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MICHAEL J. DANIEL

SAMUEL SPRING GARDNER
A MAINE PARSON IN ALABAMA

He is a compound mixture of impudence, impertinence, ingratitude, selfishness, penuriousness, malignity and low cunning.

He is a religious thief – a psalm-singing hypocrite – a praise-God liar – a loud braying swindler, and a smooth tongue deceiver.

He was convinced [*sic*] in iniquity, brought forth in sin, reared in crime, educated in the arts of stealing, and has followed rascality for a living all his life. . . .

Thus did the Greenville, Alabama, *Advocate* define the term “carpetbagger” and reveal its attitude toward the town’s most prominent example, Samuel Spring Gardner of Maine. To those well acquainted with Gardner, a college-educated minister, the definition hardly seemed an accurate description, but in August of 1868 the white people of Butler County, Alabama, worried little about accuracy. Just three weeks before the publication of this tirade, Gardner had assumed office as the judge of probate of Butler County and had inaugurated a period of “nigger supremacy and Yankee rule.” Most whites resented Gardner’s election by black voters and his “usurpation” of office. This politically active carpetbagger was, at least in the eyes of the white inhabitants of the county, guilty of “cunning,” “stealing,” and “rascality.”¹

Gardner’s three-year sojourn in Butler County typifies the experiences of other carpetbaggers throughout Alabama and the Deep South.² Many Northerners moved to the South for economic or idealistic reasons; some had legitimate planting or business interests there, while others hoped to aid the newly freed blacks in their transition from slavery to freedom. As long as Northerners did not involve themselves in politics, they

were generally well received. Once they began to seek political office, however, the carpetbaggers soon ignited the enmity of native whites. Northerners, including politicians, teachers, and Freedman's Bureau agents, who "inflamed" the black population and disturbed race relations, often found themselves the victims of beatings or assassination. White Southerners resisted efforts to accord political and social equality to the freedmen and they did not hesitate to employ violence to prevent this revolution.

The image of the carpetbagger as a "low-class, poverty-stricken, ignorant, greedy, utterly unscrupulous adventurer" has been popular with generations of Southerners, but Gardner's Maine background and his record in Alabama belie the accuracy of this stereotype.³ Gardner, the son of Samuel and Mary Gardner, was born in 1831 in Cambridgeport in Middlesex County, Massachusetts. In the late 1830s the Gardner family – Samuel, Sr., and his wife Mary, three sons, and two daughters – moved to Maine and settled in the town of Brewer in Penobscot County. The elder Gardner was a ropemaker by profession. His oldest son, Eben, eventually became a merchant in Bucksport in Hancock County; his middle son, William, lived in Brewer and followed his father into the ropemaking business. The youngest son, Samuel, was the scholar in the family. Young Gardner studied at Phillips Academy in Andover, Massachusetts, and in the 1850s attended Bowdoin College. He graduated from Bowdoin in 1855 with the B.A. degree and was awarded an honorary A.M. degree in 1858. Following the completion of college studies, he taught at Bluehill Academy in Maine for two years and then for one year at the Mt. Pleasant Military Institute in Sing Sing, New York. Gardner returned to Penobscot County in 1859 and enrolled in the Bangor Theological Seminary. After graduation in 1861, he became the pastor of a Congregational church in Bellows Falls, Vermont, where he gained a reputation for being "an able and laborious pastor and preacher of the Gospel of Christ."⁴

In the spring of 1864 Gardner made a decision that changed the course of his life: he decided to join the United States Army,

not as a regular soldier, but as the chaplain of a regiment of black troops. He traveled to Port Hudson, Louisiana, in June of 1864 and assumed the duties of chaplain of the Eighty-third U.S. Colored Infantry. After the dissolution of this regiment in August 1864, he became the chaplain of the Seventy-third U.S. Colored Infantry. He remained in Louisiana with the army until the end of the Civil War. Gardner's wartime association with black soldiers prepared him well for his first postwar employment as an official of the Bureau of Refugees, Freedmen, and Abandoned Lands.⁵

In May of 1865 Gardner moved to Alabama, where he soon joined the staff of the Freedmen's Bureau as the subassistant commissioner of the Selma subdistrict – a district that included several of Alabama's predominantly black counties. In Selma he encountered many of the problems that plagued bureau officials throughout the South. Many planters distrusted bureau agents, and even the white civilian clerks who worked in Gardner's office were dismissed from their jobs because of their "undisguised hostile sentiments." White antagonism toward the freedmen compounded Gardner's difficulties. Most whites retained their "harsh and despotic bearing" toward blacks and treated them with "bitter hatred and scorn." The multitudinous problems faced by the "helpless freed people" distressed Gardner, but his inability to remedy the situation pained him even more. The sheer size of the Selma subdistrict and the lack of adequate troop support prevented him from providing much aid or protection to blacks who lived outside the city of Selma.⁶

Although bureau work occupied most of his time, Gardner still cultivated a plantation in 1866. With another bureau official he leased a plantation near Selma and hired blacks to farm it. Gardner, like some other bureau men, viewed the South as a new frontier begging for investment. The high price of cotton immediately after the war and the location of his plantation – in the richest cotton district in Alabama – seemed to forecast success for his efforts. Gardner's planting venture, however, like those of many other carpetbaggers, apparently failed. The

conservative press in Alabama later charged that Gardner did not obtain enough money to pay his black laborers and had in fact swindled them out of their wages (just as native whites were sometimes wont to do).⁷

