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THE CAPITOL DISASTER

A CHAPTER OF RECONSTRUCTION IN VIRGINIA.

Richmond is, and we think, of right ought to be, regarded as one of the most historic cities in this country. Apart from its pre-revolutionary, revolutionary and post-revolutionary fame and incidents (some of which, although meagerly recorded, are full of interest), it was for four years of terrible war, the Capital and Citadel of the South, during which period, nearly every movement of the armies of the North were directed at its capture or destruction, and during much of that time, it was, literally

“A looming bastion fringed with fire.”

When deeds of daring and devotion could no longer prevail against “overwhelming numbers and resources,” and the City had to be surrendered by the Confederates; two-thirds of the business portion were left in ashes, and the rest of it almost in a condition of starvation and desolation.

In the defence of the city, its people were subjected to sufferings and sacrifices rarely endured, and they were, almost daily, the witnesses of scenes and experiences which, at other times, and amid other environments, would have been deemed disasters or calamities. Whilst referring to these things, the purposes of this paper are not to describe any of them; but merely to show, why one of the two great historical disasters in the life of the city (each about equally destructive of human life, and productive of human sorrow and suffering) has left a more lasting and vivid impression on its history than the other.

The first of these two memorable disasters occurred on December 26th, 1811, when the “Richmond Theatre” was destroyed by fire; when seventy-two human lives were lost (among them the then Governor of the State), and many others were injured in escaping from the flames.

The second occurred on April 27th, 1870, when the floors of the court room and clerk’s office of the Supreme Court of Appeals of the State (then located in the Capitol building) fell, precipitating a crowd of about three hundred and fifty men about twenty-five feet into a “pit of destruction,” killing sixty-two and wounding two hundred and fifty-one more, some of them among the most prominent and useful citizens in the land.
At the time of the first of these occurrences, Richmond had a population of only about ten thousand. It was, and had been for a long time, enjoying a season of genuine peace and prosperity, and hence the happening of this startling event amid such surroundings, created a profound impression throughout the whole land, and it has not only found its appropriate place in the history and traditions of the city, but it is often referred to now as one of the most noted events in its life.

At the time of the happening of the second of these occurrences, the people of Richmond, then five times as large as in 1811, had just emerged from the calamities of a great disastrous and destructive war; the women, as well as the men, were inured to scenes of death and danger; they had just passed through not only four years of war, but five more years of so-called "Reconstruction;" during which, almost daily, events were occurring, calculated to shock the sensibilities of the people, and to make them ask, what next? These things and the strain and stress of trying "to keep the wolf from the door," followed by commercial and industrial endeavor ever since, have swallowed up and almost obliterated, the memories of the second, or "Capitol Disaster," from the minds of the few now living, who witnessed or who were the victims of that frightful event, and the younger generations are generally ignorant of it, and the causes of it. We should add too, that the good sense displayed in building the Monumental Church on the site of the first disaster, has greatly contributed to memorialize that event, whilst there is not even a tablet, or any other memorial, that we know of, to mark the happening of the second. Will not some one have this done?

As one of the few survivors of the second disaster, we have been asked to place on record, the details of that event, as far as they can now be obtained, and the incidents which preceded and caused that event. We have consented to undertake this task, mainly for the reason, that this calamity was the climax and culmination of "Reconstruction," and a direct result of those illegal and infamous measures; and because the people of this generation have no conception of the trials and tortures through which those of us who lived through those days were called to pass; trials and tortures which justified the "Klu Klux Klan," and other like organizations to protect our women, and to preserve the integrity of our civilization and race. It is creditable to the people of the North to say, that they are now as much ashamed of the "Reconstruction" measures, and of the crimes and outrages committed under them as those of any other section of the country.
Any attempt to describe the many occurrences in Richmond in the attempts to enforce those infamous measures, is beyond the scope of this paper. But it is legitimate and proper to show, that certainly so far as Virginia is concerned, there could be no reasonable ground for the enactment of those harsh, illegal and unconstitutional measures, unless, as nearly all of us believed at the time, and as most of us think now, they were designed to further punish, and persecute our already prostrate and suffering people, and to degrade them, if possible, by putting them under the dominion of their former slaves. Either this, or they were enacted to render our people less able to resist the fierce and constant raids of the “carpet baggers,” “scallawags” and other cormorants who flocked and feathered here, like the miserable vultures they were, “seeking whom and what they might devour;” and who had generally “left their country for their country’s good.” We repeat, there could have been no excuse for the enactment, and attempted enforcement of these measures in Virginia. The old Commonwealth had been already rent in twain by the mailed hand of war, and by means and measures which even Mr. Lincoln’s Attorney-General had pronounced “an original and independent act of revolution” and as a “plain breach of both the Constitutions of Virginia and the Nation.”

