detachments at their respective stations," removed "objectionable appointees," and replaced them "with suitable men, thus rendering the force reliable and efficient in case of an emergency."[46]

The first test of the collective power, flexibility, and effectiveness of the State Police as an organization centered on Madison County. Davis was compelled to order a contingent of policemen into the area, but he did not, as is often thought, declare martial law.[47]

Named for President James Madison and carved out of Grimes, Leon, and Walker counties in 1853, Madison County's existence dates from August 1854. The climate, warned the 1871 *Texas Almanac*, was "changeable." One hundred miles northwest of Houston and comprising 473 square miles, Madison County numbered 4,049 inhabitants in 1870, of whom 1,470 were black (about one-third). Although the area had not contained a large slave population (there were only 902 in 1864), following the war the black populace became active, especially after their enfranchisement in 1867. During the Civil War decade, the county experienced an 80 percent increase in the number of residents, which exacerbated race and class tensions.[48]

An unsettled judicial system and weak law enforcement officials, hampered by the lack of court proceedings, allowed desperadoes to roam the area. However, arrest attempts were made. Sheriff James W. Neighbors jailed Neal McMillan, who had been indicted for murdering John Longbotham. McMillan presented a writ of habeas corpus before Judge Davis, who refused to grant bail. On the night of July 21, 1870, a disguised mob of undetermined numbers surrounded the jail, "forced the keys from the sheriff," and released McMillan and W. L. Berryman, who was charged in another killing. The jailbreak was led by the "notorious" Bill McIver, who had killed a Bryan policeman. Accessories to the jailbreak were the Gardners and Poney Stephens, who had slain a Leon County doctor.[49]

Sheriff Neighbors was compelled by "brute force" to release McMillan and Berryman, according to a county inhabitant, who also remarked that the "only wonder is that [Neighbors] kept them in custody so long." Chief of Police Davidson contacted the Bryan City Marshal, George W. Farrow (who later became a captain in the State Police), requesting that he make every attempt to recapture the escapees and also the parties responsible for releasing them. Following the jailbreak, efforts were soon made to remove Neighbors. A member of the Davis ticket who had received both white and black support, Neighbors was described as efficient in some matters. Unfortunately, he often ignored and neglected his subsidiary duties.[50]

Digitized by Google

A prominent Madison County politico, J. D. McMahon, criticized the citizens for their lack of support for law and order. The verbal attack drew an immediate response. ln a letter to the governor, twenty-eight Madison County residents admitted that their county had experienced occasional murders and lynchings between the end of the war and the adoption of the 1869 Constitution. However, the "good people" of the county deprecated these acts. They refused to accede to the fact that anything serious enough had occurred within the county limits to justify the published charges. Attempting to forestall a declaration of martial law, they maintained that in the previous six months there had not been a "more quiet and law abiding people" within Texas. ln defense of what occurred, the citizens stated: "And pray sir what county is it that does not afford us instances of escapes of prisoners from their jails even when jails are considered safe and where the laws are said to be most rigorously executed."[51]

lndividuals connected to the state administration also precipitated the entrance of the State Police into Madison County. One of the key men was John H. Patrick, a State Policeman. Patrick was a twenty-eight-year-old Georgia-born farmer. His wife, Sarah J., was from Alabama. They had two daughters born in Texas. Patrick joined the State Police in August 1870. He soon experienced difficulties with Chief of Police Davidson because of his unprofessional conduct. Before his clash with Davidson, Patrick organized a company of State Guards, primarily comprised of African Americans, and became its captain. Neither these activities nor his demeanor endeared him to several county residents.[52]

Patrick confirmed to Davidson that one company of State Guards, "every one of them Colored men," had been formed in Madison County. Patrick and his cohorts were "carrying things through." The company was anxious for a Davidson visit, as Patrick believed it would do the Chief of Police "no harm." A committed Republican, Patrick also wished to expand the party's influence by formally joining the Union League. He planned to visit Austin, where he hoped to receive authorization to initiate such a cell in Madison County. ln addition to his political activities, Patrick desired to reduce chances for violence and requested information about the law in regard to carrying six-shooters, which he would subsequently misinterpret.[53]

Patrick ran afoul of Davidson's wrath. The Chief of Police learned that on a visit to Bryan, Patrick had behaved "disgracefully, being nearly all the time intoxicated, getting into difficulty with livery stable keepers, taking pistols from persons who were by law allowed to carry them," and representing

