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THE PUBLIC SERVICES OF JOSEPH DRAPER SAYERS

THESIS

Presented to the Faculty of the Graduate School of  
The University of Texas in Partial Fulfill-  
ment of the Requirements

For the Degree of

MASTER OF ARTS

By

James Leighton Tenney, B.A.

(Laredo, Texas)

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## PREFACE

This thesis was written under the direction of Professor W. P. Webb. I wish to express my sincere appreciation to him for his kindly guidance and helpful suggestions.

I also wish to express my deepest appreciation to S. S. Sayers, brother of the subject of this study; to Miss Harriet Smither,, Archivist of the Texas State Library; and to Mrs. Mattie Austin Hatcher, Archivist of the University of Texas Library whose help made my work possible.

James L. Tenney.

The University of Texas

August 2, 1933

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## CHAPTER I

### THE EARLY LIFE AND PREPARATION OF SAYERS

One of the maternal ancestors of Joseph Draper Sayers was John Thompson, who came from Ireland in 1715; from 1717 to 1720 he was pastor of the Presbyterian church at Lewes, Delaware. In 1744 he moved to southwestern Virginia, where he lived until his death in 1753. He left one child, Mary, who married William Sayers, a resident of the community. To this union were born two sons, John and Robert. John, great grandfather of Joseph Draper Sayers, was a major in the continental army and served throughout the revolutionary war.<sup>1</sup> There is no infor-

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<sup>1</sup>  
The National Cyclopaedia, Vol. IX, 76.

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mation available about the generation that came between John Sayers and Dr. David Sayers, the father of Joseph Draper Sayers.

David Sayers, father of the subject of this study, was born on Reed Island Creek, in Wythe county, Virginia, May 26, 1811. He graduated in medicine from The University of Pennsylvania on March 26, 1835. He settled at Grenada, Mississippi, the following year and soon established a high reputation in

his profession. In 1840 he married Miss Mary Pete, who died in 1850, leaving two sons, Joseph and William.

Joseph D., the eldest son of Dr. David Sayers, was born at Grenada, Mississippi, September 23, 1843. After the death of the mother Dr. Sayers came to Texas in the fall of 1850 for the purpose of looking the country over and seeing what opportunities it might offer to a young and ambitious physician. He was impressed with the fertility of the soil, the hospitality of the people, and the educational advantages that were found at the town<sup>of</sup> Bastrop in Bastrop County. He entered into a professional partnership with Dr. Blackstone Rector, and was soon after engaged in a lucrative practice. In the winter of 1852-1853 he returned to Mississippi and brought back with him his two sons, Joseph and William. In the year 1854 he married Inda Scott, and there came of this marriage two sons, Thomas G. and Samuel S., and two daughters, Jessie and Lily.<sup>2</sup>

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The Bastrop Advertiser, July 24, 1886.

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The Bastrop Advertiser says of the physician:

Dr. Sayers was singularly temperate in his habits and successful in his profession, yet he died comparatively poor, his benevolence absorbing more than half his labors. He never refused the call of the indigent, and was singularly indulgent to those who were unable to pay, so that although he did for years the most extensive and laborious practice of any physician residing in Bastrop county, he died, as stated, comparatively poor, but not without the satisfaction of seeing all his children

useful and prosperous members of society.<sup>3</sup>

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<sup>3</sup>  
The Bastrop Advertiser, July 24, 1886.

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Thus it was that Joseph D. Sayers came at the age of seven to Texas to grow up under the conditions prevailing on the raw frontier. Many years later, when he had grown to manhood and had become one of the leading men of the state, he said:

I have lived forty-seven years in this state. I came here a barefooted boy, before a mile of railroad or telegraph line was constructed and I could have bought, if I had had the money, every foot of ground upon which Dallas now stands at twenty-five cents per acre. I have seen this state grow from wilderness to almost an empire.<sup>4</sup>

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<sup>4</sup>  
The Dallas Morning News, November 27, 1899.

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The truth of Sayers's statement may best be realized by comparison and contrast. The population of Texas in 1850 was 212,592;<sup>5</sup> in 1930, it was 5,824,715.<sup>6</sup> The city of Houston

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<sup>5</sup>  
Texas Almanac, 1857, p. 125.

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<sup>6</sup>  
Ibid., 1930, p. 335.

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with a population of 292,352 had nearly 70,000 more people in 1930 than all Texas had when Sayers first reached it.<sup>7</sup> Texas

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<sup>7</sup>  
Ibid., 1930, p. 133.

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was truly the frontier state of the Union in 1850, when the Sayers came to reside here.

Soon after the Sayers family had settled in their Bastrop home in 1852, the two boys, Joseph and William, entered the Bastrop Military Institute, a Methodist school founded on January 24, 1852.<sup>8</sup> C. Erhard, in "Sketches of The Life of

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<sup>8</sup> Eby, Frederick, History of Education in Texas, 139.

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a Texas Veteran," says; "The first Academy built in the town of Bastrop was a very large substantial, frame building erected by a stock company of citizens of Bastrop, in the year 1851."<sup>9</sup>

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<sup>9</sup> The Dallas Morning News, November 27, 1899.

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There seems to be a slight discrepancy in the dates given for the founding of the school. It seems probable that it started its regular classwork in January, 1852, the date given by Professor Frederick Eby in his History of Education in Texas. It is true that Joseph D. Sayers was among the first to enroll in the newly founded institution, for he entered the school after coming to Texas in the winter of 1852-1853. S. S. Sayers, his brother, in talking with the writer, stated that Bastrop Military Institute was undoubtedly one of the leading



schools of the state at the time.<sup>10</sup> A letter to Sam Houston,

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10

S. S. Sayers told the writer this in an interview, July 20, 1932.

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Governor of the State, from R. T. A. Allen, President of the school, throws some light upon the management of the Academy.

Bastrop Military Institute.  
April 26, 1860

To His Excellency,  
The Governor:

Your Excellency will observe from an examination of your charter that the governor is "ex Officio" inspector of the Institute and that provision is made for an examining committee on the part of the State to act with the Trustees in conferring degrees.

Will you have the goodness to appoint the board provided for. I should like very much to have the committee present at our approaching examinations and commencement and trust also I may be allowed to hope for the Governor's presence.

The Examination will commence on Monday the 26th of May and continue from day to day until Thursday the 7th of June which is our commencement.

I am very respectfully your Excellency's servt.

R. T. A. Allen.<sup>11</sup>

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11

Allen to Governor Houston, April 26, 1860, Houston Papers, State Library.

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Joseph attended the Bastrop Military Institute from 1852 to 1860. He did not consider that his education was finished. He hoped to enter West Point and continue his education there. The evidence of his desire for the West Point cadetship is found in two letters. The first letter was from Joseph. It

follows:

Bastrop Feb. 25, 1860

Hon. Sam Houston,

Sir, Supposing that you would desire some testimonials concerning my character I enclose within the testimonials of Messrs. S. W. Sims and C. K. Hall. I desire very much to obtain the appointment to West Point and believe that there is no one whose influence and recommendation would avail more with the President. I would be very much pleased if you would recommend me to the President. The appointments are to be made about the middle of the next month. If you see proper to aid me with your influence please send me a recommendation to the President at your most convenient opportunity. I have other recommendations also and am waiting for yours, if you shall conclude to give me one and as soon as I receive it will transmit it on to Washington City. I assure you that there is no one who would be a more grateful and happy recipient of your kindness and assistance than myself and should you see proper to send me a recommendation to the President for a cadetship at West Point I shall ever regard it with the most grateful emotions and shall endeavor if an opportunity ever presents itself, to repay it to the best of my ability.

Yours Respectfully,  
Joseph D. Sayers.<sup>12</sup>

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12

Sayers to Houston, February 25, 1860, Houston Papers, State Library Archives.

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That Joseph was worthy and qualified for an appointment to West Point is shown by the facts related in the second letter, written by S. W. Sims of Houston.

Houston, Texas.  
Feb. 20, 1860.

Gov. Sam Houston.

Dear Sir,

I have before me a letter from my young friend, Joseph D. Sayers of Bastrop, son of D. D. Sayers, who wishes to obtain an appointment as cadet to

the Military Academy at West Point. He is desirous that your recommendation should accompany his application and in order that he may obtain that he requests me to write you at this time not that I claim to have any influence with you. I do it to gratify my young friend. If however I had influence I would most cheerfully exert it in behalf of my young friend.

I have known Master J. D. Sayers since he was a small boy and I know him to be a model youth, I have often wished I had such a boy, he is sober, prudent, and studious, is the senior captain in the Bastrop Institute, is the best Scholar in school and now is in the graduating class. Knowing his great desire to enter West Point I hope you will give him your recommendation and I assure you that he will properly appreciate your kindness.

Your Obdt. Svt.

S. W. Sims.<sup>13</sup>

13

S. W. Sims to Houston, February 20, 1860, Houston Papers, State Library.

This letter reveals several things worthy of notice in regard to young Sayers's character. First of all he was a student, "the best scholar in school." As the senior captain he was evidently a leader among the students. He was a boy with ambition. He was not content with the education that he could get at home. He wished further training in order that he might serve his state and nation to better purpose.

One wonders what the young senior captain thought of the grim old hero of San Jacinto. Sayers once said in speaking of Houston, "There will never be another like him."<sup>14</sup> Years

14

The Dallas Morning News, April 26, 1925.

later, after the boy from Bastrop had grown to manhood and had been chosen by the people of the state to fill the highest position that they could offer, he was instrumental in having placed in the Texas capitol building a statue of the man who had served to inspire him in his youth.

On June 7, 1860, Joseph graduated from Bastrop Military Institute. Upon what career would he now enter? He might have received training at West Point which would have made him a military figure of importance but events prevented this. The Civil War came and he donned the uniform of the Confederacy.

#### SAYERS AS A CONFEDERATE SOLDIER

Sayers was opposed to secession. He did not believe in the constitutional right of secession, though he did hold to the inherent right of revolution. The position that he took in regard to withdrawing from the Union showed that he was a disciple of Thomas Jefferson. He was not a believer in the states rights theory of John C. Calhoun.<sup>15</sup> Nevertheless, he

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<sup>15</sup>

The Dallas Morning News, April 16, 1925.

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cast his lot with the South that he loved so well. In March, 1861, he left Bastrop and joined a volunteer company that was organized to capture the United States military posts in Texas.<sup>16</sup>

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<sup>16</sup>

The only recorded evidence of Sayers's service in the volunteer company is found in the brief manuscript written by

himself, "Joseph Draper Sayers--Governor of Texas, 1899-1903, p. 2. No records of the volunteers from Bastrop are available at the State Library or in the archives of the University of Texas.

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The volunteer company soon disbanded and on August 29, 1864, Joseph Sayers enlisted as a private in the Fifth Texas Regiment of Mounted Volunteers, commanded by Colonel Thomas Green, who had participated in the Battle of San Jacinto, and had served in Jack Hays's regiment of Texas Rangers in the Mexican War.<sup>17</sup> The Fifth Texas Mounted Volunteers was one

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<sup>17</sup> The Adjutant General's office, War Department, to Mrs. M. Jones, January 19, 1932. The writer secured the letter from S. S. Sayers, brother of J. D. Sayers.

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of the three regiments that originally constituted Sibley's brigade, which was enlisted for the war. Sayers's younger brother, William D., enlisted in Company D of Terry's Regiment of Texas Rangers and became a General on the staff of Brigadier-General Thomas Harrison.

On September 5, 1861, Joseph Sayers was promoted to the office of Adjutant of the Fifth Texas Mounted Volunteers with the rank of first lieutenant and served with that regiment in the expedition to New Mexico.

In the engagement of February 21, 1862, at Val Verde, New Mexico, Colonel Thomas Green commanded the Confederates, and General Richard Canby commanded the Federals. The Confederates were the victors. They captured six brass guns and

other equipment from the Federals.<sup>18</sup>

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18

Sayers, J. D., Joseph Draper Sayers— Governor of Texas, 1899-1903, p. 2.

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The battery captured was commanded by Captain John McCrae of the United States Army. The Federal commander, in his official report, had this to say in reference to its capture:

The storming party proper was deployed as skirmishers, enveloping the left, front and a part of the right of the battery by a circular segment nearly half a mile in length. Armed with double barreled fowling pieces and revolvers, destructive fire was poured into the battery. From the moment that it made its appearance the storming party was met by a terrible fire of grape and double canister from the battery, though held with unexampled determination after the loss of every horse and more than half the gunners disabled and killed, was carried, and fell into the hands of the enemy. Captain McCrae and Lieutenant Robert Mishler were killed at their pieces, and illustrated a courage and conduct that will render the battle of Val Verde memorable among the glories of American Arms.<sup>19</sup>

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19

Sayers, J. D., Joseph Draper Sayers—Governor of Texas, 1899-1903, p. 2. The writer has been unable to find the original from which Sayers quoted the above.

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In his official report of the Val Verde engagement Colonel Green said:

Lieutenant Joseph D. Sayers, adjutant of the 5th, reminded me of a hero in the days of chivalry. He is a gallant, dashing and daring soldier, and is as cool in a storm of grape, shell, canister and musketry as a veteran. I recommend him, through the General, to

the President for promotion.<sup>20</sup>

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20

Sayers, J. D., Joseph Draper Sayers--Governor of Texas, 1899-1903, p. 2.

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The following order placed Lieutenant Sayers, though not twenty-one years of age, in charge of the battery that had been captured:

Head Quarters Army of New Mexico, Dona Ana, April 30, 1862.  
Special Orders:

I. First Lieutenant Sayers of the 5th regiment of Texas Mounted Volunteers, in consideration of his distinguished gallantry at the Battle of Val Verde is charged with the organization of the "Val Verde Battery" with the provisional rank of Captain. It is hoped that the commanders of regiments and corps will extend to Captain Sayers all the aid in their power both as to the selection of officers and men for the perfection and future efficiency of this noble trophy of the prowess of this army in the late encounter with the enemy.

II. The Quarter master Department is authorized to purchase suitable horses for mounting this Battery.

By Order Brig. Gen. H. H. Sibley.

Jas. Ed Dwyer.

A.D.C. & Acting A. A. Gen'l.<sup>21</sup>

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21

Sayers, J. D., Joseph Draper Sayers--Governor of Texas, 1899-1903, p. 2.

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The brigade, with little forage except the grass that was growing on the plains, half fed, scantily clothed, and armed with shot guns and rifles such as were then generally used in hunting, campaigned in New Mexico during the winter of 1861-1862 and captured the capital, Santa Fé. The winter was very severe and the command, being without tents and clothing, suffered from the weather. The lack of provisions, clothing,

and communication, and the greatly superior strength of the enemy forced the Confederates to abandon the territory in the spring of 1862.

Captain Sayers organized his company in May, 1862, by transfers from the brigade and brought the battery to Texas where the artillery was completely repaired and the personnel provided with the equipment necessary to efficient operation. Captain Sayers was then ordered to lower Louisiana for active service. In the battle at Camp Bisland on the Teche in April, 1863, he was severely wounded while in command of the battery. General Richard Taylor, who commanded, in describing the engagement says:

From the extreme right Colonel Green sent word that his corner was uncomfortably hot, and I found it so. The battery near him was cut up and its Captain, Sayers, severely wounded; the officers and men of the Val Verde Battery behaved with great gallantry.<sup>22</sup>

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<sup>22</sup>

Sayers, J. D., Joseph Draper Sayers—Governor of Texas, 1899-1903, p. 4.

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Early in March, 1864, Sayers was promoted to the rank of Major and was assigned to duty as chief of the Staff of Colonel Thomas Green, who had been promoted to be a Brigadier-General and was in command of a division of cavalry. Major Sayers rejoined the army on crutches and was again wounded at the Battle of Mansfield, Louisiana, in April, 1864. Again he returned to the army on crutches, and was assigned to duty on



the staff of Lieutenant General Richard Taylor, General Green having been killed at Blair's Landing.

In the fall of 1864 Sayers served with General Taylor east of the Mississippi River. He was a member of Taylor's staff with the rank of Assistant Adjutant General. He remained in this position until the end of the war.

Sayers was paroled on May 10, 1865, at Meridian, Mississippi. He returned to his home at Bastrop and opened a school, studying law at night.

The following transcript from the records at Washington gives a summary of Sayers's service in the Confederate army:

The records show that Joseph D. Sayers entered the service August 29, 1861, as a private in the 5th Regiment Texas Cavalry (5th Regiment Texas Mounted Volunteers), Confederate States Army, and September 5, 1861, he was promoted to Adjutant of the regiment.

April 25, 1862, he was promoted to Captain of the 12th Texas Field Battery, C.C.A.

April 13, 1863, he was wounded in the Battle of Camp Bisland, West Louisiana, while commanding his Battery.

September 15, 1863, being unfitted for active service in consequence of wounds, he was transferred to A.A.G. Department by order of General E. K. Smith and assigned to duty as A.A.G. to General T. Green's command.

April 6, 1864, he was promoted to Major and A.A.G. and assigned to General T. Green as senior A.A.G. to that officer's cavalry corps by General E. K. Smith.

April 8, 1864, he was wounded at the Battle of Mansfield, West Louisiana.

He was paroled at Meridian, Mississippi, May 10, 1865.

His personal description is recorded as follows: Age 22 years; eyes, brown; hair, dark; complexion, dark; height 5 feet 8 inches; and residence is shown as Bastrop, Texas.

(C. H. Bridges)  
Major General  
The Adjutant General 23

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 23

The Adjutant General's Office, War Department, to Mrs. M. Jones, January 19, 1932. The writer secured the letter from S. S. Sayers.

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### SCHOOL TEACHER, LAWYER AND POLITICIAN

Sayers upon receipt of his parole returned immediately to his home at Bastrop. He taught a country school, as a means of completing his education for the law, and was admitted to practice in 1866.<sup>24</sup> He then formed a partnership with

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 24

Daniell, L. E., Personnel of Texas State Government, 141.

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George W. Jones which continued for ten years.

Sayers must have been a very ambitious and able young lawyer, otherwise a tried and capable man of the caliber of G. W. (Wash) Jones would not have been willing to take him into a partnership. Jones was a Republican of known ability and a leader throughout the state.

During the period from 1866 to 1876, while Sayers was with Jones, he lived the life of a small town lawyer. He joined the Masonic Lodge at Bastrop and mingled with his fellow citizens at their meetings. He was a leader in the Masonic work as in other fields. The Grand Lodge of Texas gives the following history of his early Masonic life:

His masonic life began in Gamble Lodge No. 244 at Bastrop, where he was initiated September 1, 1863,

passed November 28, 1863, and raised to the Sublime Degree of Master Mason November 28, 1863. He served as Senior Warden of that lodge in 1863, and as Master in 1867, 1868, and 1869. In the Grand Lodge of Texas he was elected Grand Junior Warden in 1872, Grand Senior Warden in 1873, Deputy Grand Master in 1874, and Grand Master in 1875.<sup>25</sup>

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25

Hartgraves, In Memoriam, a pamphlet issued at the request of the Grand Lodge of Texas soon after Sayers's death, July, 1929.