Francis H. Pierpont, with his so-called Legislature consisting of sixteen members, in both branches, had removed his Capital from Alexandria to Richmond, and had been hauled from Rocketts to the Capitol building, with all his archives of State, in an ambulance. They were then claiming to be the Civil Government of Virginia, and were reeognized as such both by the Federal Government and the people of Virginia, and Pierpont was administering the affairs of the State peaceably and quietly, and generally to the satisfaction of our people. There may have been, and doubtless were, conflicts at times between the people and the civil and the military authorities still kept here, but these were infrequent, and nothing like so serious as those afterwards occurring under the “Reconstruction” Acts. Only one illustration will suffice to show the chaotic condition produced by these “Reconstruction” measures. They empowered the military commander of each district (Virginia being District No. 1) to remove every civil officer, who could not take the “iron clad” or test oath (i. e., an oath that he had not supported or sympathized with the South in her struggle for independence), and to replace these officials with those who could take that oath. This the general commanding the district promptly did, and thus removed practically every judge, clerk, sheriff, Commonwealth’s attorney, commissioner
of the revenue, constable, justice of the peace, mayor, council-
man, etc., in the State, since nearly all of our people were true to
the South, and were consequently disqualified for office under the
terms of these acts. The military appointees were “carpet
beggars” from the North, “scallawags” from the South, negroes
or Federal soldiers detailed from their several commands, and,
with few exceptions all were equally ignorant, incompetent
and corrupt. As ludicrous as it now sounds, (it was too serious
a matter to be laughed at then) the judges appointed were as
ignorant and bad as the rest, and sometimes even worse. The
judge appointed to preside over the circuit court of the city of
Richmond, to supplant the learned, able and upright Meredith,
did not even know what p. q. when put at the end of a bill, declara-
tion, or other pleading meant. The Supreme Court of the State,
which had given John Marshall to the Judiciary of the country,
was presided over by a Major on General Schofield’s Staff,
another soldier and a civilian, no one of them ever having been
before heard of as a lawyer. Their decisions are reported in
XIX Grattan, and in the copy of that volume in the State Law
Library on the page where the names of the so-called judges
appear, some wag has made a bracket embracing their names,
and written, that

“Although they sat upon the eagle’s eyrie, they are buzzards still.”

During military rule in Virginia, which lasted from April 3rd,
1865 (when Richmond was evacuated by the Confederates), until
January 26th, 1870 (when the representatives of the State were
permitted to take their seats in Congress, and the State thus
readmitted into the Union), there were seven military and two
so-called civil Governors, each and all of whom alien enemies
of the representative white people of the State, and, exclusive of
the adventurers and the negroes, not one of them could have com-
manded the support or respect of a “Corporal’s Guard” of the
true people of the Commonwealth.

And so we were subjected to the domination and usurpation
of these alien rulers for nearly five years, after the war ended,
and that too, notwithstanding the fact that Andrew Johnson,
the then President of the United States, had, on April 2nd, 1866,
issued his proclamation setting forth “that the insurrection which
heretofore existed in the States of Georgia, South Carolina,
Virginia, North Carolina, Tennessee, Alabama, Louisiana,
Arkansas, Mississippi and Florida is at an end, and is henceforth
to be so regarded.” We have said before, that it was impossible
for the people of this generation to appreciate the difficulties and
disappointments we then had to encounter, and we repeat this statement with emphasis. Especially was this true, at a time when most of us were struggling, and with difficulty, to make a living, and with many other forms of trial and privation too numerous to mention.

