback and Antoine, his partner being C. C. Antoine, who succeeded him as lieutenant governor. This firm is referred to in the case of Antoine vs Smith, 40th Ann., 560, in describing to Antoine's various occupations, as follows:

"A few years afterwards he engaged in the cotton brokerage business in this city, in partnership with P. B. S. Pinchback" (page 565).

At some time or other during his political career, Pinchback lived in Camp street at the corner of First street, the lower river corner, a residence previously occupied by Governor Warmoth.

Pinchback was one of the commissioners appointed in 1871 with J. R. West, afterwards United States senator, and Dr. M. A. Southworth, to acquire ground for a state house and the commission purchased the property where Audubon Park now is and probably some part of the Tulane property. The Audubon Park property was subsequently sold to the city, the state house plan being abandoned. C. C. Antoine claimed that a great deal of money was made out of this property sale and that his share was to have been $40,000, which Pinchback cheated him out of, he said.

Before Pinchback was elected president of the Senate, all did not go well with the Republican executive and legislators. George W. Carter, who was elected speaker in 1870, was deposed by Warmoth's influence in February, 1872, and O. H. Brewster made speaker, Pinchback supporting Warmoth in this fight, it beginning at the Republican convention of August, 1871, of which Pinchback was made permanent chairman.

VOTES SELF INTO OFFICE

Pinchback's title as lieutenant governor was not universally recognized by the Republican Party and so when the Legislature met in 1872 an effort was made to depose him. Nineteen senators claimed that eighteen was a quorum. Finally one of the absentees returned and then the others, and January 20 it was expected there would be a majority against Pinchback, but one senator changed his vote, making a tie and Pinchback, voting for himself, broke the tie and was declared legally elected at the extra session.

Later in the same year Warmoth tried to induce Pinchback to support the liberal Republican movement but without success and though the state convention endorsed in glowing terms both Warmoth and Pinchback, they were rapidly getting further apart, and when the Pinchback faction offered to support Warmoth for reelection as governor, he declined to consider the offer, supported Greeley for president, and joined the Democratic and Fusion movement in favor of John McEnery for governor.

The regular Republican ticket that year nominated W. P. Kellogg for governor and Pinchback for congressman-at-large. Soon after the election, November 21, Governor Warmoth called the Legislature in extra session for December 9, but between these dates the famous midnight order of Judge E. H. Durell of the United States District Court was issued, enjoining certain Democrats who had been elected to the General Assembly, but who had been counted out by the returning board from meeting; the holdover Republican senators and the senators and members of the House declared elected by the returning board, took possession of the state house and organized the two bodies, Charles W. Lowell of Jefferson parish being elected speaker of the House. Pinchback presided over the Senate.

Edward Booth and Albert Voorhies, two Democrats, appeared on the second day, probably for the purpose of observing what was going on, though they were unseated later, two negroes, C. F. Glaudin and Emile Detiege, being given their seats.

Almost immediately after the meeting of the House, a resolution was adopted by a vote of 57-16, impeaching Governor Warmoth, and December 10, Pinchback sent a communication to both houses stating that he had assumed the office of governor. This communication is a splendidly written and forcible paper, and was said to have been prepared by Henry D. Dibble, then judge of the Eighth District Court, and afterwards assistant attorney general. When the Senate received news of the impeachment it immediately anounced the office of lieutenant governor vacant and A. B. Harris, of Concordia parish, was elected president of the Senate and acting lieutenant governor, the journal referring to the matter in these words:

"The lieutenant-governor, P. B. S. Pinchback, then vacated the chair, to assume the functions of governor, and A. B. Harris took the chair with an appropriate ceremony."

SERVES AS GOVERNOR

Pinchback was recognized by President Grant and served as governor from December 6, 1872, to January 13, 1873, and the acts of the Legislature passed at this extra session, ten in number, bear his approval as the lieutenant-governor and acting governor of Louisiana, and will be found bound with the acts of 1873, pages 37 to 50.

Pinchback's title was expressly recognized by the Supreme Court of Louisiana in the case of Morgan vs Kennard, Twenty-Fifth Annual Reports, page 238, where there was a contest between Johnd H. Kennard holding a commission from Warmoth and P. H. Morgan holding a commission from Pinchback for justice of the Supreme Court and here is what the court said:

"The appointment was made by P. B. S. Pinchback, who signs the commission as acting governor of the state of Louisiana. Was he acting governor of the state? We have no doubt of the fact. He was elected president of the Senate in December, 1871, after the death of Lieutenant Governor Dunn. As such he became lieutenant governor during the unexpired term of Oscar J. Dunn. Section 1560 of the Digest of the Statutes of this state provides that 'in case of the vacancy in the office of governor, the lieutenant-governor shall be governor, the Senate shall elect a president, who shall be lieutenant-governor.' Page 142.

"The law does not say during his senatorial term, but that he 'shall be lieutenant-governor.' If the governor had died or resigned the day after, the lieutenant-governor would have become governor. Can it be pretended that under those circumstances the office of governor would have become vacant by the expiration of the time for which P. B. S. Pinchback had been elected a senator? We think not.