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Sayers was the type of young lawyer who inspired the boys and young men of the community. There appeared in the Bastrop Advertiser of the period many such notices as the following:

There was a meeting of the young men of Bastrop county tonight at Major Sayers's office(,) the object of which was the organization of a debating club. R. L. Batts was made temporary Secretary of the club formed.

"Conkling" was the name chosen for the society.... J. D. Sayers was made an honorary member of the society.<sup>26</sup>

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26

The Bastrop Advertiser, July 9, 1872.

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The young lawyer early developed a decided taste for politics. In 1872, at the age of 31, he was elected to the state senate from the counties of Bastrop and Fayette.<sup>27</sup> He

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27

Sayers, Joseph Draper Sayers—Governor of Texas, 1899-1903,<sup>14</sup>

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served in the Thirteenth Legislature. A group picture of that Legislature occupies a place of honor on the walls of the Capitol at Austin and bears the inscription "Liberators of

Texas.\* Men of brains, purpose, and courage were elected to the Thirteenth Legislature. The people looked to that body for deliverance from the laws under which they were suffering and they were not disappointed."<sup>28</sup>

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<sup>28</sup>  
Sayers, Joseph Draper Sayers--Governor of Texas, 1899-1903, 4.

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The young senator at once moved to the front rank of those chosen for important duties. He helped repeal all of the obnoxious measures enacted by the Twelfth Legislature, and supported and helped secure the passage of the enactments that rendered possible the overwhelming Democratic victory at the general election of December 2, 1873, at which Richard Coke was chosen Governor and R. B. Hubbard Lieutenant Governor.<sup>29</sup>

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<sup>29</sup>  
Ibid., 5.

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Senator Sayers opposed the ratification of the amendment to the Constitution of 1869 that was adopted by popular vote in 1872. The amendment authorized the legislature to grant to railways subsidies of land for each mile of railway that they constructed. Sayers spoke and voted against the ratification of the amendment. He based his opposition on the fact that the public lands of the state should be reserved exclusively for homesteads and for the benefit of the free public school

fund.<sup>30</sup>

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<sup>30</sup>  
 Sayers, Joseph Draper Sayers—Governor of Texas, 1899-1903, 5.

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From 1875 to 1878 Sayers was chairman of the State Democratic Executive Committee. That he took the position seriously is shown by the following publication which he addressed:

#### TO THE DEMOCRACY OF TEXAS

As it is probable that an election for State officers, in connection with the adoption or rejection of the new Constitution, will be held at an early day, the duty evolves upon me of inviting you to meet in convention, through regularly appointed delegates, for the purpose of considering such matters as may be necessary and proper.

The nearness of the time at which the election will take place precludes a conference with all the different members of the Executive Committee upon the subject. Were action delayed until their views, as to time and place, could be ascertained, the people would not have a sufficient opportunity to hold their primary assemblies and give full and free expression to their sentiments. In addition thereto it would scarcely be possible for the nominees of the convention to canvass the country and make known their views upon all questions of a public character....

I therefore call on you to assemble in your respective counties, at as early a day as may be practicable, and elect your delegates to a State Convention, to be held at the city of Galveston, on Wednesday (fifth day) in January next.

The Democratic party claims to be the party of, and for the people. It also claims to be the true exponent of those principles which underlie the foundations of all free institutions. Shall these claims to public favor be made good through the election of wise and competent officers and the adoption of a judicious system of government? The solution of this question rests with yourselves. It is the duty of every citizen, being a factor in the body politic, to exert himself to the utmost in the discharge of this great responsibility--not leaving to others the performance of a duty, which

he, and he only, should fulfill.<sup>32</sup>

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<sup>32</sup>

The Bastrop Advertiser, November 27, 1875.

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While acting as Chairman of the State Democratic Executive Committee, Sayers called to order the State Democratic Convention which met in Galveston in January, 1876. It was this convention which renominated Coke and Hubbard. He also called to order the State Convention at Austin in July, 1878, which nominated O. M. Roberts for Governor and Major Joseph D. Sayers, by acclamation and without opposition, for Lieutenant Governor.<sup>33</sup>

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<sup>33</sup>

Sayers, Joseph Draper Sayers—Governor of Texas, 1899-1903, 5.

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Roberts and Sayers were elected November 5, 1878, and inaugurated January 21, 1879. A month after his inauguration as Lieutenant Governor, February, 1879, Sayers married Miss Online Walton, of Bastrop, a charming daughter of the "Old South," as one of the papers of the time described her.

The Governor and Lieutenant Governor soon drifted apart in regard to several public issues. Lieutenant Governor Sayers differed with the administration's policy in regard to the public lands and the public free schools.

The issues upon which Lieutenant Governor Sayers differed sharply with the Governor are well discussed in an interview

which Sayers had with a "News correspondent." The substance of the interview follows:

Reporter- You are recognized by many friends and the public generally as the candidate competing with the O. A. (Old Alcalde) for the democratic nomination for Governor. Is that so?

Sayers- As to whether my name will be before the next democratic convention for Governor will depend upon those who favor me, solely and entirely upon them.

Reporter- I presume you have been solicited to run?

Sayers- I have received many letters to that effect.

Reporter- Have you been solicited to run for any other office-- for instance, on a ticket with Gov. Roberts?

Sayers- I have.

Reporter- Will you state for what office?

Sayers- The office of Lieutenant Governor.

Reporter- Who were those parties soliciting you to run for the nomination for Lieutenant Governor? Your particular friends, or were they rather of the mutual kind, Sayers' and Roberts' friends?

Sayers- Oh, yes, of the mutual kind.

Reporter- With reference to this proposition, did you think favorably of it?

Sayers- I did not.

Reporter- Why?

Sayers- For the reason that I can not subscribe to many of the opinions and policies of Gov. Roberts as announced in his messages, and could not therefore stand upon a platform that would be acceptable to him.

Reporter- You have indicated that some of the measures advocated by the Governor are such as you can not approve. Will you state what they are?

Sayers- They are such important measures as the manner of disposing of the public domain and the school lands, the manner of protecting the frontier, the extension of the policy with reference to the public schools, the continuance of the bell punch law and other modes of taxation recently adopted, and perhaps some other measures.

Reporter- What are your objections to the Governor's plans of selling the public lands and common school lands?

Sayers- To indicate my objections in as few words as possible I will say that I object to the change he proposes from the old system. In his message of January 29, 1879, he advises the sale of the public and school lands, amounting to 52,250,298 acres, in any quantity desired

by purchasers, not less than 640 acres in any tract to be sold. To this policy I was then and am now opposed. It reverses the policy of our government, in force very many years, which authorized the sale of these lands to actual settlers upon ten years time, with ten per cent interest, payable in annual installments, at a dollar and a half per acre, in quantities not exceeding 160 acres each. The policy of the Governor, if adopted and carried out, would throw immense quantities of these lands into the hands of capitalists and corporations. They would own entire counties, building up immense land monopolies which would in future years bring about just such a state of things in this country as now exists in England and Ireland, where scarcely one person in two thousand owns an acre of land. Such a policy would prevent the settlement of our frontier, keeping back the organization of counties in the northwest, requiring increased expenditures on the part of the government to repress lawlessness and crime. Another serious objection to this plan is that it would prevent men of limited means from purchasing small homesteads. Under our present laws officers of unorganized counties are appointed by the Governor and by the county court of the county to which they are attached for judicial purposes. Now the Governor advises the sale of the alternate sections belonging to the school fund in conjunction with the corresponding sections owned by the railroad companies. It would be possible, if not altogether probable, that the corporations would name the purchasers, and an immense area of country, including entire counties, would fall into the hands of single individuals or corporations. The selection of such officers as are provided for by law for county purposes would be subject to the approval of the purchasers, and such officers would be entirely under their control, whether they be private individuals or corporations. Any one can readily understand what would be the result of such a state of things.<sup>34</sup>

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Sayers, Speeches of Joseph D. Sayers. The above quotation is from "Lieutenant Governor Sayers Upon State Issues," 2. The Speeches of Joseph D. Sayers is a pamphlet containing his principal speeches, including the speech here cited.

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The above statement by Sayers in regard to the sale of the school lands shows plainly that he had firmly established



reasons for his differences with Roberts. The differences were not due merely to the fact that he wished a platform on which to oppose the Old Alcalde.

At the Dallas Convention, held in July, 1881, Roberts was nominated for Governor; but the principles for which Sayers contended were sustained, the convention by resolution declaring in favor of the largest appropriations for the schools permitted by the condition of the State. Major Sayers cheerfully acquiesced in the action of the party and gave the whole ticket his active support.<sup>35</sup>

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<sup>35</sup> Sayers, Joseph Draper Sayers—Governor of Texas, 1899-1903, 6.

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## CHAPTER II

### SAYERS ENTERS NATIONAL POLITICS

Sayers withdrew temporarily from public affairs in the winter of 1880-1881 and gave his attention almost exclusively to the practice of law. His next appearance in politics was as a delegate to the Fort Worth Democratic convention in June, 1884, to select delegates to the national Democratic convention.

Sayers was recommended for permanent chairman by the committee, of which Bryan Callaghan was chairman. The report was unanimously adopted and Major Sayers was escorted to the platform by Henry Elgin of McLennan, T. M. Bonner of Smith, and A. R. Gooch of Anderson. In a brief address of thanks Sayers said:

The party is now entering upon a new era, for twenty-five years it has gone before the country with its platforms and candidates, and with but one exception, it has sustained defeat. It is now appealing to the American people upon an issue that will win-- that of tariff reform-- a tariff laid and collected for revenue only. There should be no evasion of this issue; let us as Democrats speak out so plainly that there may be no mistake as to our position, and I firmly believe victory will come to us as of yore.<sup>1</sup>

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<sup>1</sup> Raines, Yearbook for Texas, 1901, 365.

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At the conclusion of the work of the convention, Chairman Sayers congratulated the body on the tariff reform plank of the platform, and predicted that if Congress would reduce the tariff to a revenue basis, there would be a return of such prosperity as had not existed for twenty-five years.

In August, 1884, the Democrats of the tenth district held a convention at New Braunfels to nominate a candidate for Congress. Judge John Hancock had declined further congressional honors, and it was a matter of some importance to put forth a candidate of tried ability. "Major Sayers seemed by common consent of the district to be the popular choice." Major Joseph Dwyer took the floor and nominated Sayers; instantly the nomination was seconded and carried by acclamation.<sup>2</sup> The

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<sup>2</sup>

Raines, Yearbook for Texas, 1901, 365.

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tenth district was then composed of the counties of Travis, Hays, Comal, Bastrop, Bexar, Medina, Bandera, Kinney, Kerr, Kendall, Kimball, Gillespie, Burnet, Llano, Mason, Menard, Lampasas, McCulloch, Concho, Coleman, Runnels, Williamson, Edwards, Uvalde, and San Saba.<sup>3</sup>

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The Bastrop Advertiser, August 7, 1886.

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In his speech accepting the nomination, Major Sayers, after returning thanks for the honor conferred, expressed him-

self as opposed to the Republican practice of donating the public lands to railways and corporations; he also favored a reduction and reform of the tariff. This speech is important in that it sounds the note of Sayers's subsequent policy in congress on tariff reform, and on the disposition of public lands. After an active canvas he was elected over his Republican opponent, General Richard Belknap of San Antonio, by more than nine thousand majority.<sup>4</sup>

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<sup>4</sup> Raines, Yearbook for Texas, 1901, 336.

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Sayers served the two years, from 1884 to 1886, in Congress and then came up for reelection. What did the people think of him after he had served one term in Congress? Would he be reelected? The Bastrop Advertiser, his home town paper, had the following to say of him when he returned home after having served his first term:

Hon. J. D. Sayers arrived from Washington Wednesday. About 9 p.m. a large concourse of citizens, white and black, repaired to his residence to welcome him home. After music by the band Mr. H. M. Garwood stepped from the crowd and in a few neat remarks expressed Bastrop's welcome and her approval of the congressional conduct of her favorite son. Major Sayers returned thanks for expressions of confidence and esteem. The speaker then recounted the hardship of congressional life and told of the especial difficulties of a new member. He said that he had made no attempt to get his name into the newspaper by speaking on every subject, but that he had worked assiduously on committees and in obtaining a knowledge of the subjects of congressional action, and appealed to the record to show that he had been always at his post and that every vote had been cast

in the interests of the people. He pointed with pleasure to the work of the Democratic House of Representatives of the Forty-ninth congress, and mentioned some of the wise measures it had inaugurated.<sup>5</sup>

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<sup>5</sup>

The Bastrop Advertiser, October 2, 1886.

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On ~~July~~ 31st, 1886, the Congressional Democratic Convention met at San Antonio to nominate a candidate to Congress from the tenth congressional district. Soon after the convention had been called to order, H. B. Andrews moved to proceed to the nomination of congressman, which motion carried. He then presented the name of Hon. Joseph D. Sayers, "who needed no eulogy and whose record was all that was necessary." Henry Exall, of Lampasas, seconded the nomination and said that the people of Lampasas had traveled through the unusual heat for miles that they might do him honor.<sup>6</sup>

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<sup>6</sup>

Ibid., August 7, 1886.

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After the nomination of Sayers, Hon. O. Ellis, of Uvalde, presented the following resolution, which was adopted:

Resolved, by the democracy of the tenth congressional district, in convention assembled, that while heartily endorsing the doctrine of a tariff for revenue, as enunciated in the platform adopted by the national democratic convention at Chicago in 1884, still, in view of the magnitude of the interest involved, and the great loss and sacrifices that would result from hostile legislation, we believe that it would be unwise, impolitic and unjust for congress, by tariff legislation, to place wool upon the free list, and that in our judg-

ment wool should bear a proportionate reduction with other protected industries, of equal magnitude in a revision of tariff rates, keeping in view the pledges of the party to reduce tariff upon imports to a revenue basis.<sup>7</sup>

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7

The Bastrop Advertiser, August 7, 1886.

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Mr. J. R. Ferguson offered the following resolution which was adopted:

Resolved: That it is the belief of this convention that the tenth district has an able and industrious congressional representative in Hon. J. D. Sayers.

Resolved, That on behalf of the people of this district, we their representatives in convention assembled, tender to Maj. Sayers sincere thanks for the valuable and distinguished services he has rendered his constituents in the present congress.

Resolved, That we hereby express to Major Sayers our cordial and energetic support in his candidacy for reelection.<sup>8</sup>

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Ibid., August 7, 1886.

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In this second race for congress, that of 1886, Sayers defeated his opponent, J. P. Newcomb, by over nineteen thousand votes.<sup>9</sup>

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Raines, Yearbook for Texas, 1901, p. 367.

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Soon after Sayers had been elected to congress for the second time he addressed a public gathering at Burnet. The local paper, in reporting the address, said:

Major Sayers began by thanking the people of Burnet for their late endorsements as a candidate for a second term in Congress. As to his two years experience, he could not claim to have done much, except to have worked hard in committee. It is an admitted fact that no congressman can exert much good or attain influence under two or three terms. That body was composed of 325 members and one of the greatest levellers in the world, but a place where industry, and accuracy would tell in the end. A young congressman like himself had to do as the school boys do "spell his way up."

The speaker took up first the money question. While the mass of the Democratic membership in congress were a unit on all great questions there were divisions among the Republicans, for example, the President and one member from South Carolina were not in accord with the party which favored the earliest practical payment of the National debt. This had no doubt been the policy of the party for 45 years, and of the greatest leaders since the government began; he read from Washington, Adams, Jefferson and Tilden to support his statement. The policy of the Republicans was to perpetuate it.

But there is something else to consider in connection with the national debt. It is the bonds of the Pacific R. R. Company. Land Commissioner Sparks, one of the most tireless and competent officers this government can boast, says under Republican rule, there have been given away 155,000,000 acres of the public land to the various railroad and dirt companies. Think about it. All this immense domain squandered, not by Democrats but by the Hayes administration. And now three northern roads are petitioning congress to extend their time for the payment of their indebtedness to the Government for a period of 75 years longer. You ask what did the late Congress do with these cormorants? I can proudly answer for the Democratic members. One bill has been passed by the house which will cause one company to forfeit 81,000,000 acres of land; 18,000,000 for another; from another 300,000; from another 23,000,000; and 7,000,000 from another. Similar bills are now before that body.

Mr. Cleveland is a true Democrat, and every inch a President; a true friend of the South on taxation, civil service reform and other questions, and in the appointment of Land Commissioner Sparks has done the country a great service. This officer is true as steel. He has already exposed the fact that at least 70 percent of the grants under the "forestry" act were fraudulent, and shown that millions of acres of land have been stolen under the homestead law by speculators and pretended settlers who did not live upon the land and never

had paid a dollar for the same....

Major Sayers alluded to the remark of a member of the late Galveston Convention that he thought it beneath the dignity of a congressman to ask for appropriations for his state under the River and Harbor bill. The speaker differed with him. He was proud to say that the Harbor and River bill was supported by the entire Texas delegation.

Major Sayers closed his speech with a scorching expose of the dangerous Blair education bill and the stormy applause with which he was greeted shows the audience were in entire accord with him.<sup>10</sup>

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The Bastrop Advertiser, October 2, 1886. The above speech was reported from Burnet.

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Joseph D. Sayers was chosen congressman of his district without opposition in his party for seven consecutive terms. He served continuously from 1885 to 1899. So for fourteen years his field of labor was that of national politics. He began his service in the Forty-ninth congress, which convened in December, 1885, the first year of President Cleveland's first term, and continued to hold his position during the administrations of Cleveland, of Harrison, of Cleveland again, and for one half of McKinley's term.<sup>11</sup>

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Raines, Yearbook for Texas, 1901, 336.

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During all this eventful period, Major Sayers never failed to advocate the reduction of the tariff to a revenue basis, and the free and unlimited coinage of silver, and he showed his far reaching statesmanship by advocating an Isthmian canal at a time when many leading Democrats were in doubt as to the policy.



All can see the value of a canal now.<sup>12</sup>

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<sup>12</sup>

Raines, Yearbook for Texas, 1901, 336.

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Sayers's principal effort in Congress was in the interest of improved finance. His sterling honesty and Jeffersonian ideas of economy caused his appointment as a member of the Committee on Appropriations in the Fiftieth Congress.

His aptitude for and understanding of finance led to his promotion to the chairmanship of this important committee. All the expenditures of the government had to pass before his scrutinizing gaze and that he did his work well is shown by the records of Congress. While looking after the interests of the nation, Sayers did not forget Texas, as the records of Congress plainly show.

While L. S. Ross was Governor, from 1887 to 1891, Sayers as a congressman secured the payment of the delayed claim of Texas for expenditures in defending her Indian frontier. The claim amounted to more than one million dollars.<sup>13</sup>

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<sup>13</sup>

Congressional Record, March 15, 1888.