In February 1867 bureau officials appointed Gardner to the position of subassistant commissioner of the Greenville subdistrict. They intended the appointment to be temporary – ten or fifteen days – but later made the assignment a permanent one. Gardner's move to Greenville, located sixty miles southeast of Selma in Butler County, occasioned no hostile comments from the conservative local press. However, the new subassistant commissioner enjoyed only a brief period of harmony in Butler County. The Reconstruction Acts of March 1867, enfranchising blacks, dramatically altered the attitude of white Alabamians toward the Freedmen's Bureau and its agents. Once Gardner began to implement the congressional plan of reconstruction, his "honeymoon" with conservative whites soon ended.⁸

To promote the registration of black voters, bureau officials temporarily relieved Gardner of his duties at Greenville in June of 1867 and ordered him to undertake an inspection tour of south Alabama. They instructed him to meet with the freedmen and make sure they understood the process of voter registration. Gardner spoke at several public meetings where he explained the advantages of full citizenship to the blacks and encouraged them to develop "such public and social virtues as would show them to be worthy of citizenship, and justify its bestowal." The freedmen expressed their thanks for his efforts with cries of "God bless you" and "Bless God for this," and this outpouring of emotion undoubtedly reinforced Gardner's support of Reconstruction and strengthened his own sense of mission. Since native whites could not be counted upon to protect the rights of freedmen, then others must assume the responsibility.⁹

Bureau officials had not envisioned Gardner's assignment as an "electioneering tour," but Gardner assumed that the new black voters would support the Republican party. He hoped to aid in the establishment of a strong Republican party in Ala-

bama that would protect the newly won freedom of the state's black inhabitants. Gardner was not a recent convert to Republicanism. In his youth he had been an "earnest and outspoken" abolitionist and was an "old line Whig" until the new Republican party attracted his allegiance. He had supported John C. Fremont in 1856 and Abraham Lincoln in 1860 and 1864. By 1867 Gardner's views were decidedly "radical" – he supported the Radical Republican program of aiding blacks and restricting white opponents of Reconstruction.¹⁰

Once Gardner resumed his duties as subassistant commissioner in Greenville in late August, he actively participated in Butler County politics. At a mass meeting in Greenville in early September, County Republicans (most of whom were black) nominated Gardner as one of two delegates to represent that county and adjacent Covington County in the proposed state constitutional convention. A Covington County scalawag, William R. Jones, campaigned for the second position. The disorganized conservatives belatedly nominated two candidates, but Gardner and Jones easily won the early October election. Black voters carried Butler County overwhelmingly for the Republicans, but Gardner and Jones trailed the conservatives in mostly white but sparsely populated Covington County. Many whites boycotted the election. Gardner's political livelihood rested squarely on the shoulders of the black electorate.¹¹

Gardner's active participation in the proceedings of the constitutional convention held in Montgomery in November and early December of 1867 marked him as one of the more "prominent members." He served on several committees, including the Committee on Elections and the Committee on the School Fund, and lobbied for the inclusion of several pieces of advanced social legislation in the new constitution. He was especially progressive in the area of public education. He wanted the state university to establish three branches for women, and he urged that corporations be taxed in order to aid in the maintenance of public schools. The inequity of the method of distributing the sixteenth-section fund especially concerned him; he wanted the funds distributed on a per cap-

ita basis rather than by township so that heavily populated areas would not suffer from a lack of money. His introduction of an ordinance to “insure the administration of justice to the rich as well as to the poor” evidenced his concern for Alabama’s lower classes. This proposal provided that the state should supply legal counsel for those unable to afford an attorney. With the exception of the corporate tax, however, the convention included none of these measures in the new constitution.¹²

Despite his progressive stance on other issues, Gardner did not support the adoption of universal manhood suffrage by the convention. He favored total black suffrage but was less lenient toward the white population. Prior to the recent election, Gardner had opposed the disfranchisement of any Alabamian, but the election had soured his opinion of the “slave oligarchy” and had changed his attitude on the suffrage question. The unwillingness of many whites to cooperate during the election proved to Gardner that “the malignity, the bitterness of hate, and the activity of injury” that whites “had been for six years maintaining, had not one jot abated.” He wanted to make the new constitution strong enough “to prevent rebels from coming in and gaining control of the government.” The solution to the problem was to disfranchise certain whites, particularly the former Confederate leadership. According to Gardner, disfranchisement would guarantee the “supremacy of union sentiment” and ensure that Alabama possessed “a republican form of government.” The convention eventually adopted a plan of disfranchisement similar to the one Gardner advocated.¹³

The Reconstruction Acts required that the constitution be ratified by popular vote. The election was set for early February 1868, and the selection of all county, state, and federal officials was to occur at the same time. Upon the adjournment of the convention Gardner returned to Greenville, resumed his position as bureau agent, and campaigned for ratification of the constitution. Conservative opposition to Gardner and the constitution crystalized immediately. The reactionary Greenville *Advocate* described the document as a “bogus humbug and

unconstitutional swindle” that was “engineered into existence [*sic*] by a clan of political polecats” who had “recently emigrated from the land of their nativity in search of ‘fleshpots’ ” To counter growing conservative influence Gardner engaged in a series of public debates in Greenville with local as well as state conservative leaders. Although the *Advocate* declared after one meeting that Gardner had been “flayed alive and every bone crushed without mercy,” Butler County blacks continued to support ratification overwhelmingly; most whites favored rejection of the constitution. As a result of the debates, Gardner received an unusual “appellation.” General James Holt Clanton, the leader of Alabama’s conservative forces, referred to Gardner as “Possum Gardner” – an unflattering reference to blacks’ pronunciation of parson. The nickname clung to Gardner throughout his residence in Butler County.¹⁴