"He was lieutenant-governor when Governor Warmoth was impeached by the House of Representatives. During his impeachment the governor was suspended, and the 'powers and duties of the office devolved upon the lieutenant-governor.' Constitution of Louisiana, article 53."

Morgan was upheld and the decision of the Supreme Court of Louisiana was affirmed by the Supreme Court of the United States, ninety-second United States 480, the opinion being delivered by Chief Justice Waite.

Warmoth was tried under the articles of impeachment by the Senate, beginning December 9, 1872, with Chief Justice Ledelling of the Supreme Court presiding. After several adjournments, January 27, 1873, by a vote of 15 to 4, the proceedings were dismissed by virtue of an opinion of the chief justice, that the expiration of the term of Governor Warmoth in effect terminated the prosecution and this opinion was adopted as the judgment of the Court of Impeachment.

SHERIDAN CONTEST ELECTION

The returned election of Pinchback as congressman-at-large was contested by General George H. Sheridan, the Democrat and Liberal Republican candidate and the contest lasted for two years, being finally determined March 3, 1875, the last day of the term when Sheridan was seated.

During the contest, Sheridan and Pinchback were both accorded an opportunity to be heard on the floor of the House, a most unusual proceeding and, as far as I have been advised, without a precedent. In the meantime, early in January, 1873, Pinchback was elected senator with only nine opposing votes and then began the longest contest in the history of Congress. January 21, 1873, his credentials were presented to the Senate for the six year term beginning March 4, 1873, and not until March 8, 1876, more than three years afterwards, was a final vote taken. A resolution offered by Senator Oliver P. Morton of Indiana: "That Pinchback be admitted as a senator from the state of Louisiana for the term of six years beginning on March 4, 1873," was amended by inserting the word "not" before the word "admitted," and the resolution as amended was adopted by a vote of 32 to 29. All the minority votes were by Republicans and among the majority votes were the following Republicans: Christiancy, Michigan; Edmunds, Vermont; Morrill, Maine; Morrill, Vermont, and Paddock, Nebraska.

Pinchback also presented credentials to the Senate January 22, 1875, claiming to have been again elected by the Legislature of Louisiana to the Senate but nothing seems to have been done with these credentials and they were withdrawn by Pinchback after the Nicholls government was recognized in 1877.

In 1876 the Democrats having a majority of the State House of Representatives, induced three Republican senators, Alexander, Blackburn and Greene, to join with the nine Democratic senators and organize a joint session of the Legislature to elect a United States senator on the theory that as the Senate had refused to admit Pinchback, there was a vacancy, and January 12, 1876, James B. Eustis was elected senator and his credentials were presented to the Senate January 18, 1876; he was finally admitted December 10, 1877.

The Pinchback contest, until the seating of Eustis, occupies eighty-four printed pages of the Senate election cases and in this report all debate is omitted and the debate must have occupied hundreds of pages of the Congressional Record. Pinchback was allowed for the expenses of his contest "a sum equal to the compensation and mileage of a senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate," which gave him in the neighborhood of $20,000. The resolution was adopted by a vote of 27 to 11, July 5, 1876, all the affirmative votes being Republican and all the negative votes Democrats.

END OF RECONSTRUCTION

In the great contest of 1877 between Nicholls and Packard, Pinchback espoused the Nicholls cause and it was largely through his efforts that the commission appointed by President Hayes to investigate the situation accomplished that which they had set out to accomplish, if at all feasible. The Legislature with a majority in both houses, of members conceded to be elected by both sides, and this occurred about April 18, when the commission reported to President Hayes that the Nicholls Legislature had eighty-seven returning board members, more than a quorum of both houses, and therefore advised the president that it was proper to withdraw the federal troops which up to that time had been the only support that Packard had. On April 24, the troops were withdrawn and on that day "reconstruction in Louisiana at last was at an end."

Pinchback was appointed by Governor Nicholls member of the State Board of Education. One of his brothers-in-law was appointed state tax collector and another assessor but Pinchback's career in the state, except that he was a member of the Constitutional Convention of 1879, soon came to an end.

He was national Republican committeeman from 1888 to 1892; was appointed by President Harrison in 1889 surveyor of the port of New Orleans and later was connected with the office of the collector of internal revenue in New York. He was a delegate to several national conventions; was a fluent speaker and a trained parliamentarian. He received a law degree from Straight University but never practiced and I do not think had been in New Orleans for many years.

It is interesting to note at this time that Pierre Landry, another leading negro politician who had also passed the Biblical year, died Thursday. Landry was a member of the State Senate for several terms and in the Constitutional Convention of 1879 he was the Republican candidate for president, receiving twenty-seven votes to 194 for L. A. Wiltz. Most of the Republican members of the convention of 1879 were negroes and with the death of Pinchback and Landry, probably the last of them have passed away. The only other one that I recall who may be alive is T. T. Allain of Iberville, who, when last heard of, was living in Chicago.