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The claim of Texas for money spent in defending the frontier from the Indians was first taken up in the House on March 15, 1888. The House at that time was considering certain urgent deficiencies in the appropriations for the fiscal year

ending June 30, 1888. Among the items up for consideration was the following amendment to an amendment of the Senate:

For reimbursement to the State of Texas, expenses incurred in repelling invasions and suppressing Indian hostilities, found due under the act of June 27, 1882, and certified to Congress by the Secretary of the Treasury in a letter to the Speaker of the House of Representatives March 14, 1888, \$927,177.40.<sup>14</sup>

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<sup>14</sup>

Congressional Record, March 15, 1888.

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In 1882 an act of Congress was passed providing that certain states therein named, among them Texas, should be reimbursed for money expended and indebtedness incurred by such states and territories in repelling invasions and suppressing Indian hostilities.<sup>15</sup> That act provided that Texas should be

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<sup>15</sup>

Ibid., June 27, 1882.

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reimbursed for expenditures in repelling Indian hostilities and invasions from Mexico which took place during the period from 1865 to June 27, 1882.<sup>16</sup>

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<sup>16</sup>

Ibid., June 27, 1882.

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Under that act, by the finding of the Secretary of War and the Treasury Department, the State of Nebraska received \$186,000, Kansas \$332,000 and the bill carried approximately \$23,000 for the state of Nevada. An amendment was submitted

by the Committee Appropriations to insert into the bill an item of nearly a million of dollars for the State of Texas.<sup>17</sup>

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<sup>17</sup>

Congressional Record, March 15, 1888.

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Sayers said in regard to the amendment:

I have no hesitancy in saying that it was at my instance that the proposition covered by the pending amendment came before the Committee on Appropriations, and that a majority of the committee recommended it to the House. I believe the amendment to be honest in every particular.<sup>18</sup>

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<sup>18</sup>

Ibid., March 15, 1888.

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Sayers stated, as had Joseph G. Cannon, that Kansas and Nebraska had already received money as provided for by the act of 1882; that for more than a year four officers of the Army, selected and detailed by the Secretary of War, had been engaged in examining and auditing the claims of Texas; that the investigating officers had no interest direct or otherwise in the claims of Texas; that they were not Texans by birth; that they had carefully examined more than five thousand separate vouchers coming from the archives of Texas; and that these men had handed in their report. Sayers asked that every member of the House examine the report, which ended with the statement that, "The examiners find that the State of Texas is entitled, under the provisions of the act of Congress of June 27, 1882,

to the amount of \$927,242.30 of her claim of \$1,867,259.13.<sup>19</sup>

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19

Congressional Record, March 15, 1888.

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Sayers proceeded to explain that this report was the result of many months of careful and thorough examination by the board of army officers. The report, with its accompanying vouchers, had been transmitted to the Secretary of War, and by him, after examination, to the Treasury Department. The report was then gone over item by item by the Treasury Department. The officials engaged in this work-- the board of army officers, the Auditor's office and Comptroller's office-- had each acted independently of the other. After this close examination by so many different officials the claim had reached the hands of the Secretary of the Treasury practically unchanged. It called for \$927,177.40, only \$64.90 less than the allowance of the board of army officers.<sup>20</sup>

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20

Ibid., March 15, 1888.

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Sayers presented all of the above facts in a clear and forceful manner. His arguments in the House were always based on facts that could be presented in understandable form. He was recognized as a logical and vigorous speaker.<sup>21</sup>

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21

Daniell, Personnel of State Government, 142.

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Sayers was not willing that his State should receive less than its due. He did not object to the claims of the other states. He said in regard to the claims of Kansas and Nebraska:

Kansas ought to have been paid, and if I had been a member of this House I should have most cheerfully voted for her payment. Nebraska's claim was allowed and her appropriations made in the Forty-ninth Congress, and no one was heard to question its propriety, and now, in the bill before us, there is an appropriation, which has just passed both houses without objection, to pay the claim of Nevada.<sup>22</sup>

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<sup>22</sup>

Congressional Record, March 15, 1888.

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Joseph G. Cannon and H. R. Hopkins of Illinois objected to the fact that the Texas claims were attached to an urgent deficiency bill. They said that the proper place for its consideration was in the general deficiency bill.<sup>23</sup>

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<sup>23</sup>

Ibid., March 15, 1888.

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Sayers insisted upon immediate consideration of the Texas claims because they were already old. The bill of 1882 authorized the investigation and payment of claims running back as far as 1865. Sayers pointed out that if the investigation and payment of these claims were longer postponed their payment would become more difficult. For this reason he worked to get the bill through by having it placed in the urgent deficiency bill.

He summed up his position as follows:

Now let me say a word in conclusion, because I do not wish to longer detain the House. From 1865 down to 1882, from the Rio Grande to the Red River, the Indians were invading our whole frontier, murdering our men, carrying away our women and children into captivity, and destroying our property. If it was right that Kansas should be paid without objection, if it was right that Nevada and Nebraska should also be paid without objection, then I submit to this committee and to the Representatives of the sovereign States of this Union, that it is only right, fair, and just that Texas, too, should be paid, as her claim is here presented.

She does not demand one cent but what she feels she is entitled to. Mexican bandits and Indian marauders, as stated in the report of the commanding general in the Department of Texas, were continually invading our frontier settlements. Texas was compelled, poor as she was, from 1865 to 1875, to rely in a great measure upon herself for protection against these fiends in human flesh, and with money placed in her treasury by her own people to protect the frontier from the Rio Grande to Red River.<sup>24</sup>

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24

The Congressional Record, March 15, 1888.

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The bill providing for the payment of the claims to Texas was passed owing almost entirely to Sayers's effort. The issue for which he fought was one that interested not only the tenth district of Texas which he represented, but it was the concern of the entire State. Apparently he was the only one of the representatives from the State who took an active part in securing its passage. The other representatives, including S. W. T. Lanham, who later became Governor of the State, recognized the fact that Sayers had more influence than any other member of the Texas delegation, therefore the Texas members consistently yielded their time on the floor to him

for the discussion of the measure.

L. E. Daniell said in regard to Sayers's connection with the passage of the bill: "To his untiring zeal, diplomacy and popularity, is due the fact that appropriations aggregating over \$1,000,000 were secured at the hands of Congress, to reimburse Texas for expenses incurred in frontier protection."<sup>25</sup>

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<sup>25</sup>

Daniell, Personnel of State Government, 181.

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The appropriation secured by the passage of this bill enabled Governor Ross during his administration to reduce the rate of taxation, to the benefit of the people of the entire State.

#### SAYERS AND THE FRENCH SPOLIATION CLAIMS

If one were to limit a study of the congressional career of Sayers to the securing of the claims of Texas that have been noticed one might conclude that the congressman was a narrow-minded politician who looked after the interests of his state and forgot the broader interests of the nation. Fortunately for his reputation that was not true. That he ever had in mind the best interests of the nation as a whole is shown by his attitude in regard to the French Spoliation claims.

During the period from 1794 to 1801 many United States citizens suffered property losses on the seas at the expense of the hostile French nation. Those unfortunate individuals

maintained that the United States Government, as trustee for its citizens, was bound to prosecute their claims in recognized tribunals of the French Government, and, if the government failed to do this, it was responsible to its citizens for all damages resulting from its default. Their entire contention was based upon the argument that war had not existed between the two nations at the time the losses were sustained.

Sayers delivered a speech that showed plainly what he thought of the French Spoliation Claims.<sup>26</sup> He said in regard

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26

The Congressional Record, August 8, 1888.

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to the nature of the claims:

The question before us is one of unusual importance. It is the legacy of another century, and carries us back to a period only a little short of the Revolutionary War. Administrations have come and gone: political parties have risen, flourished, and passed away; and generations have been born, have lived, and have died since the scenes, in which these claims had their origin, were enacted.

Expenditure is asked as compensation for losses which occurred nearly an hundred years ago. At first these losses were supposed to amount, in value, to a sum not exceeding \$5,000,000, but during the past fifty years they have so increased that, according to high official authority, they will, if allowed, aggregate near thirty-five millions, exclusive of interest. Like wine, they have improved with age.

Within two years from the 20th day of January, 1885, 5,569 suits were instituted in the court upon which jurisdiction was conferred to hear them and now a bill is pending to allow a further extension of time within which to submit to the same tribunal additional claims of adjudication. One hundred and twenty-three cases have been decided, of which one hundred and six have been adverse to the Government and only seventeen in



its favor. The sum total of the awards which we are called upon to pay in this bill is \$741,606.63.<sup>27</sup>

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<sup>27</sup>

The Congressional Record, August 8, 1888.

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The fundamental problem underlying the question of the claims was, whether or not France was at war with the United States in the period 1794-1801. If there was no war, said congressman Rayner of Maryland, the chief advocate of the payment of the claims, then the United States, as trustee for its citizens, was bound to prosecute these claims in the tribunals of France and pay its citizens for all damages sustained, whether it received any compensation or not from France.<sup>28</sup>

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<sup>28</sup>

Ibid., August 8, 1888.

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Sayers said in answering Rayner that he accepted the legal portion of the argument, as stated, to be correct, but that he took issue with the fact upon which his opponent relied.<sup>29</sup>

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<sup>29</sup>

Ibid., August 8, 1888.

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As evidence substantiating his claim that war did exist, Sayers introduced as a witness the Attorney General of the United States, Charles Lee. Among the opinions of the Attorney General Sayers found an official communication to the Secretary of State, dated August 21, 1798, which said: "Having taken into

consideration the acts of the French Republic relative to the United States, and the laws of Congress passed at the last session, it is my opinion that there exists not only an actual maritime war between France but a maritime war authorized by both nations."<sup>30</sup>

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Congressional Record, August 8, 1888.

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Sayers did not depend entirely upon the testimony of the Attorney General, strong and convincing as it was, in opposing the payment of the claims. There was another source, perhaps more authoritative and more impartial, to which he appealed for information upon this point. He said, "let us go to the highest tribunal in the land, the Supreme Court of the United States, and search for evidence as to whether war did or did not actually exist between the two countries during the years in which these claims had their origin."<sup>31</sup>

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<sup>31</sup>

Ibid., August 8, 1888.

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Sayers then had the clerk read an opinion of one of the judges in the case of Bas vs Tingy, argued and decided in the August term of 1800. A portion of the opinion said, "Let us see what was the situation of the United States in relation to France. In March, 1799, Congress had raised an army, stopped all intercourse with France, dissolved our treaty, built and

equipped ships of war, and commissioned private armed ships of France, to attack them on the high seas, to subdue and take them as prizes, and to recapture armed vessels found in their possession.\*32

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32

Congressional Record, August 8, 1888.

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The argument of Sayers was in this case, as always, founded on fact, and clearly presented. In conclusion he said:

I believe that these claims originated while war, actual war, was pending between the United States and France. I believe that our government has done its full duty to the claimants. I believe that many, very many of the claims are fraudulent, and that it is now impossible to distinguish the genuine from the bad.

So believing Mr. Chairman, I shall vote against the pending bill which provides for the payment of such of these claims as have been reported by the Court of Claims to Congress.33

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33

Ibid., August 8, 1888.

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#### GOVERNMENT FINANCES AND THE TARIFF

As stated above, Sayers's principal effort in Congress was directed to financial matters. During the entire period that he was a member of Congress he never failed to advocate the reduction of tariff to a revenue basis. His speech of April 26, 1888, revealed his beliefs concerning national finance and the tariff.34 The House as a Committee of the Whole on

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34

Ibid., April 26, 1888.

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the state of the Union had under consideration the bill (House Resolution 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue. In his speech Sayers said:

I trust that every departure from correct principle and sound policy will be eliminated until a strictly revenue system shall be attained, resting securely upon the broad and just proposition that the necessities of life--embracing articles of general use, shall be relieved, so far as may be possible, from every public charge, and that all revenue demanded by an economical administration shall be so collected as to be oppressive to none and shall proceed from a duty upon such foreign products as are considered luxuries, whose use is limited to the wealthier class.<sup>35</sup>

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35

The Congressional Record, August 26, 1888.

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The above quotation shows that Sayers was a true Democrat in regard to his stand on tariff, that he believed in the reduction of the tariff to a "strictly revenue basis," and that he believed in a tax upon luxuries which would fall most heavily upon the wealthier class.

Sayers also believed that if the tariff were unjustly handled it would work injury to the nation as a whole. On this question he stated his views as follows:

To the people of the Old World the danger comes in the maintenance of large standing armies, eating up the substance which industry and economy accumulates and menacing liberal institutions; but to ourselves it comes in the guise of an unequal, an unjust, and a too heavy taxation, supplemented by an extravagant and

corrupt distribution of the treasure obtained.<sup>36</sup>

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The Congressional Record, April 26, 1888.

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Sayers stated his theory of taxation as follows:

I submit this as the correct theory of taxation, and when the taxing power is exerted in such a manner as to build up special industries, whether pertaining to commerce, or to manufactures, or to agriculture, to the detriment of those who may not be directly interested in such favored industries; or to promote the prosperity of particular classes at the expense of the great body of the people; or to accumulate in the Treasury a sum larger than may be necessary to defray the expenses of a service honestly, efficiently, and economically performed; then such exercise of power, though under the sanction of law, becomes oppressive, begets extravagance by those intrusted with the disbursement of the public funds, induces corrupt practices in and about the halls of Congress, deadens the popular conscience, and in the end, if persevered in, will convert our free institutions into a gilded despotism.<sup>37</sup>

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<sup>37</sup>

Ibid., April 26, 1888.

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Sayers was a severe critic of the policy of the government in protecting manufacturers at the expense of the farmers by means of the tariff. On this question he stated his views as follows:

Is it a wonder, then, that the manufactueres of this country with this extraordinary advantage have grown wealthy and strong? For almost an hundred years they have been thus aided by the Government at the expense of every other industry known to the people. The farmer, however, must go abroad with such cost of production as he would naturally incur, but also with the weight of ~~an~~ exorbitant and unnecessary taxation upon everything that he must have for his maintenance,

and thus loaded to the very guards he enters the markets of the world and encounters the severest competition....

But where do the farmer and the agricultural laborer come in? What provision is made by the Government for them?

Truly may it be said that the protected industries have been the petted and the spoiled favorites of the Government for near one hundred years, and as such they have become insolent, unscrupulous, and imperious.<sup>38</sup>

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The Congressional Record, April 26, 1888.

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The Texas congressman thought that the huge combinations or corporations that were being established all over the country were made possible by the policy of protection that the government had followed. He spoke on this subject as follows:

When the trust is completed everything relating to the industry around which it has coiled its deadly strength-- whether it be as to the employment and management of labor, or whether it be as to the price and the amount of the product and the time when it shall be put upon the market-- is subject to one control, in whom every power necessary to the full execution of the trust is fully vested.

These organizations are forming all over the country and are laying their unholy hands upon those products whose cheapness and abundance are absolutely essential to the popular welfare....

They are the legitimate and the natural outgrowth of class legislation. They are the fruitage of governmental protection to special interests. Reduce taxation to a strictly revenue basis, and let there be no partiality shown in the manner of its imposition.

On the one side are arrayed the protected interests, each one supporting the others and summoning to their aid every influence of whatever kind that can be made available. From every quarter of the Union-- North and South, East and West-- corporate power is exerting itself

most strenuously for the maintenance of a high rate of taxation.<sup>39</sup>

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39

The Congressional Record, April 26, 1888.

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The Texas Congressman's theories concerning taxation and national finances have been considered briefly. If one reads at all carefully The Congressional Record for this period, one cannot help but come to the conclusion that there were two men in the House, one a Republican and one a Democrat, who were recognized as authorities on all financial matters that might come up. Those two men were Joseph G. Cannon of Illinois and Joseph D. Sayers of Texas.

#### THE SILVER QUESTION

This study does not attempt to discuss all important measures in which Sayers took a leading part while in Congress. It can deal only with the representative ones. One of the prominent issues of the period was the silver question. Sayers delivered a speech in the House on August 25, 1893, that plainly reveals his attitude.

The House was considering the repeal of an act approved July 14, 1890, entitled, "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."<sup>40</sup>

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Ibid., August 25, 1893.

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The Texas Congressman did not think that the policy inaugurated by the Sherman Silver Purchase Act was wise, yet he thought it was better to have it remain on the statute book than repeal it and thereby discontinue the use of silver. He did not believe that the coinage of silver had caused the trouble that had befallen the country at the time. He said: "Rather has it (the silver question) been seized upon by those interested in the negotiation of securities in foreign markets and by those who desire bonds for investment as a means by which to excite public distrust."<sup>41</sup>

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The Congressional Record, August 25, 1893.

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Sayers's very definite ideas as to what had brought on the "hard times" were expressed as follows:

But sir, there is another and a more deplorable cause that has led to the embarrassments which confront us and which has tended to greatly excite the public mind, and that cause is the general belief that the creditor class of this country-- those who are possessed of large capital-- desire to have money scarcer and therefore more valuable and productive. These are they who, with the greatest vigor, have declared and do now maintain war against the further coinage of silver. The bonds which they hold as investments and the money which they have hoarded for the purpose of lending will, if the further coinage of silver be abandoned, become the more profitable, while other properties will correspondingly shrink in values should monometallism become the established and permanent policy of this government.

In a word, Mr. Speaker, the pending contest is a war in which scarcity of money is on the one side and a reasonable supply, with proper distribution and in sufficient quantity to meet the just demands of com-



merce, of production, of manufacture, and of labor, is on the other side.<sup>42</sup>

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<sup>42</sup>

The Congressional Record, August 25, 1893.

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In concluding, Sayers said:

In view of the past history of the Democratic party, its record, and its pledges, in view of the circumstances in which we are placed, I can not bring myself to the support of the unconditional repeal of the Sherman Act.

I feel it a bounded duty to vote for the substitute prepared by the gentleman from Missouri (Mr. Bland), and shall do so. And should the Sherman Act be unconditionally repealed, and prosperity in a permanent form return to this country, no man will be readier than myself to acknowledge his error, and to accord to those who differ with me greater wisdom and clearer foresight.<sup>43</sup>

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<sup>43</sup>

Ibid., August 25, 1893.

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Sayers as a congressman was above all else courageous. He never failed to blame publicly those who deserved condemnation for maladministration of a public trust. He often charged on the floor of the House that the Republican party was guilty of recklessness in proposing and passing appropriation bills. In a speech in the House on March 3, 1891, he said, "Both Houses are Republican and the President is a Republican. It will, therefore, be no injustice to that party to hold it responsible for the extravagance and excess of its appropriation measures."<sup>44</sup>

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<sup>44</sup>

Ibid., March 3, 1891.

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In regard to the reckless appropriations of the Republican party he added: "No one on this side of the Chamber for a moment doubted when it was first ascertained that the Republicans would be in the majority, that the result would be as it has been, an unnecessary, an extravagant, and a reckless appropriation of the public money."<sup>45</sup>

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<sup>45</sup>

The Congressional Record, March 3, 1891.