Digitized by Google

himself as a captain in the State Police (he was a mere private). The adjutant general gave Patrick an opportunity to provide evidence that the reports were false or, failing that test, that he had been unjustly libeled. Patrick's shenanigans were confirmed, and he was dismissed from the force in December, but not until after Governor Davis sent a force of State Police into Madison County.[54]

After the July 1870 jailbreak, unrest continued in the county. The precise nature of what actually occurred is contradictory, but Patrick's actions in forming the State Guard and illegally disarming individuals, along with the violence aimed at the freedpeople, led to more outrages. An unidentified deputy sheriff organized a "posse" composed of Jack Rogers and others to arrest Patrick on a robbery charge (confiscating weapons). This group believed the State Police used excessive force and "undue authority over criminal and civil matters." This anti-police and anti-administration band swore they intended to "kill every G_d_ _ _d Radical in Madison County." They also contended that blacks had joined the State Guard to murder whites.[55]

In November 1870, the gang entered Madisonville to take Patrick into custody but found that he was in Austin attempting to resolve his difficulties with Davidson. After slaying Edward W. Tinsley, who had declined a position in the State Police but was a second lieutenant in the State Guard, they surrounded the Patrick home. Mrs. Patrick sent a messenger to warn her husband that he was in danger. The vigilantes discovered John Copeland and four freedmen in front of the Patrick house, where the latter took refuge. The "posse" fired into the house but ceased when Mrs. Patrick exclaimed that there were children inside. Copeland tried to escape but died in a fusillade of bullets. A freedman may also have been killed, but the evidence is ambiguous.[56]

The attack compelled State Representative C. Duval Harn to write from Navasota (Grimes County), where Madison County refugees appeared seeking relief from the carnage, that its neighbor was in a "terrible condition." Patrick's life had been threatened, and Harn requested that three companies of the State Guard be activated to "quiet things." State Guard members, including Tinsley and Private Sam Walton, had been killed; Corporal George Washington was wounded. One of the two Perkins brothers (either J., a fifth sergeant, or W., a second corporal), along with a man named Black, was beaten. Harn desired protection for the "best men." He also reported that McIver had returned to the county with one hundred men.[57]

Amidst the confusion, J. R. Burnett, who had been born in Georgia in 1843, arrived in Texas in 1860, served in the Confederate Army, and became

Digitized by Google

District Judge of the 30th Judicial District, kept the governor partially informed of Madison County events. Disguised whites had whipped two black men, and a warrant was issued for Patrick's arrest, charging him with robbery for disarming people. In the exchange of gunfire at Patrick's house, two were killed, one white and one black. Various parties intended to "whip or drive out of the county all the negroes who belonged to Patrick's company of State Guard and the negroes must have supposed that the sheriff and posse were after them to carry out their threats." (This was not a far-fetched assumption.) When challenged by the mob, they naturally believed their lives in danger and responded accordingly, seriously wounding one white man. Great indignation ensued, but no further casualties occurred. The whites dispersed. Although seriously shaken by the attack and concerned about their safety, those blacks in the area where the disruption occurred returned home.[58]

Burnett mistakenly felt that the "great body of the white people" was "disposed to cooperate with the authorities in establishing perfect good order," and the judge claimed that before the adjournment of his court this result would be attained. He thought the individuals who whipped the blacks would soon be apprehended and "every means" in his power would be used to see that the laws were rigidly enforced. Burnett had two policemen with him (whether state or local was not specified, but probably state), "both good men," and felt confident the laws could be enforced. He recommended that Patrick be removed from the State Police as he had disarmed several citizens of the county contrary to law and never restored their arms.[59]

Governor Davis decided to act even though conflicting reports emanated from Madison County. Led by Davidson, Davis ordered forty State Policemen and three hundred State Guards into the county. The "disorder and bloodshed are alarming," concluded the *Journal*, which proclaimed the hope that this force would "promptly insure the restoration of peace and order, the protection of the innocent, and the arrest of the guilty." The newspaper's editorial board felt that under Davis's "energetic and discreet" action such "manifestations of violence and ferocity" were "continually growing more rare, and that soon they will be numbered among the things that were."[60]

On November 17, 1870, Chief of Police Davidson addressed a crowd of approximately 150 whites and 50 blacks at Lookout in Sand Prairie in Madison County. Davidson condemned the deplorable condition of the section where armed mobs raided homes at night, treated the freedmen brutally, and threatened to hang them if they supplied any information to the State Police. Citizens lived in danger, officers of the law had been abused and cursed, and