But the worst is yet to be told. On September 12th, 1867, General Schofield, then in command of “District No. 1,” issued his General Order No. 65, setting forth that

“In pursuance of an Act of Congress of March 23rd, 1867, an election will be had for delegates to a State Convention, and to take the sense of the registered voters upon the question whether such convention shall be held for the purpose of establishing a constitution and civil government for the State of Virginia, loyal to the Union.”

This election was held on October 22nd, 1867, and the two following days, running far into the night of each day. We remember going to the one voting place then in Monroe Ward, about nine o'clock at night of the last day, when “carpet baggers,” “scallawags” and negroes were still being brought up and voted, and on asking a friend, “from whence they were still bringing these voters,” he answered, “from ‘Oakwood,’ ‘Hollywood,’ ‘Shoekoe’ and ‘Hams’ burying grounds;” and, doubtless, the names of many of those then on the registration books (unpurged up to that time) who had long before “shuffled off this mortal coil,” were then being voted by the “Managers” on behalf of a convention to represent these “Managers” and their allies in that body, and in so doing, to malign and to misrepresent, our Mother Commonwealth. Poor Old Virginia! wasn’t she then draining the cup of sorrow and shame to its dregs? But, alas! the end was not yet, as we shall presently see. With such “Managers” and such methods prevailing throughout the State, and with the active support and sympathy of both the military and quasi civil authorities then in power, the result could not long be in doubt, and so the “Black and Tan” (as it was afterwards called) convention was called of the following mongrel and heterogeneous composition. There were one hundred and five members of that body—thirty-five conservatives, sixty-five radicals, and five doubtful. The radicals were composed of twenty-five negroes, fourteen native white Virginians (the “Scallawags”), thirteen New Yorkers, one Pennsylvanian, one member from Ohio, one from Maine, one from Vermont, one from Connecticut, one from South Carolina, one from Maryland, one from the District of Columbia, two from England, one from Ireland, one from Scotland, one from Nova Scotia, and one from Canada. Of the fourteen white Virginians belonging to the
radical majority (the "Scallawags"), some had voted for Secession, some few had been Confederate soldiers, others had had sons in the Confederate Army, and scarcely one of them had been known as a Union man during the war. We involuntarily exclaim with Milton——

"But what will not ambition and revenge
"Descend to? Who aspires must down as low
"As high he soared, obnoxious first or last
"To basest things."

But, thank God, there were but a very few so-called white men, and no women, in that despised class in that day, and I hope and believe there are fewer in this. The man who forsakes his own people in ordeals of adversity and trial such as we were then passing through, is a crook, a craven, or a scoundrel, and frequently a combination of all three. A vigorous writer of that day, thus describes the situation. He says:

"It is difficult to realize the situation which we have reached in the South. The mind is stupefied at the initiation of Negro domination. It is a waking nightmare whose horrible shadow cannot be pierced by the struggling faculties, a spell that neither the senses, nor the reason, can dissolve. The only escape from such a fact is, that which the stout and resolute always discover from the storms and floods of unpropitious fortune. Resolved to swim, they breast the tempestuous waves, unterrified and undiscouraged, confident that if but true to themselves, they were not born to be drowned. In such a spirit should the white people of Virginia buffet with the rude surges that break over them in this moment of adversity; in such a spirit should they beat down the heaving bosom of the dark flood in which they struggled; in such a spirit should they wrestle with the swift and swollen current of this revolutionary period, which has submerged all the ancient landmarks, has subverted the foundations of the Federal Government; has swept away the sentiment of constitutional liberty at the North, and is now raging like a howling waste of waters over the lately fair and lovely vistas of the South."

Some of our readers will doubtless say, whilst this writer's rhetoric is very fine, the picture he here draws must be an exaggerated one. We can assure such critics that this is not the case, as we vividly recall those dark and terrible days.

But we must return to the work of the Convention. It sat in the hall of the House of Delegates in the Capitol from December 3rd, 1867, to April 17th, 1868, and on the last-named date (the seventh anniversary of the adoption of the Ordinance of Secession, sitting in the same Hall), it adopted, what is known as the "Underwood" Constitution, so-called because of the fact that John C. Underwood, the Federal District Judge of this District, presided over that body. No more striking contrast could be found, than that presented by the personnel of these two conven-
tions: That of 1861 represented all that was highest, noblest and best in the history and traditions of the best days of the Commonwealth; the majority of that of 1867, I have no language to describe, but will only borrow from Scott’s “Lay of the Last Minstrel,” and say of each:

“Despite these titles, power and pelf
“The wretch concentrated all in self
“Living shall forfeit fair renown,
“And doubly dying shall go down
“To the vile dust from whence he sprung
“Unwept, unhonored and unsung.”