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Sayers never believed in appropriating more money than was absolutely necessary. He thought that large appropriations encouraged reckless and extravagant spending of public money. After examining the Texas congressman's ideas concerning reckless appropriations it might be well to notice the appropriations made during the time that he was chairman of the Appropriations Committee and compare them with those made under other chairmen. The total appropriations of the Fifty-first Congress, while Joseph G. Cannon, a Republican of Illinois, was chairman of the Appropriations Committee, amounted to \$1,035,680,109.94; during the Fifty-second, Cannon again chairman, the total was \$1,027,104,547.92; during the Fifty-third, Sayers chairman, the sum was \$989,239,205.69; during the Fifty-fourth, Cannon again Chairman, the sum of \$1,043,437,018 was appropriated.<sup>46</sup>

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<sup>46</sup>

Ibid., March 4<sup>th</sup> 1897.

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## THE WAR WITH SPAIN

The Spanish-American War came near the end of the period during which Sayers served as congressman. The Cuban question was waiting at the door when the Fifty-fifth Congress re-assembled in December, 1897. When McKinley sent in his message at the opening of the new session he said in substance: "It is for Congress to hold hands off in the matter of belligerency-- to give the Spaniards an opportunity to carry out their policy of placating the island."<sup>47</sup>

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<sup>47</sup>

Acheson, Joe Bailey, the Last Democrat, 87.

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On December 14, 1897, the House Democrats met in caucus to define the party's policy on pending questions. In the caucus Joseph Weldon Bailey, one of Sayers's Texas colleagues in the House, "spoke for a clear-cut position in favor of Cuban belligerency."<sup>48</sup> Then in January, 1898, during the

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<sup>48</sup>

Ibid., 87.

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consideration of an appropriation bill, Bailey stuck on a rider to recognize the warring status of the Cubans.<sup>49</sup>

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<sup>49</sup>

Ibid., 109.

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What was the attitude of the State of Texas toward the Cuban question? In February, 1898, in the same month that the

Maine was dispatched to Havana, the newspapers learned from United States Commissioner John H. Finks at Waco that "there is good ground for the report that there is a movement on foot in Texas to give military aid to the Cubans."<sup>50</sup> Deputy

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<sup>50</sup>

Acheson, Joe Bailey, the Last Democrat, 90.

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United States Marshal E. M. Burke of the same city went further: "The fact that Texans generally hope for Cuban independence and would hail a war with Spain with delight cannot be disguised." He claimed to verify reports that agents of the Cuban Junta, working from the port of Galveston, had attended meetings of sympathy throughout McLennan county where "material aid" was given to the cause of Cuba. Short of war, however, Deputy Burke explained, the Texans would be satisfied with recognition of Cuban belligerence, for then "recruits would go from Texas in overwhelming numbers and would soon settle the dispute."<sup>51</sup>

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<sup>51</sup>

Ibid., 90.

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The state of Texas seemed to favor war with Spain. Joe Bailey, popular representative from Texas at the time, favored war. How did Sayers stand on the question? He did not agree with his younger colleague. He did not agree with the sentiment in Texas in so far as that sentiment favored

participation in a conflict in the behalf of Cuba.

It is interesting to contrast the stand that Bailey and Sayers took. Bailey was born in 1863, and was too young to know much from actual experience concerning the Civil War. On the other hand, Sayers had served the South through the entire conflict, part of the time on crutches. One knew what war was from actual participation in it; the other did not.

Sayers summed up his attitude toward the trouble in the following statement: "And for one, so long as the danger from abroad continues, I intend to give an honest and sincere support to the Administration as respects our foreign policy to the end that peace may be preserved, and if it cannot, [be preserved] that the dignity and honor of our country may be maintained."<sup>52</sup>

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<sup>52</sup>

Acheson, Joe Bailey, the Last Democrat, 97.

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In March, 1898, there was passed a bill placing in the hands of the President \$50,000,000 with which to prepare for the war with Spain.<sup>53</sup>

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<sup>53</sup>

Ibid., 97.

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Champ Clark, afterwards Speaker of the House of Representatives for several terms, in writing of the procedure of Congress during the Spanish American War, said:

The great question of this session has been that touching Cuba, and history will record that fact with iron pen upon her glowing page that the conduct of the Democrats in congress has been superb. We forced the issue and have welcomed every move to uphold the dignity and honor of the nation and to succor the struggling Cubans.

The most spectacular feature of the Spanish Cuban affair in the House was the appropriation of \$50,000,000 by unanimous vote as a "peace measure." It was a great day for democracy and for the country.

In making this appropriation Governor Joseph D. Sayers of Texas was the most prominent democratic figure, being the ranking Democrat on the Committee on Appropriations.

He is a splendid man, courageous, suave, considerate, cautious, inspiring confidence. He is a tower of strength. Democrats followed him enthusiastically in voting that vast sum. His magnificent head of iron gray hair  
Like the crested plume of brave Navarre,  
That day was our inflame of War. 54

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54

Sayers, J. D., Joseph Draper Sayers--Governor of Texas, 1899-1903, 17.

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George W. Prince, representative from Illinois in the Fifty-fifth Congress, wrote in regard to Sayers and the passage of the bill providing the \$50,000,000: "It was my privilege to be a member of the House in March, 1898, when, on behalf of the Democratic Party and as a leader of his party on the Appropriations Committee, he favored placing in the hands of your illustrious predecessor \$50,000,000 to prepare for the war with Spain." 55

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Acheson, Joe Bailey, the Last Democrat, 105.

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In his message of April 11, 1898, President McKinley said in conclusion: "The issue is now with Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed on me by the constitution and the law, I await your action."<sup>56</sup>

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<sup>56</sup>

Acheson, Joe Bailey, the Last Democrat, 105.

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Sayers said of the Presidential message, "I was greatly disappointed." On April 25, 1898, both Houses formally declared war.<sup>57</sup>

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<sup>57</sup>

Ibid., 105.

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#### CONGRESSIONAL CAREER ENDS

Who shall be our next Governor? was the subject of inquiry in Texas in the winter of 1897-1898, and when the name of Sayers, though still a member of Congress, was mentioned in connection with the office, it was received with hearty applause in many sections of the state. He was nominated at the convention in Galveston, August 2, 1898. He was elected in November. The Governor-elect hurried back to Washington to take up his duties as Congressman for the last time. He retired from Congress but did not send in his formal resignation

from Austin until his inauguration as Governor on January 17, 1899.

Joseph D. Sayers had served in the House for fourteen years. He had won recognition and fame there. What he thought of that body was expressed as early as 1886 in the following words:

Success as a congressman does not hinge on brilliance of mind or great political astuteness. Two things alone can give a man a commanding voice in our national legislature; reliability and long service. So much of the work there is done by committees that congressmen are forced to rely on the word and judgment of their colleagues so much, that if they are convinced a man is reliable, they will place their trust in him. Never fail to admit your honest mistakes when you make them, though, and make your admissions before someone points them out. As for long service, that in itself has made leaders in Congress. Newspapers play an important part in the making or breaking of a national figure, however. The correspondents at Washington have taken more than one man of clay and made an idol out of him. But to the members of Congress themselves there are often two sides to some of their colleagues, that which the public knows and that which his companions meet in the capitol itself.<sup>58</sup>

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58

The Bastrop Advertiser, August 14, 1886.

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Major Sayers had during his long term of service in the House come into contact with most of the prominent men of the day. What did he think of such men as Cleveland and of Roosevelt, who had not at that time made himself famous? In speaking to his friends at Bastrop, he said of Cleveland that "he had done more to obliterate the sectional lines than all the



other presidents, since the war taken together." In relating his first meeting with Theodore Roosevelt while the future president was on the Civil Service commission, Sayers said:  
 "It was my first encounter with the man who was to play such an important part in our national life and I will not forget what a favorable impression he made at the time as he appeared before the House Committee on Appropriations for the then struggling work of civil service."<sup>59</sup>

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 59

The Dallas Morning News, April 26, 1925.

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What did Sayers's colleagues think of him as a man and as a congressman? When he retired from the House to assume the office of Governor, a testimonial of his service in the House, rarely bestowed on a retiring Representative, was entered upon the Journal. On that occasion Joseph G. Cannon of Illinois, Chairman of the Committee on Appropriations and later Speaker of the House, said:

This conference report, which has just been adopted, is signed by the House conferees, one of them being the gentleman from Texas (Mr. Sayers). So far as this Congress is concerned, this is the last conference report he will sign, as we understand that he is soon to resign to enter upon duties elsewhere. I feel that it is but just to himself and that it is appropriate also, that I should say that the gentleman from Texas (Mr. Sayers) long well known to both sides of the House, has served upon the Committee over which I have had the honor to preside for twelve years, <sup>a</sup>part of which time as its Chairman; and I take great pleasure in saying that I have not been acquainted, during a considerable length of service upon the Committee and in the House, with any gentleman upon either side of the House who

has brought a better equipment to the performance of his duties as a member of the committee and a member of the House than the gentleman from Texas. He has brought to the consideration of all this business (appropriations) that which is absolutely necessary-- industry, ability, tact, and last, but not least, integrity. (Prolonged Applause).<sup>60</sup>

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60

Sayers, J. D., Joseph Draper Sayers—Governor of Texas, 1899-1903, 17.

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Upon the same occasion S. R. Dockery, congressman from Illinois, said:

I concur in the just tribute paid by the gentleman from Illinois (Mr. Cannon) to my friend from Texas, Mr. Sayers. For ten years I have served with him upon the Committee on Appropriations, and I know that his fidelity to public duty, his high courage, his rugged integrity, his tireless industry, and his absolute impartiality have won for him the confidence of all the members of this body without party distinction. It is impossible to estimate, Mr. Speaker, what his painstaking investigations have saved in money to the United States treasury and to the people, but it has certainly been enormous in its aggregate. He goes from this hall to enter, if not a more exalted station in public life, at least a more distinctive one. Our affections go with him. (Applause)<sup>61</sup>

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61

Sayers, J. D., Joseph Draper Sayers—Governor of Texas, 1899-1903, 17.

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The following resolutions, which had been adopted by the Committee on Appropriations, were then read and by order of the House spread upon its minutes:

The Honorable Joseph D. Sayers, our associate, will sever his connection with the Committee on Appropriations during this meeting. A member of this committee during the Fiftieth, Fifty-first,

Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, a period of twelve years beginning in 1887; and its honorable Chairman during the Fifty-third Congress (1893-1895). His discharge of the exacting duties, including those of Chairman, has been distinguished by untiring industry, zeal and conscientious regard for the public welfare; proving him a worthy successor to Thaddeus Stevens, James A. Garfield and Samuel J. Randall. His courtesy and fairness towards his associates in all the labors of the committee, in the foundation and discussion of the great supply bills of the government and in their presentation and conduct in the House of Representatives, have won for him the esteem and confidence of his colleagues here, and his fellow members in this body of representatives of the American people. In his new field of exalted public duty as chief magistrate of the great commonwealth of Texas, we extend to him this expression, sincere and cordial, though imperfect, of our affection, respect and confidence.

Resolved, That this minute be entered upon the records of the committee, and that an engrossed copy thereof signed by the members be furnished to Governor-elect Joseph D. Sayers. (Loud Applause).<sup>62</sup>

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<sup>62</sup>

Sayers, J. D., Joseph Draper Sayers—Governor of Texas, x  
1899-1903, 17.

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This was indeed a fitting finale to a long, continuous, and laborious service in the Congress of the United States upon a committee charged with the enormous responsibility of recommending appropriations aggregating during his service more than five billions of dollars, and for every conceivable governmental purpose.<sup>63</sup>

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<sup>63</sup>

Ibid., 17.

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That the people of Texas, and of Bastrop in particular, were glad to see him home again is indicated by the following extract from The Bastrop Advertiser:

Major Sayers came home today and will remain here about a week. He is in most excellent health and spirits, seeming ready to enjoy the brief rest from public duties, while old friends gather around about him glad to seize the opportunity of hearing him talk, in a free and unrestrained way, earnest conversation not for publication but just from honest and earnest convictions frankly spoken. He expresses the highest appreciation for the friendship and kindly feelings so universally shown him in Washington as the hour of his departure hence came and his conversation reveals him thoroughly alive to all the interests of the day, both state and national, always holding "duty as his watchword and honest effort, his chief weapon of warfare."64

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64

The Dallas Morning News, January 5, 1899. Reported from Bastrop.

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Texas has given many men to national affairs but none of them served the nation more faithfully than did J. D. Sayers. His name was as familiar and honored in Washington as it was in Texas. Both at home and at Washington the ex-chairman of the Committee of Appropriations had the reputation of being a rigid economist in the raising and expending of public funds. He was a careful guardian of every public trust. From such a man the people of Texas had a right to expect much as a Governor of the State.

## CHAPTER III

### GOVERNOR OF TEXAS

When Sayers announced his candidacy for governor in 1898 he was not without able opposition. M. M. Crane, Attorney General for the four years preceding, was the chief competitor for the nomination. Crane had made his mark as a prosecutor in the Hogg tradition, having carried the fight of the people against the corporations one step farther by attacking the oil trust in 1896. His suit to oust the Waters-Pierce Oil Company from Texas, then the principal distributor of household lighting fluid, had had its sensational elements. But in 1898 the Attorney General's suit was still winding its way to an ultimate decision by the Supreme Court at Washington. When Crane offered himself for Governor, he was consequently deprived of the impetus which a legal victory would have given him. Texas congressmen almost to a man, including Joe Bailey, were supporting his opponent, Sayers.<sup>1</sup>

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<sup>1</sup> Acheson, Joe Bailey, the Last Democrat, III.

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The canvas opened with divers assaults upon Sayers's record on public questions. In spite of these attacks and in disregard of the importunities of friends to come home and look after his candidacy, he refused to leave his seat in Congress, claiming that he could not abandon the public interests for possible personal gain.

Friends in Congress, among them "Silver Dick" Bland, went out of their way, unsolicited, to vindicate Major Sayers from any charge of unfaithfulness to the principle of the free coinage of silver. His fidelity to the tariff reform was never questioned in or out of Congress. In state politics the only insinuation was that he had never unequivocally committed himself either for or against the creation of the Railroad Commission. On investigation it appeared that as early as 1887, long before the great battle had been fought and won, and while most of the politicians were silent or evasive on the question, Sayers had unmistakably declared himself in favor of that great measure.<sup>2</sup>

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<sup>2</sup>

Raines, Yearbook for Texas, 1901, 367.

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Although the State Democratic convention did not meet in Galveston until August, 1898, to ratify the results, the principal contests for office had already been decided by the county primaries. It was conceded that Major Sayers would be the party nominee for Governor and formally succeed Culberson

in January of the following year. "This had been a marked upset in State affairs, since the gubernatorial succession established eight years previously by Hogg had been overturned in this instance. By precedent M. M. Crane, Attorney General for the four preceding years, should have received this advancement," says one writer.<sup>3</sup>

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<sup>3</sup> Acheson, Joe Bailey, the Last Democrat, III.

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One of the chief reasons, other than the popularity of congressman Sayers, for the defeat of Crane lay with Edward M. House of Austin. That rich young strategist who had managed Hogg's and Culberson's races for first places now determined to break that line of succession. Choosing Sayers as his candidate, House was able by his masterly knowledge of Texas political psychology and machinery to bring his man so strongly to the front that Crane admitted defeat and withdrew more than two months before the convention.<sup>4</sup>

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<sup>4</sup> Ibid., 112.

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The duty of the Democratic State Convention which met at Galveston was quite simple. It was only in accordance with the clearly expressed voice of the Democracy to register the nomination of the following: Governor, Joseph D. Sayers, of Bastrop; Lieutenant Governor, James N. Browning, of Potter;

Attorney General, Thomas S. Smith of Hill; Comptroller, R. W. Finley of Smith; Treasurer, John W. Robbins, of Wilbarger; Commissioner of the General Land Office, George W. Ginger of Tarrant; Superintendent of Public Instruction, J. W. Kendall of Fannin; Railroad Commissioner, Allison Mayfield, of Grayson.<sup>5</sup>

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<sup>5</sup>  
Winkler, E. W., Platforms of Political Parties in Texas, 401.

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Eighteen years had passed since Major Sayers had introduced his former competitor, O. M. Roberts, for the nomination as Governor to the Convention at Dallas. Now he was the gubernatorial nominee of the Democracy without opposition; a fitting reward for fidelity to the party.

Amidst much applause Major Sayers was introduced to the convention by the venerable Governor Lubbock, and after the noise had ceased, he said among other things:

I do again declare I will be controlled only by an official oath, the platform of the party, the pledges made by me to the people in the most open manner, and a just sense of public duty. My purpose, and my sole purpose, will be to promote, so far as I may be able within the compass of my authority, the prosperity of the State and the happiness of the people.... I am one of those, Mr. Chairman and gentlemen of the convention, who believes that he who serves his country best serves his party best, and so believing, I accept this nomination as a trust to be executed in the interest as well of the people as of the party, for the interests of them both are alike inseparable; and, should the greater trust, the chief magistracy of the State, be also imposed upon me, it will be discharged



with all the fidelity, integrity and ability that I possess.<sup>6</sup>

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The Dallas Morning News, August 3, 1898.

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Sayers made few speeches in the canvas, which was rather tame because of the lack of opposition. The whole ticket was elected, as anticipated, by the usual big Democratic majority. The official returns were as follows:

Returns for the Election of Governor in 1898

<u>Candidate</u>	<u>County</u>	<u>Party</u>	<u>Vote</u>
J. D. Sayers	Bastrop	Democratic	291,548
Randolph Clark	McLennan	Prohibition	1,876
Barnett Gibbs	Dallas	Populist	114,955
Scattering			682 <sup>7</sup>

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7

Winkler, Platform of Political Parties in Texas, 646.

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While Sayers was awaiting the time to be inaugurated, The Dallas Morning News expressed the expectations of the people as follows:

Much is expected of Gov. Sayers. The people look to him for something out of the usual run as a business governor. There is no concealing this prevalent sentiment. Texas never before had a governor whose name was as familiar and honored on Lombard street, or who had stamped his impress on national finances. Equally abroad and at home the exchairman of the House committee of appropriations has the reputation of being a rigid economist in the raising and use of public funds and a careful guardian of public trust. Texas people have

a right to expect much from such a man. They must assuredly have fully impressed him with the fact. There is every evidence that he fully realizes the imperativeness of the responsibility weighing upon him.<sup>8</sup>

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The Dallas Morning News, November 29, 1898.

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The inauguration took place on the morning of January 17, 1899, in the House of Representatives. There was a very large crowd present. Governor Culberson escorted the Governor-elect to the front and then made the following remarks:

The part assigned to me on this impressive occasion of introducing the Governor-elect of this State is both a pleasure and a compliment. Reared in Texas, he is thoroughly conversant with her traditions and history, and is deeply concerned for her prosperity and glory. In all the walks of life he has been an exemplary citizen and integrity and honor have ever found lodgment in his heart. In the martial and heroic age of the South, he imperiled his life in her cause, and none wore the gray more nobly. Since that great conflict he has won deserved distinction in the public service, and stands now in the front ranks among those men whom Texas has given to nation's affairs.<sup>9</sup>

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9

Ibid., January 18, 1899.