While campaigning for the constitution Gardner decided to seek public office. The position that he sought was that of Butler County probate judge – the most influential position in the county government. Why he entered politics can only be conjectured. Possibly he believed that the meager educational attainments of the county’s black population ruled out black officeholding for the present time. Since Gardner was one of the few white Union men in the county who wholeheartedly supported Reconstruction, he seemed the logical selection for the judgeship. He feared that other whites in the county would not render justice fairly and perform their “whole duty, faithfully and fearlessly, ‘with malice toward none, and charity for all.’ ” The actions of the incumbent county officers toward the freedmen and Union men disgusted Gardner and reinforced his belief that the county’s white population had not yet accepted the policies of congressional reconstruction. His decision to seek public office was perhaps the most serious error he committed while in Alabama. To the white people of the county Gardner now appeared to be a political opportunist rather than a humanitarian. His name became anathema to Butler County whites: he was no longer Captain Gardner or Parson Gardner but “Possum, Parson, Scalliwag, [*sic*], Carpet-Bag, Skehegan Gardner.”¹⁵

Gardner also busied himself with the task of organizing a full Republican ticket to fill the other county offices. Although most local whites detested the Republican party, Gardner did persuade some "respectable men to run for office," most notably Benjamin F. Porter, the former mayor of Greenville, and William Seawell, a Greenville lawyer and former wealthy slaveholder. Because few white men sought office under the Republican banner, names were placed on the ticket without consent, in hope that if elected they would "serve both the office and the party that placed them in it." With the exception of Gardner and one or two other nominees, Butler Countians constituted the entire local ticket. The Republicans nominated no blacks for office, although Gardner later recommended the appointment of a black as county commissioner. Despite Gardner's earlier assertion that "no set of officers in any County" were "more deserving of removal" from office than those of Butler County, he placed the names of several of the incumbent county commissioners on the Republican ticket as candidates for reelection. These men, as well as some other Republican "candidates," placed notices in the *Greenville Advocate* denying their affiliation with the Republicans and avowing their refusal to serve if elected. Gardner obviously exerted little influence in the white community.¹⁶

Alabama's conservative whites devised a clever scheme to defeat the constitution. Since the Reconstruction Acts required that the constitution be adopted by a majority of the *registered* voters, not simply a majority of those voting, conservatives organized a boycott of the election. They hoped that this scheme, coupled with physical and economic intimidation and persuasion of blacks, would prevent a majority of the registered voters from casting ballots. The election, held over a five-day period in early February, proceeded peacefully in Butler County. The white boycott succeeded admirably: of 1,446 registered white voters, only three voted for the proposed constitution. A large percentage of the 1,349 registered black voters (1,144), however, voted for the constitution. No one in the county voted against adoption. Statewide returns closely par-

alleled those of Butler County. Less than one-half of the state's registered voters voted for the constitution, thus defeating its adoption. The election did select Republicans to fill state offices and most county offices in Alabama. In Butler County the entire local Republican ticket, running unopposed, was elected.¹⁷

The Greenville *Advocate* charged that "stupendous frauds" accompanied the Butler County election. According to the *Advocate*, Gardner, acting as one of the managers of the election, controlled the voting lists and allowed some blacks to vote more than once. The paper declared that an "honorable man could not be induced to manage an election, and he himself being a candidate." Military officials in Alabama apparently agreed that Gardner's participation in the electoral process was improper. Before the completion of the election General Julius Hayden, who had recently replaced General Wager Swayne as assistant commissioner of the Freedmen's Bureau in Alabama, sent orders that removed Gardner as a manager and allowed votes to be challenged.¹⁸

Gardner's entrance into politics endangered his position in the Freedmen's Bureau. Since he would not assume his elected position until summer, he hoped to retain his job as subassistant commissioner – and his only source of income – until that time. General Hayden, however, thought otherwise. He maintained that bureau officers should not become involved in politics. Consequently, just prior to the February election, Hayden removed Gardner from his position because of the subassistant commissioner's abuse of his office "for personal and partizan ends." Gardner denied these charges and in a letter to Hayden he demanded that "the unintended wrong" be corrected. To buttress his argument, Gardner also forwarded "a voluntary testimonial of confidence, from a number of the best citizens of Greenville." Hayden replied that the removal should not be construed as a criticism of Gardner's abilities. Rather, the dismissal was simply an attempt to "segregate the Freedmens [*sic*] Bureau from the influence of politics" and to make certain that bureau agents confined "themselves exclusively to the moral

and material interests of the colored people.” The exultation of the conservative press over the removal was short lived. In early March General Oliver O. Howard, the commissioner of the Freedmen’s Bureau in Washington, ordered Gardner’s reinstatement, assuring Gardner of a steady income until he assumed the judgeship.¹⁹