The members of the first were the prototypes of the purity, patriotism and proprieties of the best civilization and traditions of the race; those of the majority of the latter represented the jetsam and flotsam left on the surface of a troubled sea, stirred to its depths by the strifes and animosities of a cruel and wicked war. As was the contrast in the personnel of these two conventions, so was the outcome of the respective labors of the two. That of 1861 adopted measures consonant with the true sentiments, and what was believed at the time to be the highest duty and best interests of the State; that of 1867 adopted a constitution illy suited to the conditions then existing in the State, foreign to its best interests and disfranchising nine-tenths of the men of real worth and character in the State. This convention spent one hundred thousand dollars in its worthless and wicked work, and would have spent many thousands more had not General Schofield disbanded it, and the expenses of the last ten days have never yet been paid.

The people of Virginia were, as we have said, singularly loyal and devoted to the Confederate Cause; and so the provision of the “Underwood” Constitution disfranchising all who could not take an oath that they had neither sympathized with, nor supported, that cause, made these, the true people of the State, organize and determine to defeat the adoption of that constitution at the polls. The “Conservative Party,” as it was called, was then organized for that purpose, and would doubtless have succeeded but for the fact that at this juncture, Mr. Alexander H. H. Stuart of Staunton, a wise statesman and patriot, seeing that the readmission of the State into the Union was about to be indefinitely postponed, and that negro suffrage was inevitable, determined, with a few others, to try to do something to relieve the situation. He then formed what was afterwards known as the “Committee of Nine,” composed of Mr. Stuart, as Chairman, John B. Baldwin, Wyndham Robertson, W. T. Sutherland, James
Neeson, J. F. Johnson, Wm. L. Owen, John L. Marye, Jr., and John F. Slaughter, and this committee prevailed on Congress, after great efforts, to authorize the submission of the constitution to be voted on either as a whole, or that the provisions requiring the "test oath," and the disfranchising clause, should be voted on separately. It was commonly said at the time that the "Committee of Nine" had done "a great deal of good;" but, reflecting over those times, we do not believe the work of that committee has ever received the meed of praise it really deserved. The truth is, many of our best people had become disgusted at the many acts of perfidy, bad faith and oppression practiced by the Federal Government and its leading representatives at the time, and they were, therefore, suspicious lest the work of that committee might be considered as "truckling" to those who had oppressed and fooled them so long and so often. We confess that we felt this way ourselves; but when we saw later that we were mistaken, we cheerfully joined and worked for the "Conservative Party," and have supported it, and its successor, the Democratic Party, from that day to this.

On the 10th of April, 1869, Congress passed an Act, empowering President Grant to submit to a vote of the people the constitution, either as a whole, or by sections, separately, as he might deem proper. Grant, be it said to his credit, issued his proclamation on May 14th, 1869, fixing July 6th, 1869, as the date for submitting the "Underwood" Constitution to the vote of the people, and he submitted the fourth clause of Section 1 of Article III and the seventh Section of the same Article, to be voted on separately from the Constitution. Accordingly this election was held under the supervision of General E. R. S. Canby, commanding District No. 1. The total registered vote in Virginia at that time was 269,884, of which 149,781 were white, and 120,103 colored. The total number of votes cast for and against the Constitution and the independent clauses, was 222,319, of which 125,114 were white, and 97,205 were colored. The Constitution was ratified by a vote of 210,583 to 9,135. The fourth clause of Section 1 of Article III, or the disfranchising clause, was rejected by a vote of 124,360 to 84,410, and Section 7 of Article III, the test oath clause, was rejected by a vote of 124,715 to 83,458. At this election Gilbert C. Walker, a conservative, a native of New York, but then residing in Norfolk, was elected over Henry H. Wells, a radical, from Michigan, then acting Governor, under military appointment, by a vote of 119,535 to 101,204, or a majority of 18,381.
On January 26th, 1870, another Act of Congress was approved readmitting Virginia into the Union, and on the same date, it was contemplated by the act, that the military should be withdrawn, and all of their appointees to office annulled and the offices vacated as soon as their several successors were elected and qualified. Notwithstanding the fact that Canby’s powers as military commander ceased with the readmission of the State on the 26th of January, 1870, as we have seen, yet on the next day, the 27th of January, he fired his Parthian arrow at the Old Commonwealth by an order directing all the military appointees to office to hold on until their successors chosen under the New Constitution were elected and qualified. This order, if effective, would prolong the terms of all these appointees until July 1st, 1870, when the terms of all officers elected under the New Constitution were seemingly intended to take effect.