Digitized by Google

rumors circulated that armed freedmen, congregating in the woods, planned to burn houses and murder whites, "causing devastation and pillage wherever they might go." These baseless stories led armed whites to "parade through the county" intending to "exterminate the niggers."[61]

Davidson emphasized that the residents should allow the courts to deal with the "bad men" who infested the county and not take the law into their own hands. The State Police could arrest these lawbreakers if only the "good citizens would aid them with the necessary information." Davidson was aware that the police had been "misrepresented to them by some few of the opposition papers," but they were "required in Texas." In five months of operation they had arrested 350 criminals, which included 100 murderers, 125 horse thieves, and assorted felons. These accomplishments were not the work of a "band of secret spies," but the dedicated endeavors of an organization designed to assist local law enforcement officials to do their duty.[62]

Davidson declared that within a "short period of time" eighteen homicides had been committed in Madison County and yet no one had been arrested. Dastardly cowards called men out of their homes at night and shot them down. Although the good citizens of the county were "terror-stricken," no one had come out boldly and "denounced this midnight assassination." On the morning of his speech, Davidson observed a man and his family in a buggy. By his side the man had a double-barrel shotgun and an undetermined number of pistols. He was escorted by two other men, one of whom was armed with a cavalry seven-shooter, the other with a double-barrel shotgun. A man could not even travel to his cornfield without an "armed escort."[63]

To supplement police efforts, the State Guard had also been organized in Madison County, with Patrick elected captain. He would remain in that capacity until "proven to be a bad man," Davidson asserted. Although the company would be armed and perform drills, as provided by law, the citizens should neither be alarmed at its presence nor attempt to interfere with its activities. Governor Davis, observed Davidson, was "working for the peace and quiet of Texas, and for the proper enforcement of the civil laws." The Chief of Police assured the inhabitants, however, that unless those who desired to destroy law and order became "too strong for the civil authorities to manage," the guard would not be called into service.[64]

Davidson concluded that all should join together to repress lawless bands and bring them to justice. A small contingent of the State Police would remain, and all parties arrested for the recent outrages would be "turned over and dealt with by the courts." Whites should treat blacks fairly to secure the

Digitized by Google

benefit of their labor and goodwill, rather than using "threats and bad usage." The freedmen had to avoid misleading advice and whiskey offered by immoral men and ignore those who claimed they would be paid $60 a month for their State Guard services. All should return home, lay aside their arms, and begin work. In the future Davidson wanted to congratulate everyone upon the peace and prosperity of the section, not have to "quell disturbances."[65]

After Davidson's speech, State Police Lieutenant Thomas Sheriff, the commander of the force stationed in Madison County, declared that the outbreaks were of "such a strange and startling character, and grew to be of such huge and monstrous proportions," that the circulated reports about their origins were "but little if at all exaggerated." Sheriff found the county in "a deplorable condition" and observed that the mob who created the frenzy "embraced almost all the citizens." He believed it grew out of the whipping of some freedmen by a party of whites under the leadership of Jack Rogers. Sheriff had made seventy arrests and felt that the excitement had, "in great measure, subsided," and he hoped to soon leave the county.[66]

But Madison County problems did not cease with the presence of Lieutenant Sheriff. Unfortunately for the governor, Patrick reentered the picture. Although he would soon be removed from the State Police, before his dismissal he would become the subject of various jibes by anti-administration newspapers. The *Galveston News* took particular delight in poking malicious fun at his plight. "One Patrick, of the State Police, after cutting up a terrible row in Madison," stated the newspaper, "reported the county in a state of insurrection." But when a group of the State Police arrived under the command of Captain L. H. McNelly, they "couldn't see the insurrection and Patrick mourneth the loss of a commission."[67]

Information is sketchy, but Patrick stated that in late November, he, Lieutenant Sheriff, and members of the State Police were attacked by eighty men, who threatened Patrick's life. Forced to retreat, Patrick had to abandon his family and asked for protection. The state militia, under J. M. Gibbs, proceeded to Madison County. One murder had been committed by a man named Barry Rankin, but he escaped to Navarro County. Captain McNelly also arrived but reported no trouble. He did request two hundred rounds of ammunition. The crisis was brief. By early December quiet returned. Patrick wanted to return to duty and received support from Representative Harn, but he was subsequently arrested and charged with assault with intent to murder. Patrick left Madison County, but his attempt to be reinstated in the State Police failed.[68]