Gardner’s election as probate judge ignited passions in Butler County that nearly cost the cleric his life. In March of 1868 the Ku Klux Klan first appeared in the county. The *Greenville Advocate* publicized the appearance of the Klan by publishing Klan notices signed by “Raw Head and Bloody Bones.” In a letter to his bureau superiors Gardner reported that the “thing called Ku Klux Klan” had “published its inane stupidities and hyperbolic threats by the aid and encouragement of the rebel press.” He added that these notices “would be too puerile for contempt, were it not for the deeper purpose of evil” that they covered. The primary aim of the Klan was to frighten blacks by preying “upon the weak point of their excessive tendency to superstition,” but the society often resorted to murder and other outrages. Although the Klan did not directly attack Gardner, the *Advocate* warned him that he might not escape the Klan’s wrath. The newspaper predicted menacingly that “some bright morning (after a dark night),” Gardner might “voluntarily” come up missing.”²⁰

Gardner relied heavily on the presence of troops for his own safety as well as for the protection of the freedmen. Throughout his residence in Greenville, he had successfully urged that a detachment of troops be stationed in the town. After the election troops were undeniably necessary for Gardner’s protection. Although he reported that the troops had a “beneficial effect” on the county’s conservatives, their presence was not an unmixed blessing. Gardner described some of the troops as “troublesome men” and “hard cases” who drank excessively and created disturbances – behavior unlikely to engender respect for the United States government. Many soldiers associated freely with the rowdy element in the local saloons. In the weeks prior to Gardner’s accession to office, just as the Klan

became bolder in its activities, the lieutenant in charge of the troops in Greenville openly proclaimed his sympathy with the conservatives. Gardner overheard the soldier curse him and say that he could easily turn the troops against the subassistant commissioner "in case of a difficulty."²¹

As Gardner prepared to take office, military officials surprisingly removed the squad of soldiers from Greenville. Gardner protested that this move was "bad policy" and that there would now be "no hindrance to the wildest impulses of a rioting crowd." In reply military officials told Gardner to do his "best as a peace officer" and report disturbances to the governor. In these precarious circumstances Gardner prepared to assume the office of probate judge.²²

The conservatives did not physically attempt to bar Gardner from office, but the incumbent probate judge, the venerable Samuel Jackson Bolling, did lodge a "manly protest." Bolling, who had been Butler County's probate judge since the early 1850s, wrote to Gardner that the Reconstruction Acts were unconstitutional, that the constitution under which Gardner was elected had been defeated, that Gardner was not a citizen of Alabama at the time of his election, and that Gardner's participation in the election as a manager was illegal. Nevertheless, Judge Bolling lacked the "power to resist," and he turned over the county records to his successor until such time as he could resume the duties of the office "by authority of law." Gardner became probate judge on July 31, 1868. The following day the *Greenville Advocate* gloomily reported that the "Rev. Long face hypocritical carpet-bag Gardner took possession yesterday of the Probate Office of Butler county." Gardner had successfully occupied the office, but the challenge before him was to retain it under mounting pressure from the county's white population.²³

Violence erupted soon after Gardner took office. Intruders destroyed the door lock at the probate office and twice spread "filth or tar" over the furniture. Gardner received threatening letters advising him to leave town or be killed, and a menacing crowd once entered his office but did not harm him. When

these relatively mild forms of harassment failed to force him to vacate his position, the rowdy element opted for a more drastic approach – physical assaults. The absence of a sheriff in Butler County for six or seven weeks during this critical period encouraged the rowdies to attack him. The elected sheriff refused to serve – the Republicans had placed his name on the ticket without his approval – as did the coroner who was appointed acting sheriff. According to Gardner “lawless ruffianism” ruled the county.²⁴

During September and October Gardner was physically attacked at least four times – three times in the probate office and once on Greenville’s main street. Although large crowds witnessed each of the attacks, only once did a bystander heed Gardner’s pleas for assistance. In fact, the onlookers often called others to witness the whippings. Gardner refused to fight back against his assailants except to ward off blows; he believed that if he resisted he would be killed. In a letter to Governor William H. Smith requesting troop protection, he described the usual tactics of his attackers:

On each side of the Court House but the front, there is a whiskey bar, and in these place men watch to see who comes and goes [to the probate office], until they find that I am alone. They will then send some drunken ruffian, who will make some pretext of business, and end by making a brutal assault. By that time he will have two or three backers of the same stripe standing by and a gathering crowd to see the display.

The assaults resulted in severe beatings for the probate judge but did not endanger his life. One witness described Gardner’s appearance after an attack as “bloody, looked like he had been gouged in his eyes; had the back of his coat torn right off him, had nothing remaining but the sleeves and front of his coat. . .” Obviously, the rowdies intended to force his resignation, not to kill him.²⁵

Gardner was shocked that the “good citizens” of Butler County did not intervene to halt the violence against him.