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After taking the oath of office, administered by Associate Justice Brown, Governor Sayers read his inaugural address in manuscript from which only this extract will be given:

Having sought and accepted official responsibility, no one should be permitted to regard himself other than a public servant, and office as a public trust to be

held and administered not for the special advantage of himself and his kin, but for the benefit of the people, and of the people only. The doctrine that office is property and endowed with property rights, may be good in law, but it is not healthful to the public service, and has sometimes led to great abuses. Nepotism is not admissible in a properly constituted government. It should be known everywhere that in no other State is life, liberty and property secure; in no other State are offenses against them so surely, so speedily and sufficiently punished; and in no other State is such complete justice between all men, and as to all kinds of property, maintained as within the great commonwealth of Texas.... The character of our people for peace, good order, intelligence, justice, and morality, already high, will keep pace with their advancement in material prosperity, and in all lands will the fame of our State abide, each year adding lustre to her history.

An empire in extent, resources almost limitless, situation altogether favorable, and an ocean sea around her southern border. Texas may well aspire to a greatness and grandeur that will have no parallel in the history and experience of her sister States.<sup>10</sup>

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10

The Dallas Morning News, January 18, 1899.

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The Dallas News had the following to say in regard to the inauguration:

Governor Sayers and Lieutenant Governor Browning were inaugurated on January 17 before a big crowd. More people were in the city than ever attended an inaugural before. All hotels and rooming houses were full, many women came.

All of these women brought along their best togging, because they were going to the ball. Whether there are more strangers tonight than at any time in the history of the place, it is safe to say that there are more trunks, valises and other receptacles for fine clothes than ever before were here.

The address of Governor Sayers was well received though it was of length.... It dealt with matters which showed that the highest ambition of the governor is to have a strong, vigorous, business-like adminis-

tration, which will as far as possible relegate politics to the rear and build up the state in all things.<sup>11</sup>

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<sup>11</sup>

The Dallas Morning News, January 18, 1899.

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### TEXAS IN 1899

In order to understand the administration of Sayers it is necessary that one first become acquainted with the conditions in the state when he became Governor.

The Dallas News made the following generalization in describing the characteristics of the "turn of the century":

The issue of free silver had been pretty well settled by 1899 and 1900 and the railroads had been put under control through the creation of the Texas Railroad Commission. Anti-trust laws had been created and corporate wealth had been served notice that it could not dominate the affairs of the State. But all these disturbing questions had reached the conclusive stage by that time, although the famous suit against the Waters Pierce Oil Company had to be prosecuted, one of the last fights against entrenched wealth.<sup>12</sup>

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<sup>12</sup>

Ibid., April 26, 1925.

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In order to understand the Texas of 1899 it is necessary to examine the condition of the farmers upon whom the prosperity of an agricultural commonwealth largely depends. There were 3,222 establishments for ginning cotton in Texas in 1900, employing 4,295 wage earners. The receipts for ginning and other work done in 1900 amounted to \$5,886,932. In 1890 there

were 572 establishments and 2,440 wage earners, and the receipts for ginning and other work done amounted to \$1,172,298. The increase in these receipts during the decade was \$4,714,625 or 402.2 per cent. These figures do not include the operations of many private plantation ginneries, or ginneries connected with grist mills. In each of these two industries, manufacture of cotton seed oil products and cotton ginning, Texas ranked first in the United States-- a natural result of its preeminence in cotton growing. There were 2,658,555 commercial bales of cotton grown and ginned in the state in 1899.<sup>13</sup>

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<sup>13</sup>

Raines, Yearbook for Texas, 1901, 77.

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The facts given above make it much easier for one studying the administration of Governor Sayers to understand some of the problems that confronted him.

### THE PENITENTIARY FIRE OF 1899

During the administration of Governor Sayers the state was more sorely afflicted than for any similar length of time during history, excepting the period of the Civil War and Reconstruction. The overflow of the Brazos River in 1899, which swept its valley from McLennan county to the Gulf, and the great storm which devastated Galveston in 1900, were memorable events in the annals of the state.

The first important economic loss that came to the state after Sayers had been inaugurated Governor was the destruction of the Huntsville penitentiary by fire. The fire occurred on February 13, 1899. J. S. Rice, the superintendent of the penitentiary, said in a letter to the Governor:

Owing to the presence and coolness of Captain Smither, Assistant Superintendent, to whom much credit is due, and the prompt response of the under-officers and guards, order prevailed and the men were marched from the buildings and lined up in the prison yard, kept under perfect control, breakfasted within thirty minutes of the regular meal time, and at present writing are at work as usual in factories and elsewhere.

The loss to the State cannot be accurately determined at this time, though roughly estimated, I believe it will amount to less than \$30,000.00 and it is my opinion that the buildings can be replaced almost entirely by convict labor.<sup>14</sup>

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14

Rice to Sayers, February 13, 1899. In the Archives of the State Library.

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S. M. Fry and John B. Peyton, the two Penitentiary Commissioners who investigated the fire at Huntsville, decided and stated that the fire originated from a faulty flue. In their report they said:

We consider that the fire was purely accidental, and that no blame attaches to the officers, under-officers or guards. We feel that it is our duty to call special attention to the orderly conduct of the prisoners during the fire, and the perfect control under which they were held by the officers and guards, to whom much credit is due, and in our opinion special mention should be made of Captain Jas. G. Smither, Assistant Superintendent and Captain Jeff Kelly, under-

keeper and Night Seargent John Jardine, who were in control.<sup>15</sup>

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<sup>15</sup>

The House Journal, Twenty-sixth Legislature, 426.

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The efficiency with which the situation was handled at Huntsville brought forth praise from the people of the state, not only for the men directly in control of the prison but also for Governor Sayers, who had appointed most of them.

#### THE BRAZOS RIVER FLOOD OF 1899

One of the first of the major catastrophes that Governor Sayers was forced to handle was the Brazos River flood of 1899. That flood swept the valley of the river from McLennan County to the Gulf. Governor Sayers might be well thought of as the Flood Administrator Governor of Texas, for a great deal of his time during his two terms was occupied by problems growing out of the Brazos and Galveston floods.

The Austin Statesman, of July 1, 1899, had the following to say in regard to the Brazos flood:

The Brazos has been on a boom since Tuesday morning and rising rapidly all along. Information from Hood county, one of the northernmost counties tributary to the Brazos river, is that it is flooded and coming on down through Bosque, Falls, Robertson, Brazos, Washington, Harris, and McLennan counties, all tributary to the river, and the very center of the big farming interests of the state. The reports are that crops are ruined. Turning west to the valleys of the Guadalupe and lower Colorado rivers and the same condition of affairs is found, Wharton, Jackson, Matagorda, Victoria,

Calhoun, Bastrop, and Fayette counties are all under water and much damage is reported.<sup>16</sup>

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<sup>16</sup>

The Austin Statesman, July 1, 1899.

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The first plea to Governor Sayers for aid by Brazos flood sufferers came from the people of Brookshire. Immediately after receiving the request Governor Sayers sent the following telegram to all of the mayors of the principal towns and cities of the state, asking for assistance:

Am just advised that hundreds of the poor people are suffering at Brookshire for want of food. Have no public funds at my disposal. Please call upon the people of your city to assist. Communicate with John H. Ferguson, D. J. Parker, and W. M. Cooper, Brookshire, Tex.

J. D. Sayers, Governor.

The answer of the towns was prompt. Mayor Marshall Hicks of San Antonio wired him, immediately upon receipt of the notice, to draw on him for money which had already been collected. Mayor Hicks also stated that he had opened a receiving bureau in the basement of the city hall for the collection of supplies and had detailed a policeman to receive donations of clothing and groceries, which would be forwarded as soon as possible. The business men's club also organized to assist Mayor Hicks in the work.<sup>17</sup>

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<sup>17</sup>

The Austin Statesman, July 6, 1899.

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The above action of San Antonio is related for the purpose of illustrating how Governor Sayers carried out the work of flood relief, both in the Brazos and in the Galveston floods. He first appealed to the people of the state for aid, through the mayors of the towns and cities; the mayors sent the money, provisions, and clothing donated to men designated by the Governor and these men distributed the donations on to the unfortunate.

On July 6, 1899, Sayers received the following telegram from congressman R. B. Hawley, representative of the tenth congressional district:

My information shows appalling conditions from the flood with continued rise and spread of waters until probably 2500 square miles are under water south of Galvert. Relief should be immediate, and I fear on a more extensive scale than private subscription, no matter how generous, can provide for under the circumstances. I deem it expedient to make the situation known to the Secretary of War, and ask that relief boats, now in Galveston, be permitted to ascend the rivers and at points inaccessible to them use their launches and yawls and at the same time provide for distribution of 10,000 rations. If you concur I have the honor to suggest that you wire the Secretary of War accordingly.<sup>18</sup>

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18

The Austin Statesman, July 6, 1899.

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Governor Sayers immediately wired Hawley, "Have wired Secretary of War as suggested. Will be glad to have your co-operation." The following is the telegram which Governor Sayers sent to the Secretary of War asking for assistance:

Please order immediately by wire boats at Galveston to ascend rivers, using launches and yawls, to rescue people from the waters which are wide spread over the lands of the lower Brazos. Please also order commanding officer at San Antonio to place at my disposal for immediate distribution 10,000 rations, will recommend to Legislature to refund to the United States their value when it next meets, and do not doubt that it will be promptly done. Devastation great. Immense loss of life probable.

J. D. Sayers, Governor.<sup>19</sup>

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<sup>19</sup>

The Austin Statesman, July 6, 1899.

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Governor Sayers received a telegram from the War Department on July 7 stating that they would place at his command the means to provide assistance that he had asked for on the preceding day. The Governor immediately ordered Adjutant General Thomas R. Scurry to take charge of the food and take it to the stricken region at once.

The needs of the flooded regions were so great that on the night of July 7 the Governor wired the War Department and asked for 10,000 more rations. The request was soon granted, making 20,000 thus provided in all.<sup>20</sup>

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<sup>20</sup>

Ibid., July 7, 1899.

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The cities and towns of the state used various means of collecting the money, food, and clothing to aid the sufferers. It seems that this work was carried on in a business-like manner. The Austin Statesman describes the organized collecting

which was carried on in the capitol city as follows:

The committee entrusted with the work of securing clothing, provided a wagon for each of the wards in the city, and the work of gathering up clothing and wearing apparel, commenced. Mr. E. W. Schurenberg of the committee provided the different vehicles with side streamers evidencing the nature of their errand, and long before night a very large heap of miscellaneous wearing apparel and bedding was at the establishment of Messrs. L. A. Low and Sons awaiting transportation to the different precincts where help is needed.<sup>21</sup>

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<sup>21</sup>

The Austin Statesman, July 8, 1899.

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Most of the money given to aid the sufferers represented the combined small donations of many contributors. There were, however, some large individual contributions. C. P. Huntington gave \$5,000; Frank J. Gould \$5,000 and the Mutual Insurance of New York \$5,000.<sup>22</sup>

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<sup>22</sup>

Ibid., July 8, 1899.

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As it generally happens in such cases as the Brazos flood some people got the lion's share of the supplies distributed. That was owing largely to the fact that all goods were not distributed through the same channel. To remedy the condition Governor Sayers, on July 9, issued the following proclamation:

Governor Sayers especially requests that neither supplies of any kind or money be sent to any place in the overflowed district without first advising him. He is endeavoring to systematize the distribution of all contributions so that each place may be supplied

according to its necessities, no place getting more than it needs and every place getting what is necessary.<sup>23</sup>

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<sup>23</sup>

The Austin Statesman, July 10, 1899.

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The Austin Statesman reported that at Calvert 5000 people were suffering; at Richmond 1200; at Chappell Hill 1500; at Duke 2000; at Sunnyside and Hempstead 3000; at Wallis 350; at Whitman 91 families; at Fulshear 1000 people; at Stafford 300 families; at Sealy 1200; at Sterling Hill 100; at Brookshire 1000; at Chango 1500; at Juliff there were "hundreds" of people reported out in the bottom land without any boats to rescue them. At Brenham 2000 were suffering; at Bellville 1000; at Angleton, Sandy Point and Columbia 1000.<sup>24</sup>

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<sup>24</sup>

The Austin Statesman, July 9, 1899.

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E. S. Holmes Jr., an expert of the statistical bureau of the agricultural department, made a report to the chief statistician of the department, embodying the results of a tour of the flood district of Texas. He estimated the damage at \$7,414,000.<sup>25</sup>

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<sup>25</sup>

The Austin Statesman, August 15, 1899.

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In his report Holmes said that most of the damage was done in McLennan, Falls, Milam, Robertson, Brazos, Burleson,

Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria counties. The number of farms submerged was estimated at 8,100, an area of 1,380,000 acres. The land itself was damaged by washing and gullying to the extent of \$200,000.<sup>26</sup>

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<sup>26</sup>

The Austin Statesman, August 15, 1899.

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Holmes estimated that about 277,000 bales of cotton had been destroyed, which at four and a half cents a pound, the price of cotton at that time, amounted to \$5,100,000; 4,400,000 bushels of corn worth about twenty cents a bushel amounted to \$880,000; the loss in sugar cane was \$355,000, and other crop losses were estimated at \$235,000. The total loss to standing crops was \$6,570,000. The total loss to land and crops was \$6,770,000.<sup>27</sup>

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<sup>27</sup>

Ibid., August 15, 1899.

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The Austin Statesman had the following to say about the Governor and his work in connection with the relief of the sufferers:

The exceedingly efficient manner in which he (Sayers) has conducted the relief work demonstrates most clearly his business ability. When he was elected governor the people of Texas stated that they were electing a business governor, and the present crisis has demonstrated that they made no mistake. The governor has looked after every detail in person, and as a result the work has been systematized, the contributions have been triple what they would have been, and

the flood sufferers have been more carefully looked after than upon any previous occasion where a public calamity has befallen the people of this state. Governor Sayers has directed much of the correspondence relative to the relief work by telegraph and his most efficient secretary Judge Cravens, and his private stenographer, Mr. Kuykendal, have had their hands full doing the clerical work. The people of Texas, especially in the flooded districts, are now prepared to rise up and thank the business governor of Texas for his efforts in their behalf.<sup>28</sup>

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28

The Austin Statesman, July 14, 1899.

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The manner in which Sayers handled the relief work of the Brazos flood established his reputation as one among the most efficient and business-like Governors that the state had ever had.

#### ANTI-TRUST LEGISLATION

The writer has come to the conclusion that the most important work that Governor Sayers accomplished as Governor was that which he did in influencing legislation concerning trusts, monopolies, and corporations. Prior to his administration there had been little done either by state governments or the Federal government to control unfair competition. Under his leadership Texas became one of the foremost states in anti-trust legislation. Governor Sayers did not permit the movement to control competition to cease within the bounds of Texas. He called a meeting of the governors of all the states to consider the matter. The subject was thoroughly and fully dis-

cussed at the meeting which he initiated and the delegates returned to their home states to begin a general program of anti-trust legislation. From the states the movement spread until it commanded the attention of the National government. Let us examine the anti-trust legislation of Governor Sayers's administration more in detail.

The State of Texas in 1899 was ready for some kind of legislation to control competition among the business enterprises within its bounds. The Austin Statesman said:

The country is not foolishly excited over the marvelous growth of these gigantic combines. It is reasonably amazed and startled, as well it may be. Other dangers have menaced and perhaps imperiled the nation but none like this has stricken with paralysis the lusty limbs of competition, narrowed the field of opportunity, brought idleness to so many employees or confronted the middle class with the gruesome prospect of absolute elimination.

The lawmakers, state and national, have a duty to perform. Its execution demands nerve and patient thought, but they must sooner or later rise to these demands. No longer will the people be deceived. Newspaper and magazine writers throughout the country are thundering away at this monster danger and men who assume to act for the people and to safeguard their rights and properties will not be permitted to side step or double back on the vital and paramount issue of this grave hour.<sup>29</sup>

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29

The Austin Statesman, April 21, 1899.

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The public officials of Texas were not asleep to the dangers of unfair competition. They realized that not a few corporations and trusts were narrowing the field of opportunity for the smaller producers. The following is an extract from

a letter written by T. S. Smith, the Attorney General of Texas to Governor Sayers, showing that the Attorney General recognized the dangers arising from the corporation, or the combination;

It has been brought to my attention that one of the most dangerous attempts at the formation of a trust, has been consummated in the city of San Antonio, by a combination and consolidation of four corporations organized and created under the laws of Texas.... I believe that the four corporations consolidated and combined for the purpose of destroying all competition among themselves and for the purpose of regulating and controlling the price of gas, electric lights and electric power, and price for transportation of passengers.... I therefore on the 1st day of April, instituted a suit, four in all, against each of said corporations, for the forfeiture of their respective charters, and for the appointment of receivers, as required by title 108 of the revised Statutes.<sup>30</sup>

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Smith to Sayers, April 2, 1899. Archives of the State Library.

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The members of the Twenty-sixth Legislature wanted to do something to control the corporations and trusts but they did not know what to do. There was much uncertainty as to what the laws on the Statute books concerning trusts and corporations really meant. This is apparent from a study of the opinions of the leading men of the state at the time. J. W. Ferris was a member of the constitutional convention and was the chairman of the subcommittee that had in charge "Railroad Matters." Judge Ferris himself framed the plank providing what should constitute illegal and unlawful consolidations, and he said the



section on corporations he formed did not mean what the lawyers were contending it meant. Judge John H. Reagan was also a member of the convention, and doubtless heard the speech Judge Ferris made relative to the provision concerning unlawful consolidations. Both Reagan and Ferris agreed as to its meaning but they did not agree with the interpretation being placed upon it in 1899.<sup>31</sup>

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<sup>31</sup>

The Austin Statesman, April 9, 1899.

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From what has been said it is evident that the public officials of Texas thoroughly recognized the need for legislation on trusts and corporations. They realized also that the laws then on the statute books were thoroughly inadequate and but poorly understood. The task of the Twenty-sixth Legislature was to write a law the enforcement of which would mean fair competition among the businesses of the state.

On April 14, 1899, Senator Davidson introduced a strong anti-trust bill,\* almost identical with the anti-trust law that had just previously gone into effect in Arkansas. The large interests of the State were stirred up over the introduction of the proposed law. The fire insurance companies were especially excited. The following extract from the Austin Statesman, reported from Houston, is an example of the opposition.

The Texas Wholesalers association is much agitated over the proposed anti-trust law embodying all

the features of the Arkansas law, and the threat of the insurance companies to withdraw from business in the state. Telegrams galore have been flying over the state today, and business men are hastening from every direction to Austin to lobby against the bill. Hundreds of others are rushing telegrams to the legislators making protests.<sup>32</sup>

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<sup>32</sup>

The Austin Statesman, April 18, 1899.