Digitized by Google

After the "Madison outrage," Governor Davis received a summary and assessment of what had occurred in the area from a Methodist Episcopal Church missionary. According to Richard Sloan, "several good Loyal citizens have been brutally murdered by a set of desperadoes" who violated law-abiding people and especially those men whom the "Government had placed in authority to execute the law which they are all hostile to, as they were when the Rebel cannon boomed." Both black and white left their homes "in the dead hours of night," leaving everything they possessed, along with their crops, to the mercy of their "Rebel enemies" because of these depredations.[69]

Sloan believed Davidson's conduct seriously injured the Republican Party. He should have dealt with these miscreants in a harsh fashion. People complained they could not be protected or their wrongs and grievances righted, and thus they distrusted the Republicans. The common opinion among Madison Countians, related Sloan, was that too much "laxity" had been shown to the "enemies of freedom," and they desired the removal of these individuals. Since he labored as a missionary among the freedpeople, Sloan was influenced by their request to lay their situation before the governor in "its true light." As their professed protector, they believed Davis would provide them with the necessary protection that they required.[70]

Until the end of Governor Davis's administration, Madison County continued to be a trouble spot. On the eve of the 1873 election, the registrar who had been sent to supervise the polling was conversing with various people when a man rode up and with no provocation stabbed him. The assailant was arrested and bail established at $2,000. In default, Sheriff M. W. Burney took charge and placed the perpetrator with men "in sympathy with such lawlessness." Citizens told the governor that the assailant was permitted to go anywhere he pleased, which allowed his friends time to procure a horse so that he could escape. He now walked the street every day, although he had never been tried or posted bond, seemingly the "best friend" of the sheriff-elect.[71]

Finally, a group of citizens, tired of the upheaval, the violence, and constant disruption of county government, requested assistance from the chief executive. After the burning of the county courthouse, they wrote: "Our county is in a state of lawlessness" and the "peaceable and law abiding citizens no longer" felt "safe either in life or property." The law was a "farce." The only individuals "free from danger" and who could openly express their opinions were outlaws, gamblers, and rioters. A large number of criminals in the county were allowed to "go where they please, seemingly free of any dread of arrest, and menacing the lives and property of good and quiet citizens." Before

Digitized by Google

irrevocably making the decision to abandon their homes so they would not be left to the "mercy of outlaws," they believed one more effort to redeem their county was worthwhile.[72]

Governor Davis complied with the request of the Madison County petitioners. On January 31, 1873, he forwarded the document to the legislature for their consideration. Although he listed no specifics, Davis asserted that "in regard to the disturbances in that county" he had sent in a body of police and had "taken other measures to secure peace, and arrest the offenders." Davis informed the new Chief of Police, F. L. Britton, a Davis in-law, of the violence and the desire of the citizens for state action. Britton ordered the State Police into Madison County once again, but their stay was limited. They would soon be disbanded by the predominantly Democratic Thirteenth Legislature, who believed the force unnecessary.[73]

The *Daily State Journal* referred to the Madison County troubles as a "carnival of blood and horror."[74] Surely this was an exaggeration of the events. Nevertheless, Madison County was representative of several regions in the Lone Star State that experienced upheaval and violence once Davis assumed power. Although much of the controversy centered upon Patrick and his disarming of individuals, postwar hatred of black participation in politics and state-sponsored militia units engendered hostility. As the Madison County controversy subsided, another involving State Police Captain Jack Helm flared anew, forever tainting the reputation of the "governor's hounds." While a policeman, Helm also maintained his position as DeWitt County sheriff. Why he was allowed to serve in both offices is unclear because Davis and Davidson were normally careful about refusing such a practice. Whatever the reason for his dual employment, Helm aggressively performed his duties, although he occasionally raised Davidson's ire for addressing his letters to the governor and not the chief. He and his group dispersed the Lum gang of Matagorda County, who had been killing stolen cattle for their hides at the rate of one hundred per day. Helm counted 1,014 carcasses.[75]

Although he was never convicted of any crime, what finally led to Helm being ousted from the State Police were his heavy-handed and probably illegal activities in his district. Helm also continued to be a participant in the Sutton-Taylor Feud, which led to his murder in 1873. Helm received praise from Chief of Police Davidson in August 1870 for his arrest of fifty-four men in Lavaca County, but he was later admonished by Davidson that he would be held "strictly accountable" for "every man killed by your party." Boards of inquiry would be instituted to investigate any murders. "There is no reason,"

Digitized by Google