Although his assailants were lower class whites, the inaction of influential citizens seemed to sanction the attacks. Many Butler Countians disapproved of the violence but a sincere dislike of Gardner kept them from using any “extra means” to stop the assaults. Others feared being labeled scalawags if they supported the probate judge. Some of the county’s prominent Democratic politicians, such as Thomas Jefferson Burnett, a former state legislator and delegate to the 1860 Charleston Democratic convention, worsened the situation by boldly proclaiming their defiance and using “the most inflammatory language.”²⁶

In mid-October over a hundred men assembled at a Greenville meeting to discuss the problem of increasing violence. Several prominent citizens, including Walter H. Crenshaw, former president of the Alabama Senate and a former Speaker of the House, and Hillary A. Herbert, future congressman and secretary of the navy, supported “law and order, peace and quiet.” Other men argued that Gardner had not been legally elected and should be forced to resign. A former Butler County sheriff, when asked what should be done with Gardner, bluntly declared, “Box him up and send him North.” The moderates finally succeeded in passing a resolution supporting peace, order, and law, but the resolution also declared that each man should judge his own actions. The Greenville *Advocate* cautioned moderation but still described Gardner’s assailants as “men of undaunted courage and unbending honor” who acted out of “outraged justice.” This meeting failed, however, to curtail the violence. Within a few days another man attacked Gardner in the probate office and rumors surfaced that the judge would be murdered. On October 19, Gardner prudently fled to the protection of federal troops in Montgomery, where he remained for two weeks.²⁷

Since little county business could be conducted without the probate judge, Republicans viewed Gardner’s absence as punishment of the people of Butler County. They hoped that the pressing nature of county business would force his acceptance. Gardner returned to Greenville on November 2 for the regular

meeting of the court of county commissioners. The commissioners had refused to meet with him in August, but two of the four now decided to hold court with the carpetbagger. The acting sheriff assured Gardner that he would not be harmed if he returned to Butler County. Troops had been sent to Greenville during Gardner's absence, and the county seemed relatively quiet. The upcoming presidential election on November 3, however, kept tension at a high level.²⁸

The court met on November 2, with Gardner, two commissioners, the acting sheriff, and several others in attendance. During the meeting five men, including several who had previously attacked Gardner, entered the probate office shouting, "A parcel of hell-hounds are we." One of the men began to beat Gardner with a walking stick, severely cutting his head and bruising his hands and arms. The attackers seemed to "overawe all present"; no one aided the judge except to say "hold! hold!" and "gentlemen, let's stop this." Gardner ran from the courthouse, but his attacker chased him down the street before he finally escaped. Later that night the town marshal, a Republican sympathizer, informed Gardner that a crowd was gathering and he urged the judge to leave town. Gardner escaped to the nearby troop encampment and later boarded a train. In order to mislead the mob, he caught a southbound train for Mobile, but at a station south of Greenville he changed trains and boarded a northbound train for Montgomery. As the train traveled through Greenville Gardner hid in the mail car and reached Montgomery safely.²⁹

Despite the antagonism of the whites of Butler County, Gardner decided to retain his office. To facilitate this, the Alabama legislature passed a bill allowing the probate court to meet in Montgomery, and it appointed a committee to investigate the violence in Butler County. Most witnesses appearing before the committee testified that Gardner's life would be endangered if he returned. As part of his testimony Gardner submitted an editorial from the *Greenville Advocate*. The editorial, summarizing white opposition and proving that Gardner would need protection if he returned, read as follows:

Gardner, your professions of fairness are not to be credited; you know that it is only your own selfish interest that you seek to promote. You care nothing for the welfare of the people of this county, nor do you desire that they should live in peace, for you very well know that this can be best promoted and accomplished by your resignation and final absence You know that our opposition to you is a holy and a just one, according to every principle of natural justice. You know that the manner in which you hold your office is a villainous usurpation – contrary to every fundamental principle of the Constitution which you profess so religiously to revere You know that there is no earthly reason why you should persist in occupying a position for which you are totally unfitted, and in which there seems to be a settled determination that you shall not remain You threaten us with a protracted absence, until the people of Butler county give you well-grounded assurance that you can remain among them, &c. We tell you candidly, that we believe the assurance will never be given. We tell you with equal candor, that we do not believe that the opposition against you here will ever cease so long as you continue to hold the office.

You know that the men who oppose you here are determined and desperate. You are mistaken when you conclude that it is their intention to take your life. We do not believe that such is the case, unless you should attempt a resistance in a manner that would render it necessary. And if you [*sic*] can get your consent to take a genteel flogging every morning, you may return at once without fear of further molestation than this implies. . .

The situation had seemingly reached an impasse. The majority would not accept Gardner as probate judge; yet he refused to resign.³⁰

Enterprising Butler County conservatives soon concocted a scheme to force Gardner's resignation. Led by William Seawell, a scalawag who coveted Gardner's position, the conservatives filed a suit in Butler County Circuit Court in January 1869

charging that since Gardner no longer resided in the county, he could not perform his duties and should be forced from office. They also alleged that Gardner had accepted another public office that would interfere with his duties as judge. The latter charge stemmed from the fact that Gardner, while living in Montgomery, had accepted appointment as enrolling clerk of the Alabama House of Representatives. Gardner considered this appointment as a temporary source of income, but the conservatives charged that one man could not be in both Greenville and Montgomery "at the same time, to discharge the duties of both offices." In an attempt to compromise, Gardner proposed that he would resign the judgeship in "some short reasonable time" if he were left alone, but the conservatives rejected the offer because he refused to state a definite date. The circuit court, however, ruled in Gardner's favor, and upon appeal the Republican-dominated Alabama Supreme Court upheld the decision.³¹