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Several days after the anti-trust bill had been introduced the following telegram was received by the Texas Senate from the Senate of Arkansas, "The Senate of Arkansas sends greetings. Stand by your guns. Pass your anti-trust bill. The corporations will complain, but the people will rejoice." Soon thereafter the following telegram was received from the Arkansas House and read to the Senate and House of the Texas Legislature: "The House of Representatives of Arkansas awaits with anxiety the vote on your anti-trust bill. It tends to redeem democratic pledges. The hearts of the masses go out to you."<sup>33</sup>

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<sup>33</sup>

Ibid., April 19, 1899.

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The people of the State were divided on the issue; some of them were just as bitterly opposed to it as others were in favor of it. A report from a Cisco paper said: "One of the largest merchants in our city stated today publicly that if the legislature passed the anti-trust insurance bill the merchants of Texas should meet the Representatives and Senators upon

their return home and tar and feather them, and that he was not usually in favor of mob law, either."<sup>34</sup>

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<sup>34</sup>

The Austin Statesman, April 19, 1899.

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On the other hand, there were many throughout the state who hoped for the passage of the bill. On April 22, 1899, a mass meeting was held at Tyler which was largely attended. The citizens of the town and county passed strong resolutions endorsing the Arkansas anti-trust law, and recommended the passage of a similar law by the legislature. Legislative representatives were instructed to support and vote for the same. Judge John N. Duncan, Cone Johnson, and Representative W. H. Marsh made speeches strongly endorsing the bill. The action taken by the meeting was unanimous. A Smith county anti-trust club was formed with a large membership.<sup>35</sup>

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Ibid., April 23, 1899.

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After much argument in the legislature the anti-trust bill finally passed both houses and was approved by the Governor on May 25, 1899, to become effective January 31, 1900. The title of the bill was: "An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles; to prevent the formation or operation of pools, trusts, monopolies and combinations of charters of corporations that

violate the terms of this act, and to authorize the institution of prosecution and suits therefor.\*36

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General Laws of Texas, Twenty-sixth Legislature, 246.

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Section 2 of the act defined trusts and monopolies,

A monopoly is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, custom, skill, or acts, or of any other valuable thing or possession, by or between persons, firms, or corporations, or association of persons, firms or corporations whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several results described herein are reasonably calculated to be produced; and a "monopoly" as thus defined and contemplated, includes not merely such combinations, by and between two or more persons, firms, or corporations acting for themselves, but is especially defined and intended to include all amalgamations, affiliations, consolidations or incorporations of capital, skill, credit, assets, property, custom, trade, or other valuable thing or possession, whether effected by the ordinary methods of partnership or by actual union under the legal form of a corporation or an incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition or control of shares or certificates of stocks or bonds, or other corporate property or franchises, and all corporations or partnerships that have been or may be created by the consolidation or amalgamation of the separate capital stock, bonds, assets, credit, properties, custom, trade, or corporate or firm belongings of two or more firms or corporations or companies are especially declared to constitute monopolies within the meaning of this act, if so created or entered into within the meaning of this act, if so created or entered into for any one of or more of the purposes named in this act; and a "monopoly" as defined in this section, is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations, or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed

in this act....

It shall be the duty of the Secretary of State, on or about the first of July of each year, and at such other times as he shall deem necessary, to address to the president, secretary or treasurer of each incorporated company doing business in this State a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions of this act, and to require an answer under oath of the president, secretary or treasurer, or any director of said company.<sup>37</sup>

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General Laws of Texas, Twenty-sixth Legislature, 246.

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As an expression of public opinion The Austin Statesman had the following to say in regard to the law: "The Senate took up and finally passed its anti-trust bill. As passed the measure is decidedly more drastic than the Arkansas law. As passed the bill provides that every thing under the sun is a trust from a newspaper correspondent up to the man who happens by gift of wealth to own some big producing interests."<sup>38</sup>

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<sup>38</sup>

The Austin Statesman, May 10, 1899.

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Texas had passed its anti-trust law but Governor Sayers and most of the public officials of the state realized that the problem of controlling the trust, corporation, and monopoly was far from solved. They realized that the problem was more than a state problem, one which would require concerted action on the part of all of the states. Texas, by the passage of

the anti-trust law, stepped forth as a leader in the movement designed to control business combinations. In order to secure concerted action, Governor Sayers called a meeting of the Governors and Attorney Generals of such states of the Union as wished to attend. That meeting, the St. Louis convention, will be considered at this time.

### THE ST. LOUIS CONVENTION

On May 4, 1899, Representative D. G. Wooten, of the Texas Legislature, addressed a letter to Governor Sayers suggesting to him that he call a convention of all the Governors and Attorneys General of the southern states for the purpose of securing concerted action upon a trust bill that would prove effective. The pertinent section of the letter is given below:

The Attorney General of the United States has expressed the opinion that the trust problem is one that the individual states must handle. There should be harmonious action throughout the country. The people of the southern and western states, being mainly producers of raw materials and purchasers of manufactured products are most injuriously affected by the great monopolies that have grown up in the east and north and are steadily enslaving the commerce and industry of the entire continent. Our situation geographically and commercially renders us peculiarly the victims and subjects of the tyranny of this corrupt and vicious system.<sup>39</sup>

Wooten thought that the trust problem must be settled, if at all, by the states, acting in concert. J. R. Rogers, Governor of Washington, wrote: "It is generally understood that U. S. Attorney General Griggs has declared national regulation or control of trusts to be impossible. Since the failure of the Sherman Act this statement has been commonly accepted as true. Now it is said that what the general government cannot accomplish the states are able to manage."<sup>40</sup>

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Rogers to Sayers, July 8, 1899. Sayers Papers, Archives of the State Library.

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Governor Sayers answered Wooten by saying that he thought it best to wait until the Texas Legislature had spoken before calling the convention.<sup>41</sup> We have already related that the

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<sup>41</sup>

The Austin Statesman, May 8, 1899.

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legislative body passed a stringent anti-trust law which the Governor approved on May 25. The convention met at St. Louis on September 20, 1899. Before Governor Sayers had approved the state anti-trust law he began sending out invitations to the Governors and Attorneys General of the various states to attend the convention.

What the Governors and Attorneys General thought of the proposed convention was shown by the letters received from them. D. F. Richards, Governor of Wyoming, wrote: "I heartily sym-

thize with this movement, and it will give me pleasure to attend this conference."<sup>42</sup>

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<sup>42</sup>

Richards to Sayers, July 3, 1899. Sayers Papers, Archives of State Library.

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C. G. Heifer, Deputy Insurance Commissioner of the State of Washington, wrote as follows:

Most of the officials of this state have observed with much approbation your initiatory efforts in calling a convention of the governors of the several states of the Union to take such steps as may appear advisable to prevent the formation and continuance of the trusts and combinations in restraint of trade and competition. We have also viewed with much chagrin the action of the governor of this state in refusing to attend such convention either in person or by representative. On this question the governor is not in accord with an overwhelming majority of the fusion party of this state, and he stands absolutely alone. The question is one of such importance that the mere whim of one man ought not be allowed to place the democratic forces of this state in a wrong light before the people of this country.

I believe you are entitled to the active support of all people who believe in government by the people as against government by the corporations and syndicates, and to this end the officials of this state, the governor alone excepted, desire to assist you in every possible....<sup>43</sup>

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Heifer to Sayers, July 6, 1899. Sayers Papers, Archives of State Library.

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Though numerous letters from the executives of the various states heartily endorsed the idea of the convention, some were opposed to it. The following letter from J. R. Rogers of Washington is an example of the opposition and the reason for it.



I am impressed with the feeling that the convention of Governors to be held, which will take under consideration the subject of trusts, may be used to further the schemes of our enemies, the Republicans.

It is clear and plain to us all, I think, that they are exceedingly anxious to evade the trust issue in the national campaign to be waged next year. Under these circumstances suppose the Governors of a large number of states, representing different factions in politics, agree upon certain measures, as curative of the trust evil and this pronouncement is sent broadcast over the country as it certainly will be. Under these circumstances there will have been forged for the hand of our opponent a most serviceable weapon. It will then be said: "In a convention of representative men, embracing all portions of the Union and different political parties, it has been agreed that trusts can be effectively managed and their power for evil stayed by state legislation. Therefore, this is the way in which the evil must be combated."<sup>44</sup>

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Rogers to Sayers, July 27, 1899. Sayers Papers, Archives of State Library.

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In other words, there were some who thought that though Governor Sayers's intentions in calling the convention were good he was being used by the Republican schemers to advance their party. The Seattle Daily expressed its view as follows: "In this matter I am inclined to think that Governor Sayers of Texas, rockribbed Democrat though he may be, is being used by Republican schemers much as the cat was by the monkey when he desired to pull chestnuts from the fire."<sup>45</sup>

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The Seattle Daily, July 19, 1899. Sayers Papers. Archives of State Library.

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Governor Sayers in an article in the North American Review had the following to say in regard to the purpose of the conference of Attorneys General and Governors that he had called: X

I have lately assumed to suggest a conference of the governors and attorney generals of all the states and territories, without exception, to consider the subject, and if possible, to devise and unite upon such legislation as would overthrow the trust power and prevent its revival. In this matter I have had, and will have, no purpose in view other than that distinctly specified and I trust that, should the conference be held, no other question will be considered except that of trusts, and the best method to be adopted by the states to insure their complete destruction within the shortest period possible. Identically the same letter has been addressed to every executive. It is sincerely hoped that the conference may be attended by all.... Party pride, party attachment and party ambition should not be allowed to mar the harmony of the occasion. Texas has already taken position. Come what will, she will make the fight, and if need be alone. With united action by the states the result can not be doubtful.... The trust should be regarded as a public enemy and should be treated as such.<sup>46</sup>

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Sayers, "The St. Louis Convention," in North American Review, August, 1899.

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When the convention met in September, Governor Sayers went to St. Louis to take the leading role. He said, upon arriving in the convention city, that he had prepared no formal program, and that all delegates were to be given an opportunity to express their opinions. At the same time he said that one question on which there was some division was whether trusts should merely be regulated or whether the fight should be more far-reaching, and have for its object their destruction. "Per-

sonally," he said, "I am in favor of destruction root and branch. I have no patience with the trust in any form, and do not believe regulation will do any good. They must be destroyed."<sup>47</sup>

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<sup>47</sup> The Austin Statesman, September 19, 1899, reported from St. Louis.

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The convention was called to order on the morning of September 20. Representatives who answered the roll were as follows: Michigan, Governor Pingree and Attorney General Oren; Missouri, Governor Stevens and Attorney General Crow; Texas, Governor Sayers and Attorney General Smith; Arkansas, Governor Jones and Attorney General Davis; Tennessee, Governor McMillan; Iowa, Governor Shaw; Colorado, Governor Thomas and Attorney General Campbell; Indiana, Attorney General Taylor; Montana, Attorney General Nolan; Mississippi, Monroe McClurg, democratic candidate for Attorney General; Washington, Insurance Commissioner Heifer.<sup>48</sup>

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<sup>48</sup> Ibid., September 21, 1899.

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Governor Sayers had hoped to see more states represented, and stated that he had received intimation that pressure had been brought to bear upon many governors to prevent their attendance. He said: "Opposition to the conference is in the air, and I have heard a great deal of talk about pressure being

brought to bear on some of the Governors to keep them away."<sup>49</sup>

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<sup>49</sup>

The Austin Statesman, September 20, 1899.

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No motive prompted my action in suggesting this conference other than the desire to induce, if possible, concerted action among such governors and attorneys general of all the states that might attend in an effort to suppress an evil which has become gigantic in proportions, and which, in the opinion of a very large number of good citizens of the republic threatens the most serious and disastrous consequences to the country.

It is true that in some sections money is plentiful, trade active, speculation rife, and that certain products have largely and rapidly increased in selling value. This prosperity, however, is born, in a great measure, of war, and is largely attributable to the enormous expenditures that have been and are now being made by the general government for special purposes and in particular localities; and so long as war shall continue this unusual activity will be maintained. Considering the situation conservatively, impartially and with the assistance of an intelligent experience it cannot be reasonably expected that the present prosperity will long survive the settlement of our foreign difficulties and the restoration of peace.

Next to the war itself and the incidents directly connected with it, the wonderful revolution that has occurred in the business life is calculated to arouse the greatest anxiety in all thoughtful minds. For the past quarter of a century we have heard much of trust formation, and notes of alarm have been sounded again and again to warn the people of the danger that threatened them in that direction. But during the past two years that which was previously but a shadow on the horizon has become a dark and potent cloud and on every side and from every quarter are heard warnings of imminent danger that should no longer pass unheeded.

The power which trusts can and do exercise does not accord with the spirit and policy of free institutions. The possession of extensive authority, supplemented with the means of arbitrary and unrestrained exercise, is always denied in every just and well regulated government. This principle I hold is equally good in matters affecting industrial and economic life, where government has conceded privileges to one or a few individuals that

are not enjoyed by all. Every combination and association of a trust almost without exception owes its existence to a governmental grant of privilege, exemption and power. The creative power of public authority makes it the imperative duty of the government to protect the people against any abuse or misuse of its opportunities to the detriment of the general welfare. This is, in my opinion, a complete answer to any objection that might be urged against governmental interference to restrain, and if needs be to entirely destroy, the trust power whenever it shall become hurtful or perilous.<sup>50</sup>

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The Austin Statesman, September 21, 1899.

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On the second day of the convention resolutions were drawn by a committee. The recommendations were as follows:

First-- The enactment and enforcement both by the states and the nation, legislation that shall adequately and fully define as crimes any attempted monopolization or restraint of trade in any line of industrial activity, with provisions for adequate punishment to the corporation to the extent of its dissolution.

Second-- The enactment by each state of the Union of legislation for the adequate and proper control and regulation of corporations chartered by that state, and we recommend as efficacious a system of reports to, and examination by state authorities of the corporations organized by law to the end that they be brought to a fair observation of the laws under which they are created.

Third-- The enactment by each state of laws that will prevent the entrance of any foreign created corporation into its limits for any other purpose than interstate commerce, except on terms that will put the foreign created corporations upon a basis of equality with the domestic created corporation of the state entered, and subject to the same laws, rules and regulations of the state that it enters which are applicable to the domestic corporations of that state and to this end we recommend legislation that would make it mandatory upon corporations seeking to engage in business outside the state of their crea-

tion that they procure licenses from the foreign states, such licenses to be granted on such terms and subject to such restrictions as will place the corporation subject to the same control, inspection, supervision and regulation as the domestic corporations of that state, and subject to be revocable if the conditions thereof are violated.

Fourth-- The enactment of state legislation declaring that a corporation created in another state, created to do business exclusively in other states than where created should be prohibited from admission into any state. This proposition is supported by decisions of the supreme courts of several states, but we believe it should become by legislative enactment uniform throughout the states.

Fifth-- That no corporations should be formed in whole or in part by another corporation.

Sixth-- That no corporation shall own or hold stock in another corporation engaged in similar or competitive business, and that no officer or the owner of stock in another corporation engaged in a similar or competitive business, the object or result of which is to create a trust or monopoly.

Seventh-- Recognizing that trusts are usually composed of corporations and that corporations are but creatures of the law and can only exist in the place of their creation and can not migrate to another sovereignty without the consent of that sovereignty and that this consent may be withheld when desired, we recommend as the sense of the conference that each state pass laws providing that no corporation which is a member of any pool or trust in that state or elsewhere can do business in that state.

Resolved, That it is the sense of this conference that all the capital stock of private corporations should be fully paid for either first, in lawful money, or second, in property of the actual cash value of the amount of the capital stock issued in excess of the amounts actually paid up as provided, the shareholder shall be liable to the extent of twice the face value of the stock held by each.<sup>51</sup>

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The Austin Statesman, September 22, 1899.

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Governor Sayers put the question and the resolutions were adopted without a dissenting vote.

Resolutions thanking Governor Sayers for his efforts in behalf of the conference were adopted. Before declaring an adjournment Governor Sayers said:

I wanted to meet republicans, populists and democrats upon this question whether they favored trusts or not. I wanted all to come there and have each man present his side of the question and damn be he who first cries hold enough, and after these discussions had gone on, if necessary for a week, then evolve so far as human intellect could evolve, a solution of this, as I view it, the most momentous question now before the American people....

In conclusion, let me say that I believe the action of these representatives will be felt throughout the length and breadth of this land by attracting the thoughtful attention of the American people, and which will result in demanding of their public servants action for protection and prosperity of the people.<sup>52</sup>

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52

The Austin Statesman, September 22, 1899.

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After the convention had concluded its work the Austin Statesman declared that, "The people of Texas have all along looked up to Governor Sayers as the friend of the masses, but upon no previous occasion has he more clearly demonstrated that fact."<sup>53</sup>

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Ibid., September 22, 1899.

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As was stated earlier in this study the writer, after much reading, is of the opinion that Governor Sayers's work in connection with the St. Louis convention was more far-reaching in its results than any other one act he did as executive.

If he had done nothing else worthy of mention as Governor, his work at the St. Louis convention should place him among the first group of state executives. Many of the states immediately passed anti-trust laws, which seem from the similarity of content to have been directly influenced by the resolutions adopted at St. Louis. After one has studied carefully the material in connection with the convention, one realizes that the business men of the country saw that Governor Sayers had started something that would not stop with Texas. Many of the leading business men of the North and East wrote Governor Sayers asking him to send them information in regard to the anti-trust law that had been passed in Texas.

#### THE WACO CONVENTION AND THE WATERS PIERCE CASE

At the State Democratic Convention which was held at Waco, August 8-10, 1900, Governor Sayers's administration was enthusiastically endorsed. The nomination of the state ticket being in order, Congressman S. W. T. Lanham nominated Governor Sayers in a short speech. Upon its conclusion Sayers was nominated by acclamation and without opposition, and upon being escorted to the stand he said:

Mr. Chairman, never before, in the history of the state, has its condition been more prosperous and satisfactory than now. It may, in truth, be said that peace dwells within its borders and plenty abides in its homes. Industry is receiving its due reward, foreign capital is seeking investment and new enterprises of every character attest the confidence, self reliance and intelligence of an earnest



and honorable activity beating with healthful energy. The future promises much, if we but utilize the present and its advantages.<sup>55</sup>

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55

The Austin Statesman, August 11, 1900.

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The committee on platforms and resolutions met and drew up their platform, a part of which was the following:

We endorse and commend the administration of Governor Sayers as being wise, patriotic and economical, and we especially approve of the enlargement and maintenance of the state eleemosynary institutions, putting them in the highest degree of efficiency and enabling them to properly and promptly meet every demand; the successful management of the penal establishments, the reduction of taxation to the lowest rate of any state in the union save one, the energetic enforcement of the criminal laws, giving protection to life and property without regard to race or condition, the making of needed reforms in the method of purchasing supplies for the state institutions, the inhibition upon counties, cities, and towns to issue bonds, without authority from direct vote of the people, and the requirement upon the treasurers of counties, cities and towns to make annual reports of all bonded indebtedness and of the disposition of the sinking fund, the honest effort to equalize taxation, the enactment of a law making rebating and discrimination by railroads a felony, thereby stopping the pernicious practice for the first time in the history of the American commonwealth.... The settlement of the deficiency due the permanent school fund and the large increase in the available fund through recoveries of monies due for past illegal occupancy of the school land, also through the lease of additional lands, the present balance in the treasury for general revenue purposes of \$1,215,000 notwithstanding the heavy and much needed appropriations by the Twenty-sixth legislature for the betterment of the eleemosynary institutions and of the Agricultural and Mechanical college and for the construction of an epileptic asylum and for the payment of anti-trust law enforcement, the building of cotton factories, resulting in the incorporation with-

in the present year of ten companies having a total capital stock of \$950,000....<sup>56</sup>

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<sup>56</sup>

The Austin Statesman, August 10, 1900.