It may be, that we owe our readers an apology for the foregoing long recital, but it contains matters of history which ought to be known, which we have gathered from apparently authentic sources, and which facts as will be seen, presently, have a direct bearing on the “Richmond Mayorality Case,” and the “Capitol Disaster,” which was the result and sequel of that case.

THE RICHMOND MAYORALTY CASE.

As just stated, Gilbert C. Walker, a native of New York, then residing in Norfolk, was elected Governor at the election held on July 6th, 1869, to commence to discharge the duties of the office as soon as the State was readmitted into the Union, by the seating of her representatives in Congress, and this was, as before stated, on January 26th, 1870.

We can never forget the grand procession, and other demonstrations of joy in Richmond celebrating both the election and inauguration of Governor Walker. He was a fine looking man, not devoid of moral and physical courage, possessed of fair intellectual ability, and had many attractive and admirable traits of character. He was very popular, and after his term as Governor had expired, was elected to Congress from this district over Col. John H. Guy, one of the best men, and one of the ablest lawyers in the State. Walker’s good looks were his undoing, and, so when in Congress, he became demoralized, and was defeated in the next election by General Joseph E. Johnston; he then left Virginia, and went back to his home, at Binghamton, New York, where he has since died. He made, on the whole,
a very good Governor, and his election was certainly the best we could have done at the time.

As before stated, Walker went into office on January 26th, 1870; he called the Legislature, elected at the same time that he was, to meet on February 8th, 1870, and on March 5th, an "enabling act" was passed, which recognized as legal such of the existing civil officers of the State as were eligible under the Constitution, and provided especially "for the more efficient government of cities and towns;" that the Governor should appoint councilmen or trustees to take the places of those then in office. This act also authorized these new councilmen or trustees (with certain exceptions) to fill all municipal offices, such officers to supplant and supersede those then filling those offices, respectively.

On Tuesday, March 15th, the Governor appointed councilmen for the city of Richmond, retaining two of those appointed by the military, viz.: Colonel Albert Ordway, who came to Richmond in command of a Massachusetts regiment at the time of the evacuation. Ordway married a lady then living here, Miss Missouri Godwyn, a strong Confederate, and he became one of our best and most useful citizens. The other was William C. Dunham, also from some Northern State—Massachusetts, we believe. He also married a Richmond lady, Miss Lina Ayres, a thorough Confederate, and he also became a most useful and exemplary citizen. He held at his death—caused by the Capitol Diaster—the agency of the Old Dominion Steamship Company.

This council, at the request of Governor Walker, met and organized the next day by electing Mr. James A. Scott, as President. It then elected Mr. Henry K. Ellyson Mayor of the city, who at once qualified, and sent to the council the names of Major John Poe, Jr., for chief of police, and the following six captains, viz.: James M. Tyler, Reuben T. Seal, George Fowlkes, James B. Pleasants, Charles T. Ganther and John Disney, all of whom were at once elected, although, as will be seen later, Ganther adhered to the cause of George Chahoon, the military appointee, already in office, who had as his chief of police Major Egbert, of the Federal Army, together with a fully organized and equipped police force. Chahoon determined at once to contest Ellyson's title to the office of Mayor, claiming that that feature of the "enabling act," which authorized his election, was unconstitutional and void, and that by virtue of his appointment and by the terms of the order of General Canby of January 27th, 1870, before referred to, he had the right to continue in office until his successor, elected by the people under the New Constitution, was