Gardner had returned to Greenville in January to plead his case before the circuit court. While awaiting trial he became involved in another heated controversy. He allegedly "whipped" a ten-year old boy "for using insulting language to him on the street." City officials arrested Gardner, fined him, and placed him in jail overnight. After posting a \$200 bond, Gardner was released. This episode indicates that Gardner's patience was wearing thin and that the continued harassment might eventually force him to fight back and be killed or to leave town.³²

The favorable court ruling momentarily halted the violence. During February and March, Gardner presided over the county court meeting and executed his duties, but this peaceful interlude abruptly ended on the night of March 30, 1869, when an unknown assailant fired a load of buckshot through his bedroom window. The attack did not seriously injure Gardner; only three of the twelve pellets that passed through the window panes struck him. The entire county condemned this "nefarious attempt to murder a man under the cover of darkness in his own room" where he had "no opportunity of self-

defence.” According to the *Greenville Advocate* the day had “passed when a brutal and coldblooded murder, even of the most worthless and despised,” could be “contenanced or approved by a brave, chivalrous and enlightened community” like Greenville. The cowardly nature of the attack especially disturbed the citizens of Butler County, who also feared the vengeance of the Republican party. Although county and city officials actively sought to find the assailants, suspects were not arrested until October. After the attempted assassination most of the violence aimed at the probate judge ended. No one attacked Gardner until September when two men who had assaulted him in 1868 whipped him again “in a most brutal manner.” The men beat his “head and face out of recognition” and “tried repeatedly to gouge” his eyes.³³

Although most of the violence ended, the social ostracism did not. Gardner’s election as probate judge had prevented his acceptance by white society and forced him to “endure a life of indignity.” He was denied his “proper social claims” and suffered “complete isolation. . . in all but mere business matters.” Both Greenville hotels closed their doors to him to prevent a loss of customers. Gardner was, however, well received by at least one Greenvillian — Mrs. Adaline House Livingston, a Republican sympathizer named as Greenville’s postmistress by President Ulysses S. Grant. Mrs. Livingston, the widow of a Confederate who died of wounds received at Gettysburg, married Gardner in November 1869. The marriage became “a matter of common notoriety” and was “more talked of than any other marriage that had ever taken place in the county.”³⁴

In late November 1869, Gardner concluded that the time had arrived to end his “suffering and trials.” He decided that only his resignation would resolve the difficulties. In a letter “To the People of Butler County,” published without comment in the *Greenville South Alabamian*, he explained the reasons for his resignation:

So long as a question of principle was involved, whether the authority of the State Government should be successfully defied, and lawlessness effect its purposes with

impunity, I retained my office of Probate Judge with the tenacity of purpose that such a cause was fitted to inspire. This question is now, however, measurably settled. The defiance is withdrawn. Prejudice has much abated. Baseless slanders have been lived down. Public opinion has insensibly decreed that open violence shall be no longer tolerated. In all probability, no danger of assassination or brutal assault now exists. To this extent, the purposes of a patient endurance of wrong have been achieved, and good order has triumphed over ruffianism. But a question remains, of taste and choice under the circumstances. On this question there can be no hesitation in making a decision. No enrollments of office can compensate me for living in a community whose characteristics render possible such a struggle as has been forced upon me. For the few whose civilization rose superior to partisan hate, I shall always cherish a cordial remembrance.

Few whites sympathized with the plight of this "blue-eyed Yankee," and after Gardner's resignation Butler County became "as orderly as any county in the State."³⁵

Gardner's activities immediately following his resignation remain obscure. In July 1870 he lived in Autauga County, Alabama, but his wife and her two children remained in Greenville. By December 1871 Gardner was living in Etowah County, Alabama. He later wrote that he attempted "an experiment in cotton planting" and "another in lumbering" after his resignation, but he failed to reveal the location of these efforts. The planting experiment was probably in the rich cotton lands of Autauga County and the lumbering venture was probably in mountainous Etowah County.³⁶ Between 1872 and 1874 he moved his family to Washington, D.C., and secured employment in the "second auditors office, internal revenue bureau." He never resumed his ministerial activities. Gardner lived in Washington until his death in March 1899.³⁷

Gardner had displayed tremendous courage by remaining in Butler County as long as he did. He did not, however, make any

permanent changes in the county's political, economic, or social structure. Conservative whites soon "redeemed" not only Butler County but also the entire state of Alabama. Indeed, by 1870 the Greenville *South Alabamian* confidently reported that:

The [1870] census shows a falling off of the population of Maine, to the extent of 8000. The recent election in Alabama will restore to that State many of her sons, who have of late been holding offices in Alabama. It will be hard on Maine, but . . . "Bully for Alabama."³⁸

NOTES

¹(Brandon) *Mississippi Republican*, as quoted in the *Greenville (Ala.) Advocate*, August 18, 1868; *Greenville (Ala.) Advocate*, October 24, 1867, August 1, 1868. Biographical sketches of Gardner are found in Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography*, 4 vols. (Chicago: S. J. Clarke Publishing Co., 1921), 3: 635-36, and in Nehemiah Cleaveland, *History of Bowdoin College, with Biographical Sketches of Its Graduates from 1806-1879, Inclusive* (Boston: James Ripley Osgood & Co., 1882), pp. 696-97. Both sources contain several inaccuracies concerning Gardner's life.