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The convention after nominating the state ticket turned into "the most acrimonious and bitter fight in the history of the Democratic party since the day when Richard Coke dethroned Edmund J. Davis," according to one observer.<sup>57</sup> The

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<sup>57</sup>

Ibid., August 11, 1900.

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fight was precipitated over the readmission of the Waters Pierce Oil Company in May, 1900.

The Waters Pierce Oil Company Case was of such importance as to deserve special notice. In 1897 the attorney general filed a suit in the district court of Travis county, charging the Waters Pierce Oil Company with violations of the anti-trust laws, and asked the court to cancel its permit to do business in Texas and to grant an injunction restraining it perpetually from engaging in business in this state. The trial jury, after hearing all the defenses which shrewd, able, and persistent counsel could urge for the defendant company, rendered judgment in accordance with the petition, revoking and cancelling the permit of the company to operate in Texas and forever enjoining the Waters Pierce Oil Company from engaging in any business there. The defendants were not satis-

fied with the decision, and were loud in their denunciation of Texas laws and Texas courts. They took the case to the court of civil appeals for the third district, and finally to the supreme court. In each instance the judgment of the trial court was sustained. Still the defendant company was not satisfied, and took the case to the Supreme Court of the United States. The Supreme Court sustained all of the courts of Texas which had passed upon the case. The state had fought a good fight and won; the company had fought equally hard and had lost.

The Waters Pierce Company, having been ousted, sought means to gain readmission to Texas. The old company was dissolved on May 28th, 1900, and on May 29th of the same year a new Waters Pierce Oil Company was chartered in Missouri and readmitted to the State of Texas. There was much criticism of this act and charges of "some crookedness" were heard. D. A. McFall wrote Governor Sayers:

Early in May Mr. Pierce and his astute attorneys appeared in Austin in the private car of Mr. Pierce. It is reported upon good authority that the car was well stored with champagne and good cigars. Consultations were held in secret and none was ever informed as to how the negotiations progressed. The conference lasted several days, and in the meantime the convivial nature of the conferees were not allowed to suffer. A judicious use of champagne and cigars is a powerful ally to a plausible tongue. The first tangible result of the conference was the postponement for ten days of the date for serving the writ of injunction. This certainly was not required by law or equity.

Mr. Pierce and his attorneys appeared in Austin on May 30, the day before the expiration of the second

term of grace and another conference was held. The public was led to believe that on the next day the judgment of the court would be enforced, but the next day witnessed the unfolding of the well matured plans, and before any one was the wiser, a new permit had been granted to the Waters Pierce Oil Company by the State, and under this it continues uninterrupted the business, which all the courts said it could not transact.<sup>58</sup>

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McFall to Sayers, July 22, 1900. Sayers Papers, Archives of State Library.

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Many persons throughout the State insisted that the old Waters Pierce Oil Company which had dissolved and the new company which had been chartered the following day were in substance and effect one and the same. There is, however, abundant proof to show that there had been a real change in the nature of the company.

Attorney General Smith, who was severely criticised for advising that a permit be granted to the new company, addressed the following letter to the Secretary of the State of Missouri:

Austin, Texas, August 16, 1900-- Dear Sir: Some question has been raised in the State of Texas as to the regularity and legality of the dissolution of the Waters Pierce Oil Company, which was incorporated under the laws of Missouri on the 7th day of May, 1878.

I wish you would please advise me officially, whether or not, according to the laws of Missouri, the said dissolution of the Waters Pierce Oil Company on the 28th day of May, 1900, was regular; and whether or not it was according to the laws and statutes of the State of Missouri; and whether or not said company ceased to exist after said affidavit of dissolution was filed in your office.

Will you please also state to me, officially, whether or not the incorporation of the Waters Pierce Oil Company as shown by its articles of association

filed in your office May 29, 1900, was the incorporation of a new company, or whether or not it was simply a continuation of the old Waters Pierce Oil Company, chartered May 7, 1878.

Very truly yours,  
T. S. Smith,  
Attorney General for Texas.<sup>59</sup>

<sup>59</sup>

Smith to Leuseur, August 16, 1900. Archives of the State Library.

Secretary of State for Missouri, A. A. Leuseur, wrote as follows in answering the letter of Attorney General Smith regarding the dissolution of the company:

The dissolution of the Waters Pierce Oil Company on the 28th day of May, 1900, was, in my opinion, regular and according to the laws and statutes of Missouri. Upon the filing of the affidavit of dissolution in the office of the secretary of state, such company ceased to exist, and it is competent under our laws and practice of this State to incorporate another company under the same name.

The Waters Pierce Oil Company, having been legally dissolved by unanimous consent of its stockholders, became upon the filing of an affidavit, as heretofore stated, extinct, and the organization of the Waters Pierce Oil Company under the articles of association, filed in this office May 29, 1900, was the incorporation of a new company, the existence of which, under our laws, dates from and begins with the issuing of the certificates of incorporation of the date mentioned, May 29, 1900.

For these positions I have an overwhelming number of precedents.

A.A. Leuseur, Secretary of State.<sup>60</sup>

<sup>60</sup>

Leuseur to Smith, August 18, 1900. Archives of the State Library.

The following letter from Attorney General Smith to Secretary of State Hardy of Texas, shows that Texas could not legally refuse a permit to the new Waters Pierce Oil Company.

You (Secretary of State Hardy) had no discretion and could not in law decline to file the certified copy of the charter, and to issue the permit to do business in Texas to said company, which was incorporated May 29, 1900, in the State of Missouri.... The proposition of law to be decided was, did the charter filed by you on May 31, 1900, show the formation of a new and distinct company or was it a continuation of the original corporation?

The facts in this case show that there was not a mere change of membership, but a change in the corporation itself, with only one of the former incorporators in the new corporation. It is true that the new corporation took the name that the old corporation had, but nowhere do I find any prohibition that a new corporation can assume the name once held by a former corporation which had been dissolved.

I therefore concluded and so advised you that you had no discretion to decline to file the charter offered by the Waters Pierce Oil Company, and to issue the permit required by law.... If you had declined to issue the permit, there is no question in my mind that the supreme court would have compelled you to do so ~~by~~ mandamus.

T. S. Smith, Attorney General.<sup>61</sup>

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Smith to Hardy, July 20, 1900. Archives of the State Library.

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In spite of the legal facts in the case the Waco convention worked itself into a frenzy in discussing the question. Ex-Governor James S. Hogg led the anti-Waters Pierce oil fight and Congressman Joseph Weldon Bailey defended the company. Attorney General Smith spoke in defense of his position in re-admitting the company to the state.

One writer, in describing the attempt of former Governor Hogg to have adopted as part of the platform of the convention a resolution strongly censuring the readmission of Waters Pierce, said:

I saw a man who has held the highest office within the gift of the people of the state hooted at like a vagabond by a gang of men who, seeking shelter behind their number, attempted to offer the greatest insult possible to a public man. I saw that man, single handed and alone, curse that crowd for every manner of coward and scoundrel, and I saw them not only take it, but fall in the wake of their abuse and sing his praise. It is a sight seen but once, and once seen will never be forgotten.<sup>62</sup>

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62

The Austin Statesman, August 10, 1900.

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The resolution which Hogg attempted to have adopted was an indictment of the state government for readmitting the Waters Pierce Oil Company. The resolution as introduced follows:

Resolved, That we heartily condemn the deceitful and fraudulent device and subterfuge by which that notorious trust and monopoly, the Waters Pierce Oil Company, is seeking to defeat the execution against it of a solemn decree of the courts of our state, after a tedious and expensive litigation covering nearly four years, in which it attacked in every point the validity and effectiveness of our Texas statute against trusts and monopolies, and that we can not endorse the course of our attorney general and secretary of state in issuing and causing to be issued a new permit to that corporation to do business in Texas, and we demand of our attorney general the speedy and effective execution in letter and in spirit against said oil company of the decree of the court against them as violators

of law.<sup>63</sup>

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<sup>63</sup>

The Austin Statesman, August 10, 1900.

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The resolution was tabled by a vote of 24 to 3.<sup>64</sup>

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<sup>64</sup>

Ibid., August 10, 1900.

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The opinion of the majority of Texans as to Sayers's work at the Waco convention was expressed by a delegate as follows: "You may say what you please, but honest old Joe Sayers had nothing up his sleeve in this matter and I know it."<sup>65</sup>

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<sup>65</sup>

Ibid., August 8, 1900.

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After the convention Governor and Mrs. Sayers left Austin on August 16 for a ten days' visit to Rockport, the first vacation that the Governor had taken since his inauguration.

#### THE GALVESTON FLOOD OF 1900

On September 8, 1900, a storm broke upon the portion of Texas coast embracing the counties of Galveston and Brazoria and extending into the interior. The destructiveness of the storm, said Governor Sayers, "was without precedent on the North American continent."<sup>66</sup> He reported at the same time

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<sup>66</sup>

The Dallas Morning News, January 30, 1901.

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that fully 8,000 lives were lost, and that property aggregating many millions of dollars in value was destroyed. The disaster fell most heavily upon the counties of Galveston, Brazoria, Fort Bend, and Waller, and upon portions of Harris, Grimes, and Montgomery.<sup>67</sup> Galveston county was by far the

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<sup>67</sup>

The Dallas Morning News, January 30, 1901.

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greatest sufferer and stood in most urgent need of immediate assistance.

Upon hearing of the storm, Governor Sayers instantly appealed to the outside world for aid by a notice to the mayors asking them to organize committees to assist in securing aid for the flood sufferers. The response was generous, not only from Texas communities but from many other states. The whole world, it seemed, wanted to help stricken Texas.

There were many who thought that the state legislature should be called into session to handle the emergency. They were of the opinion that the task was too big for the Governor to handle. Hon. Edgar Scurry of Wichita Falls said: "I shall call on the Governor with reference to convening a special session of the Legislature to adopt some measure of affording relief to the South Texas sufferers. I shall suggest to him this at once."<sup>68</sup> The Dallas Morning News also said: "The

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<sup>68</sup>

Ibid., September 13, 1900.

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talk of urging Governor Sayers to call a special session of the Legislature to take action to relieve the situation at Galveston increases. This was done by Governor Culberson in 1897 in the case of El Paso, and is said to be sanctioned by the State Constitution.\*<sup>69</sup>

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<sup>69</sup>

The Dallas Morning News, September 14, 1900.

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Sayers was importuned to convene the legislature on this occasion as in that of the Brazos flood; he declined in both cases to do so. He thought that valuable time would be lost in the assembling of the members and that, moreover, the work was of such nature that it could best be expedited by one person.<sup>70</sup> Public opinion supported the executive's decision.

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Sayers, J. D., Joseph Draper Sayers--Governor of Texas, 1899-1903, 13.

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The Austin Statesman had the following to say in regard to the success of Governor Sayers in securing aid: "The people have that confidence in Governor Sayers that makes him liberal. They know that public funds are as sacred in his eyes as is life itself and will not be misspent under any circumstances."<sup>71</sup>

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<sup>71</sup>

The Austin Statesman, September 24, 1900.

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The distribution of food and supplies was the big problem. The Governor himself had nothing to do with the

the local distribution. He apportioned the funds that came into his hands amongst the various communities and allowed local committees to handle all the details of relief.

Among the agencies outside of Texas giving aid to the stricken people the most prominent were the Red Cross and the federal government. The greatest trouble in connection with the distribution arose from the fact that much of the money donated was sent immediately to the stricken areas rather than through the central agency of which Governor Sayers was the official head.

The federal government was not slow to offer its support. On September 10, Governor Sayers received the following letter from President McKinley: "The reports of the great calamity which has befallen Galveston and other points on the coast of Texas excite my profound sympathy for the sufferers as they will stir the hearts of the whole country. Whatever help it is possible to give shall be promptly extended. Have directed the Secretary of War to supply rations and tents upon your request."<sup>72</sup>

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McKinley to Sayers, September 10, 1900. Sayers Papers. Archives of State Library.

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Upon the receipt of this telegram the Governor wired the Secretary of War requesting that he supply the sufferers with 50,000 rations and 1,000 tents.<sup>73</sup> That order was

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The Dallas Morning News, September 11, 1900.

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immediately filled, the supplies being sent from the camp at San Antonio.

The work of helping the sufferers necessarily continued for some time after the deluge. Bacon and flour were sent to the local Flood Relief Committees to be distributed for months after the storm. The people were given other things besides food, clothing and shelter. Their crops had been destroyed and it was necessary to give them the wherewithal to plant and raise a crop the coming year. The following is a petition from the farmers of Bellville:

To Hon. Joseph D. Sayers, Governor, Austin, Texas.  
We the committee, appointed at a meeting of the taxpayers of Austin county held in Bellville, Oct. 31st, 1900, to devise means whereby the destitute farmers of our Austin county could secure aid and assistance for buying of cotton seed for planting purposes exclusively, in the storm swept district hereby beg leave to respectfully present to your Honor the following facts.

As your Honor knows our section was visited by the storm of Sept. 8, 1900, causing a complete and total destruction of our cotton crop, there not having been left sufficient seed to reseed the land and what few seed we have are unfit for planting purposes, due to their rotten condition, consequently if the land is to be cultivated the coming year it is necessary that we procure seed from outside sources, owing to the fact the farmers lost their crops both corn and cotton and having their houses and fences blown down, and sustained losses in other ways they are unable to buy seed to plant their land the ensuing year....

We conservatively estimate our needs to be twenty-five cars of about 15 tons each to be distributed at the following points and in the following amounts--  
Wallis five cars; Sealy two cars; San Felipe two cars;

Dewey two cars; Millheim one car; Bellville three cars; Buckhorn four cars; Kenney one car; Cochran two cars; and three cars to be distributed to other points.<sup>74</sup>

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74

Guyler to Sayers, November 8, 1900. Sayers Papers.

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Grain was also bought and sent to the farmers of the stricken area for planting purposes. The Houston Texas Central Railroad hauled the grain without charge to the sufferers in the Hempstead area, and probably to other areas as well.<sup>75</sup>

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Jones to Sayers, November 6, 1900. Sayers Papers.

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Governor Sayers described his own part in the relief work as follows:

I didn't call the Legislature together, for I felt that it was strictly an executive job and I wanted a direct, efficient administration of the relief work. I put my cot in the hallway of the executive mansion and slept there night after night, on duty twenty-four hours, directing the work by telegraph and the entire cost of expending vast contributions did not exceed \$750. I gave my secretary and stenographer and a mansion porter extra salaries, for their added work and that was all.<sup>76</sup>

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The Dallas Morning News, April 26, 1925.

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The Houston Post reflected popular sentiment when it said:

During the past two weeks of extraordinary conditions in this State many noble men have come to the front in organizing and executing the relief

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work, and records have been made that will not soon be forgotten by the public. If, however, one character stands more prominently forward in this work than another it is that of Governor Sayers of Texas. Such experiences as those of the last year during the flood period and again this year, have never before fallen to a Governor of this State. The conditions through which we have just passed surpass in magnitude of horror anything that this country has ever previously sustained. The situation was one to unnerve and confuse the stoutest, but Governor Sayers was from the first self poised,...<sup>77</sup>

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<sup>77</sup>

The Houston Post, September 26, 1900.

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The Austin Statesman paid the Governor an added tribute for the able manner in which he handled the situation.

Millions in money, food, and clothing passed directly and indirectly, through his hands and under his supervision, and no one was so reckless as to charge him with extravagance or misapplication in their distribution in the flooded and storm stricken districts.

While his work has been most trying and most nerve straining he will undoubtedly find his just reward in that general encomium which will go up from every section of the state-- Most excellently done.<sup>78</sup>

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<sup>78</sup>

The Austin Statesman, September 24, 1900.

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## THE TWENTY-SEVENTH LEGISLATURE AND THE INAUGURATION OF SAYERS FOR A SECOND TERM

The twenty-seventh legislature met in regular session on January 8, 1901, and adjourned April 6, 1901; it met in a first called session August 9, 1901, and adjourned September

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4, 1901, and met in a second called session September 5, 1901, and adjourned October 1, 1901.<sup>79</sup>

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House Journal, January 8, 1901; April 6, 1901; August 9, 1901; September 4, 1901; September 5, 1901. Twenty-seventh Legislature.

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On January 8, 1901, Governor Sayers delivered his message to the joint session of the legislature of which the following is a part:

To the Senate and House of Representatives:  
It is indeed gratifying that you have convened under circumstances so auspicious. Excepting not more than fifteen of the 243 counties, organized and unorganized into which the State is divided, prosperity prevails in them all to an extent not exceeded in any year of their history.

Abundant crops with a remunerative market have well rewarded the husbandman, and never before has the demand for labor, skilled and unskilled been so great and universal or the compensation of wage earners more satisfactory.

The cattle and sheep industries are prosperous; railway construction has been actively renewed and manufacturing enterprises of many kinds are being inaugurated.

Money has become more plentiful and its circulation more general, resulting in a marked decline of the interest rate.

A desirable immigration is being attracted in large numbers, through the healthfulness of our climate, the fertility and freshness of our land and the many opportunities that here await industry, economy and thrift.

The resources of the State in all their variety, wealth and abundance are unknown even to ourselves; but with the continuance of present conditions, though for a few years only, and with a prudent and conservative administration of the public affairs such development may be safely anticipated as will not disappoint the most sanguine expectation.

With the construction of the Isthmian Canal, anything except inexcusable folly in the matters of

government will not prevent this commonwealth taking within the next two decades the foremost place among the States of the American Union.

It is gratifying to know that the administration of the State Government has, during the past two years, given to the people the best service possible, and it is confidently believed that a thorough and searching inquiry into the several branches of the executive department will show them to have been carefully, economically and efficiently conducted.

A rigid and unsparing examination into the manner in which every official charged with executive functions has performed the duties imposed upon him by law is most earnestly insisted upon to the end that the people may be accurately informed as to how their governmental affairs are managed.

Information by the executive as to the operations of State Government, and also as to its existing condition, accompanied by such recommendations as may be deemed advisable being a constitutional requirement, the following is submitted to the Legislature.<sup>80</sup>

<sup>80</sup>

The Dallas Morning News, January 11, 1901.