²See, for example, Richard N. Current, *Three Carpetbag Governors* (Baton Rouge: Louisiana State University Press, 1967); Richard N. Current, "Carpetbaggers Reconsidered," in Kenneth M. Stampp and Leon F. Litwack, eds., *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State University Press, 1969), pp. 223-40; and Lawrence N. Powell, "The Politics of Livelihood: Carpetbaggers in the Deep South," in J. Morgan Kousser and James M. McPherson, eds., *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward* (New York: Oxford University Press, 1982), pp. 315-47.

³Current, *Three Carpetbag Governors*, pp. x-xi. For traditional studies of Alabama carpetbaggers see Walter L. Fleming, *Civil War and Reconstruction in Alabama* (New York: Columbia University Press, 1905) and John Witherspoon DuBose, *Alabama's Tragic Decade: Ten Years of Alabama*, ed. James K. Greer (Birmingham: Webb Book Co., 1940). Revisionist studies include numerous articles by Sarah Woolfolk Wiggins, including "Carpetbaggers in Alabama: Tradition Versus Truth, *Alabama Review* 15 (April 1962): 133-44; "George E. Spencer: A Carpetbagger in Alabama," *Alabama Review* 19 (January 1966): 41-52; and "J. DeForest Richards, a Vermont Carpetbagger in Alabama," *Vermont History* 51 (Spring 1983): 98-106.

⁴Owen, *History of Alabama*, 3: 635; *The Fifth Census of the United States: 1830*, Population Schedule, Middlesex County, Massachusetts, p. 44 (Charlestown District); *The Sixth Census of the United States: 1840*, Population Schedule, Penobscot County, Maine, p. 97 (Brewer District); *The Seventh Census of the United States: 1850*, Population Schedule, Penobscot County, Maine, p. 190 (Brewer District); *The Eighth Census of the United States: 1860*, Population Schedule, Penobscot County, Maine, p. 267 (Brewer District); *The Eighth Census of the United States: 1860*, Population Schedule, Hancock County, Maine, p. 37 (Bucksport District); Affidavit of Eben B. Gardner (September 1, 1899) in Samuel S. Gardner Pension Record, National Archives, Washington, D.C.; (Montgomery) *Daily State Sentinel*, December 5, 1867; Cleaveland, *History of Bowdoin College*, pp. 696-97; Dianne M. Gutscher to author, July 1, 1983; *Bangor Theological Seminary: Historical Catalogue, 1816-1901* (Bangor, Me.: J. H. Bacon, 1901), p. 84; *Catalogue of the Theological Seminary, Bangor, 1861* (Bangor, Me.: Samuel S. Smith, 1861); Statement of Revs. George P. Tyler, Joseph Chandler, Asa F. Clark, B. F. Foster, and R. Emerson (March 1, 1864) in Samuel S. Gardner Military Record, National Archives, Washington, D. C. A letter written by Gardner, dated July 20, 1881, providing a biographical sketch of himself for inclusion in Cleaveland's *History of Bowdoin College* is located in the Bowdoin College Library. The author gratefully acknowledges the assistance of Dianne M. Gutscher, Special Collections, Bowdoin College Library, and S. A. Kaubris-Kowalzyk, Moulton Library, Bangor Theological Seminary, for information concerning Gardner's college and seminary studies.

⁵Owen, *History of Alabama*, 3: 635; Samuel S. Gardner Pension Record; Samuel S. Gardner Military Record.

⁶Owen, *History of Alabama*, 3: 635; Samuel S. Gardner to C. Cadle, Jr., September 16, 19, October 2, November 1, 7, and December 5, 1865, Letters Received, Reel 5, Records of the Assistant Commissioner for the State of Alabama, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870, Record Group 105, Microcopy 809, National Archives, Washington, D.C. (hereafter cited as BRFAL); Gardner to Wager Swayne, August 10, 1865, Reports of Operations from the Subdistricts, Reel 18, BRFAL; Walter M. Jackson, *The Story of Selma* (Birmingham: The Birmingham Printing Co., 1954), p. 245. Studies of the Freedmen's Bureau in Alabama include Elizabeth Bethel, "The Freedman's Bureau in Alabama," *Journal of Southern History* 14 (February 1948): 49-92 and Kenneth B. White, "Black Lives, Red Tape: The Alabama Freedmen's Bureau," *Alabama Historical Quarterly* 43 (Winter 1981): 241-58. Gardner was one of several prominent Maine carpetbaggers in Alabama. Alfred E. Buck, a native of Foxcroft, Me., represented Alabama in the United States House of Representatives, as did Benjamin W. Norris, a native of Monmouth, Me., and a graduate of Colby College. Norris's brother-in-law, Charles A. Miller from Skowhegan, Me., was elected secretary of state of Alabama in 1868. See Richard L. Hume, "The 'Black and Tan'

Constitutional Conventions of 1867-1869 in Ten Former Confederate States: A Study of Their Membership" (Ph.D. dissertation, University of Washington, 1969), pp. 69-70, 75-77; Owen, *History of Alabama*, 4: 1285-86; *Montgomery Advertiser* (d.), January 8, 1868.

⁷Gardner to Col. Cadle, February 3, 1866, Letters Received, Reel 7, BRFAL; Wager Swayne to J. B. Steadman, June 16, 1866, Letters Sent, Reel 1, BRFAL; *Selma Messenger* as quoted in *Greenville (Ala.) Advocate*, January 16, 1868.