On January 15, 1901, Governor Sayers and Lieutenant Governor J. N. Browning, in the presence of the legislature, were inaugurated for their second terms.<sup>81</sup> The lower floor

<sup>81</sup>

Ibid., January 16, 1901.

of the House and the galleries were crowded, hundreds of people being present. The Governor's address was short. He spoke as follows:

As I assume for the second time the duties of Chief Executive of this commonwealth the thought occurs, how can I sufficiently repay the people for their confidence so generously renewed?

Two years ago I stood in this place with a lighter heart and more buoyant spirits than now. Experience



warns me against the anticipation of pleasure and ease for the two years to come.

The honor is great indeed; the responsibilities are no less.

As guaranty for the future I can only offer the record that I have made, here and elsewhere, in the public service.

That record, whatever it may be, I shall earnestly endeavor to improve, steadfastly relying upon the sincere and hearty co-operation of my associates in every department of the government and in return faithfully pledging to them my own.

It is no easy task to successfully and satisfactorily administer the affairs of so great a State, yet in its infancy, with its extensive domain, its variety and abundance of resources, and its many conflicting interests; and to them upon whom the grave responsibility may fall the admonition of Israel's King applies with especial force-- "Let not him who girdeth on his harness boast himself as he that putteth it off."82

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The Dallas Morning News, January 16, 1901.

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#### THE VISIT OF THE NEW YORK BUSINESS MEN TO TEXAS

On January 1, 1901, Governor Sayers addressed an invitation to the Chamber of Commerce of New York, inviting that body to appoint a delegation to visit Texas to examine its business interests, with a view to improving business relations between that city and the State of Texas. Later, on February 5, 1901, a resolution was introduced in the Texas House of Representatives endorsing the action of the Governor in inviting the committee of the Merchants' Association and Chamber of Commerce of New York to visit the state. The reso-

lution also gave the Speaker the power to appoint a committee consisting of one citizen from each committee, representing the various sections of the state to care for the preparations incident to the reception of the visitors. The resolution was adopted.<sup>83</sup>

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The House Journal, Twenty-seventh Legislature, January 1, 1901; February 5, 1901.

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The invitation was accepted by the New York business men; the delegates who were appointed left New York for New Orleans en route for Texas on April 20, 1901.<sup>84</sup> The men who

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<sup>84</sup>

Jessup to Sayers, April 8, 1901. Sayers Papers.

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made the delegation were leaders in business, men who could evaluate the opportunities in Texas. Alvah H. Trowbridge, President of the Ninth National Bank and President of the National Bankers Association of the United States, was chairman of the delegation.<sup>85</sup>

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The Houston Post, May 3, 1901.

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The visitors were met at New Orleans by Edwin Chamberlain, of San Antonio, chairman of the Texas reception committee, Louis J. Wortham, of Austin, secretary of the com-

mittee, Governor Sayers, and others.<sup>86</sup>

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The Austin Statesman, May 3, 1901.

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The New York delegation reached Orange at 7 A. M. April 23, and from there proceeded to Beaumont, the oil fields at Gladys City, Galveston and La Porte, and then extended their examination into the interior of the State. They visited San Antonio, the mineral region about Llano, the cattle area of the Panhandle, the cotton, wheat and corn belt of the black land section, everywhere that knowledge was to be gained of the commercial and industrial status of the state.<sup>87</sup>

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<sup>87</sup>

Raines, Yearbook for Texas, 1901, 277.

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Upon their arrival in Austin, April 27, the party was driven in carriages from the Union Station directly to the state capitol where Governor Sayers welcomed them in the reception room in the presence of other members of the administration. From the capitol the visitors were driven to the residence of Mr. John Bremond, whose guests they were at luncheon. They were later taken for a drive over the city, and at night were given an informal banquet at the Driskill Hotel.<sup>88</sup>

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<sup>88</sup>

Ibid., 277.

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The reports submitted by the committees from New York expressed appreciation for the courtesies extended and belief in the future possibilities of the state. They criticized somewhat severely the anti-trust legislation, but expressed the opinion that capital seeking legitimate investment, could be as safely employed in Texas as elsewhere.

Dr. Cassius M. Wicker, member of the Chamber of Commerce and Merchants' Association of New York, came from New Orleans, where he had gone for private business, to Austin, for the express purpose of presenting Governor Sayers with a printed copy of the report made by the Merchants' Association committee. The report comprises one hundred and fifty pages, and contains much data that sets forth in a conservative way the opportunities Texas offers to labor, enterprise and capital.

#### PRESIDENT MCKINLEY'S VISIT TO TEXAS

One of the notable events of 1901 was the trip of President McKinley through Texas on his way to the Pacific coast. In response to the invitations of Governor Sayers and the Twenty-seventh Legislature, and the city council of Austin, he stopped for several hours at the state capitol. While in Austin the President and Mrs. McKinley were entertained in a very hospitable manner. President McKinley also visited in Houston, San Antonio, and El Paso, and from the

platform of his car exchanged greetings with the people of various towns.

The President entered the state from New Orleans, coming over the Southern Pacific Railway. His special train left New Orleans at nine o'clock at night, and arrived at Houston the following morning, Friday, May 3. The President was met at the station in Houston by Governor Sayers. At the auditorium in that city the mayor introduced Governor Sayers, who in turn introduced President McKinley in the following words:

Mr. President, Ladies and Fellow Citizens:  
I had intended to welcome the Chief Executive of more than seventy-five million people, with one flag, one country, and one destiny, into the imperial Commonwealth of Texas, but I am proud to say that Houston has anticipated me and taken that great pleasure from me at the very borders of the State. I will not detain you with any long speech. I now have the pleasure and honor of introducing to you President McKinley.<sup>89</sup>

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<sup>89</sup>

The Houston Post, May 4, 1901.

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The President then made a short speech in which he said:

My fellow citizens, words fail me to give expression to the appreciation which I have for this magnificent welcome you have accorded me in this city, my first stop in the great State of Texas, and with more gratitude personally to receive from my old friend and colleague in the national House of Representatives, your present governor, Texas' welcome to the President of the United States. I am not an old man, but I remember some of the

earliest statesmen of Texas, with whom I served many years ago in the national house. They were strong men and true, and great representatives of the people, always looking after the interests and welfare of this great Commonwealth, which I would be pleased to call an empire, but we're sensitive on the question of empires, and I am glad your Governor made use of the term. It is an empire like all the rest of the States in the domain of the sovereign people.

The South is contributing its full share in the economics and industries of this great country, and helped to give us the proud rank of first among the manufacturing nations of the world. Its increase in spindles in the manufacture of cotton is almost marvelous. In its coal beds and forests it has added wealth to the gain of our people (and the oil interrupted someone in the audience) (yes, and your oil, and you'll find everything will run smoother if this oil is only lasting and permanent.)

It is not only a union of hands, but of hearts that we have made today. I bring joy <sup>and</sup> the good will of this great nation to the State that under the new census will have sixteen representatives in congress, and will be the sixth State in the union, ranking with Illinois, Ohio, Indiana, and New York.<sup>90</sup>

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<sup>90</sup>

The Houston Post, May 4, 1901.

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Following the speech of President McKinley in Houston, Secretary of State Hay, Postmaster General Smith, Secretary of the Interior, Hitchcock, and Secretary of Agriculture Wilson, were introduced and made a few remarks.<sup>91</sup>

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Ibid., May 4, 1901.

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At 10:20 A. M. Friday, May 3, the train left Houston for Austin, with the President on the rear platform, the crowd waving handkerchiefs and cheering. The President's

train was followed by the Governor's "Special" with members of his staff and other guests. The engines of the train were elaborately decorated with flags and bunting. Just above the pilot point on the engine of the President's train was an immense Texas star. The trains reached Austin at 4:30 P.M.<sup>92</sup>

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92

The Austin Statesman, May 4, 1901.

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What took place in Austin after the Presidential train had reached that city was described by the Statesman as follows:

The line of march from the depot to the Capitol, was headed by the officers of the local police force and Sheriff Davis, 2nd Infantry Band of Brenham, the trumpet corps of Waxahachie, twelve companies of infantry, carriages, fire departments, fire department bands, two companies of Infantry, Troop C, Capital City Cavalry, Confederate Veterans and members of the G.A.R. Post.<sup>93</sup>

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93

The Austin Statesman, May 4, 1901.

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From Austin the President proceeded to El Paso, where a meeting had been arranged by the House of Representatives of Texas between the Presidents of Mexico and of the United States.<sup>94</sup>

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94

The House Journal, Twenty-seventh Legislature, March 27, 1901.

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Though President McKinley was in the State for only a short time he won the hearts of the people. An elaborate memorial service was held at Austin in the Senate chamber at the time of his death, September 14, 1901.<sup>95</sup> Governor Sayers

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The House Journal, Twenty-seventh Legislature, Special Session, September 18, 1901.

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delivered the memorial address and in the course of his remarks he said that he had recently read an editorial paragraph in the Galveston News which greatly interested him; it was, "Do not Fall Out with One Another, You May Both Be Wrong." He said that he went to Congress an extreme Southern Democrat, believing that a Republican could not be honest; but he had lived to learn that men could differ on great questions and still be honest-- learned that in Congress, as elsewhere, men should be governed by the rule "Do unto others as you would be done by." President McKinley, he believed, followed that rule in public as well as in private life. In concluding he said he would repeat a sentiment often expressed by President McKinley, in private conversation, namely, that there is nothing this side of heaven so much to be desired as that the people of the United States should be bound together by ties of the strongest affection and that henceforth and forever they should stand before the world and before heaven as a band of brothers. "The people of the



country do now stand together," said he, "they are united in condemnation of the assassin; united in their prayer for the bereaved wife of the President."<sup>96</sup>

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96

Raines, Yearbook for Texas, 1901, 217.

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#### THE CONCLUSION OF SAYERS'S SECOND TERM AS GOVERNOR

The year 1902 was the least eventful of the four that Governor Sayers was in office. There were no disasters such as the Brazos flood of 1899 or the Galveston storm of 1900.

Governor Sayers delivered his final message to the joint session of the legislature on January 16, 1903. The Austin Statesman published a summary of his four years of service to the State.

The message of Governor Sayers is a masterly and statesmanly production. It is a resume of the happenings during an administration which will always be remembered as a most important and intensely interesting period in the history of Texas. Notwithstanding the unusual disadvantages which have handicapped the state, its progress during the four years past has been such as to bewilder ourselves and to astonish the world. Among these retarding happenings were the great overflow of the Brazos river in 1899, laying waste six hundred square miles ordinarily as productive as the richest part of the valley of the Nile, the destructive storm of 1900, and the general droughts of 1901 and 1902, to say nothing of the pernicious activity of the boll weevil, which has wrought so much injury to the cotton interest.

In spite of these things, the taxable values are largely more than double what they were four years ago. The increase in railway track mileage and electrical railway mileage has been phenomenal. The

number of national banks has nearly doubled in almost the same period of time and the aggregate deposits have almost doubled in amount. Manufacturing, that special feature of the true upbuilding of a state, has shown extraordinary growth. Rice canals and rice farms and the accompanying rice mills have developed like Jonah's gourd. Fruit raising and other diversified agricultural products have been successfully followed and in 1902 the exports from Texas were \$115,114,642 in value, as against \$78,633,301 in 1898. Prodigious oil development has characterized the administration now closing and the fuel problem has been solved by it. Educational and religious progress have been marked and in those directions advances have been made which will continue to bear fruitful results to generations now unborn.

The revenue of the state has enormously increased during the administration of Governor Sayers, notwithstanding the reduction under the act of 1900, of state tax from 20 cents on the hundred dollars to 16 2-3 cents. A vast amount of money is in the state treasury, notwithstanding the expenditure, since January of \$1,172,249 for permanent improvement of State institutions and of largely over special purposes as set out in the message of Governor Sayers.

The enterprises of the state have been much benefitted by the exhibition of our resources to the people of the northern and middle states, many delegations of prominent men from those sections having been gracefully received and entertained under the auspices of Governor Sayers. President McKinley participated in these worthily bestowed attentions and carried away with him kindly appreciation of the loyalty of Texans to the federal government and to the old flag.

Nearly two millions of dollars have been collected in the last four years for rentals of public lands and there now remains unsold and for the benefit of the permanent free school fund a great domain of public land greater in acreage extent than the average European kingdom-- a greater fund for the free education of the people than exists anywhere in the world. The numerous departments have done good work in supplementing the efforts of Governor Sayers to make his administration a success....

With the modesty which is the badge of true merit, Governor Sayers concludes his message with the words: "For myself it is only claimed that in whatever I have done the motive has been to serve the people

faithfully, honestly and well." In reply, the people over the broad extent of Texas exclaim, well done, thou good and faithful servant. 97

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97

The Austin Statesman, January 17, 1903.

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## CHAPTER IV

### THE EVENING OF LIFE

Governor Sayers's term of office as chief executive of Texas ended in 1903. He was not a man who could retire from office and live in idleness. He began before his term of office had ended to think of some way he might serve his state and nation in the future. The following letter was written by C. K. Bell, Attorney General of Texas during a part of Sayers's administration.

July 19, 1902

Hon. Joseph D. Cannon  
Danville, Ill.

Dear Sir:

Perhaps you will be unable to recall the writer as one who served with you in the 53rd congress. At any rate I remember you as being a particular friend of Major Sayers who was then on the appropriation committee with you and who is now Governor of this State.

Governor Sayers's second term as executive of the State will expire in January next and in view of that fact I write you this letter purely of my own volition and without any suggestion on the part of the Governor for the purpose of asking your advise and if it is favorable of securing your assistance in a matter in which I am sure you will be glad to assist.

It has occurred to me that the President would probably appoint some prominent southern Democrat

one of the Commissioners on the Isthmian canal commission and if so I am sure that you and all others who know Governor Sayers will agree that his superiority for such a position could not be, if indeed his equal could be found anywhere....<sup>1</sup>

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<sup>1</sup>

Bell to Cannon, July 19, 1902. Sayers Papers, Archives of University of Texas.

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There are several hundred letters in the archives of the University of Texas library recommending ex-governor Sayers for the place on the commission, many of them from the most prominent men of the time. The recommendations came from Democrats and Republicans alike, from the North and the South.

The South was interested in having Sayers appointed on the commission, not only because he was a good man and well qualified for the place but also because it was thought that the South, which was nearest to the canal, should have a representative on that body. There was also a strong feeling that Texas should be represented on the commission. Senator H. M. Teller of Colorado wrote: "As of course you know Texas has a vast frontage upon the Gulf of Mexico, and is greatly interested in the canal project. That Gulf is Colorado's nearest salt water; hence we of this state feel a neighborhood of interest in Governor Sayers's success."<sup>2</sup>

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<sup>2</sup>

Teller to Roosevelt, undated copy. Sayers Papers, Archives of University of Texas.

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James Hay of Virginia wrote: "The South, and Texas especially, are deeply interested in the canal project. I therefore deem it needless to point out the importance of having a man from that State on the commission."<sup>3</sup>

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<sup>3</sup>  
 Hay to Roosevelt, September 25, 1902. Sayers Papers, Archives of University of Texas.

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The Texas legislature realized the importance of having a man from their state on the commission. That law-making body unanimously recommended Sayers to President Roosevelt for appointment. House concurrent resolution No. 20 endorses him for the appointment as follows:

Whereas, the President of the United States is authorized to appoint seven commissioners who will have charge of the construction of the Isthmian canal which is to unite the waters of the Atlantic and Pacific Oceans, and

Whereas, the State of Texas is perhaps more directly interested in, and will be to a greater extent benefitted by the construction of said canal than any other State in the Union, and whereas, Hon. Joseph D. Sayers, as Governor of the State of Texas, and while a member of the Committee on Appropriations in congress and as chairman thereof demonstrated his peculiar fitness for the character of work which will devolve upon a member of said commission thereof, be it Resolved by the House of Representatives of the State of Texas, the Senate concurring:

#### Section I

That we most earnestly commend to the President of the United States the appointment of Governor Sayers as one of the commissioners on the Isthmian Canal Commission.

#### Section II

That a copy of this resolution, properly authen-

ticated, be transmitted to the President of the United States.<sup>4</sup>

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4

Legislature of Texas to Roosevelt, Sayers Papers, ---  
University of Texas Library.

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In spite of all of the recommendations sent to the President in behalf of Sayers he was not appointed as one of the commissioners. Some of the letters stated that he was a man eminently qualified for the place but a Democrat. The failure of the President to make the appointment may have been due to the fact that he was unwilling to step outside of party lines to fill the position. Archie Butt said that President Roosevelt thought very highly of Sayers but that he also thought that Sayers had been in politics too long.<sup>5</sup>

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5

Butt, Archie, Taft and Roosevelt, 178.

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After leaving the Governor's office, Governor Sayers went to San Antonio where he practiced law for a time. He soon returned to Austin. He was retained as attorney for several railroads but with the specific understanding that he was not to lobby in their behalf.<sup>6</sup>

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6

S. S. Sayers to J. L. Tenney, Interview.

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In 1915 he was appointed a member of the Board of Regents of the University of Texas. In the controversy

between Governor James E. Ferguson and the University Sayers espoused the cause of the University and was Chairman of the convention that was called at Dallas in behalf of the institution. He was appointed chairman of the Citizens' Committee with power to select its members and to present to the people the facts leading to the controversy, and to furnish information as to the issues involved.<sup>7</sup>

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<sup>7</sup> Sayers, S. S., to J. L. Tenney, July 20, 1932.

On September 1, 1915, he was appointed Chairman of the Industrial Accident Board, a position retained by him until September 1, 1917.<sup>8</sup> He served as a member of the Board of

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<sup>8</sup> S. S. Sayers to J. L. Tenney, Interview.

Legal Examiners of Texas from 1922 to 1926.<sup>9</sup>

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<sup>9</sup> Ibid.

The first appointment that Governor Dan Moody made after his induction into office in January, 1927, was that of Major Sayers as Chairman of the Board of Pardons.<sup>10</sup> The

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<sup>10</sup> The Dallas Morning News, May 16, 1929.

ex-governor did not stop his work with the pardon board



routine until about two weeks before his death, when he was compelled to remain at home on account of his feeble condition. Wednesday morning, May 15, 1929, immediately after partaking of breakfast, he suffered a heart attack which resulted in death.<sup>11</sup> He was buried at Bastrop, his old home.

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<sup>11</sup>

The Dallas Morning News, May 16, 1929.

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The death of Major Sayers removed from the scene the last of the Confederate veterans whom Texas called to the Governor's office. His death meant more than the passing of a man, it meant the passing of one of the last of the representatives of a great period of history. Miss Jessie Sayers, sister of Major Sayers, says: "My brother was a romantic figure, representing as he did the old and the new-- from the days of the Confederacy to the present time."<sup>12</sup>

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<sup>12</sup>

Miss Jessie Sayers to J. L. Tenney, August 5, 1932.

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Stanhope Henry, who with Governor Sayers constituted the pardon board, paid this tribute to the ex-governor at the time of his death: "The South has lost one of her noblest figures, Texas her first citizen, the Democratic party its safest pilot. The beloved of all hearts has been taken."<sup>13</sup>

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<sup>13</sup>

The Dallas Morning News, May 16, 1929.

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