⁸Gardner to J. F. Conyngham, March 7, 1867, and Gardner to Col. Kinsman, March 18, 1867, Letters Received, Reel 11, BRFAL; J. F. Conyngham to Gardner, March 26, 1867, Letters Sent, Reel 1, BRFAL; Gardner to O. D. Kinsman, June 18, 1867, Reports of Operations from the Subdistricts, Reel 18, BRFAL; *Greenville (Ala.) Advocate*, March 28, 1867.

⁹*Greenville (Ala.) Advocate*, July 11, 1867; Gardner to Col. Kinsman, July 24, 1867; Letters Received, Reel 11, BRFAL; Gardner to O. D. Kinsman, July 23, 1867, Wager Swayne Papers, Alabama State Department of Archives and History, Montgomery (hereafter cited as ASDAH). The letter of Gardner to Kinsman, dated July 23, 1867, is printed in its entirety in Richard L. Hume, "The Freedmen's Bureau and the Freedmen's Vote in the Reconstruction of Southern Alabama: An Account by Agent Samuel S. Gardner," *Alabama Historical Quarterly* 37 (Fall 1975): 217-24.

¹⁰Gardner to O. D. Kinsman, July 23, 1863, Wager Swayne Papers; (Montgomery) *Daily State Sentinel*, December 5, 1867; *Bangor (Me.) Daily Whig and Courier*, March 31, 1899; Hume, "The 'Black and Tan' Constitutional Conventions," pp. 42, 46.

¹¹O. D. Kinsman to Gardner, August 20, 1867, Letters Sent, Reel 2, BRFAL; *Greenville (Ala.) Advocate*, September 12, 26, 1867; Voter Registration, Butler County, 1867, and Voter Registration, Covington County, 1867, ASDAH; Election Returns, District of Alabama, 1867, Secretary of State Papers, ASDAH.

¹²(Montgomery) *Daily State Sentinel*, November 14, 21, December 5, 1867; *Official Journal of the Constitutional Convention of the State of Alabama, Held in the City of Montgomery, Commencing on Tuesday, November 5th, A.D. 1867* (Montgomery: Barrett & Brown, 1868), pp. 9, 18, 24, 61, 122-23, 168; Malcolm Cook McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism* (1955; reprint ed. Spartanburg, S.C.: The Reprint Co., 1978), p. 144.

¹³(Montgomery) *Daily State Sentinel*, November 16, 1867; McMillan, *Constitutional Development in Alabama*, pp. 124-33.

¹⁴McMillan, *Constitutional Development in Alabama*, p. 151; *Greenville (Ala.) Advocate*, January 2, 9, 16, 1868; *Montgomery Advertiser* (d.), December 24, 1867; Gardner to O. D. Kinsman, October 28, December 7, 1867, Letters Received, Reel 11, BRFAL; Sarah Woolfolk Wiggins, *The Scalawag in Alabama Politics, 1865-1881* (University, Ala.: University of Alabama Press, 1977), p. 23

Gardner received a temporary leave of absence from his position in the Freedmen's Bureau to attend the convention.

¹⁵(Montgomery) *Daily State Sentinel*, December 5, 1867; Gardner to S. C. Greene, December 14, 1867, Letters Received, Reel 11, BRFAL; *Greenville* (Ala.) *Advocate*, February 6, 13, 1868; Gardner to Wager Swayne, December 11, 1867, Wager Swayne Papers. Gardner announced his intent to remain in Butler County by purchasing a house lot in Greenville in December 1867. See Butler County Deed and Mortgage Record, Book M, pp. 184-86, Butler County Courthouse, Greenville. "Skehegan," a term commonly used by conservative Alabama newspapers to describe Maine carpetbaggers, apparently refers to the town of Skowhegan, the hometown of carpetbagger Charles A. Miller.

¹⁶*Greenville* (Ala.) *Advocate*, February 6, 13, 1868; Gardner to S. C. Greene, December 14, 1867, Letters Received, Reel 11, BRFAL; Owen, *History of Alabama*, 4: 1375-76; James S. Jarratt to Wager Swayne, May 31, 1866, Letters Received, Reel 8, BRFAL; Gardner to Charles A. Miller, September 24, 1868, Gov. William H. Smith Papers, Applications and Recommendations, 1868, ASDAH. The *Montgomery Daily Mail*, February 17, 1869, reported that John A. Hart, a Republican from Butler County elected to the Alabama House of Representatives, was from Maine, but the author has been unable to substantiate that statement.

¹⁷Wiggins, *The Scalawag in Alabama Politics*, pp. 35-36; Election Returns, 1868, Secretary of State Papers, ASDAH; *Greenville* (Ala.) *Advocate*, February 13, 1868. Congress later declared that the constitution had been ratified by the 1868 election.

¹⁸*Greenville* (Ala.) *Advocate*, February 13, 1868; *Montgomery Advertiser* (d.), February 6, 1868.

¹⁹Wiggins, *The Scalawag in Alabama Politics*, pp. 34-35; *Greenville* (Ala.) *Advocate*, January 23, March 12, 1868; *Mobile Tribune* as quoted in *Greenville* (Ala.) *Advocate*, January 30, 1868; *Montgomery Advertiser* (d.), March 11, 1868, Gardner to J. Hayden, January 30, 1868, Letters Received, Reel 14, BRFAL; George Shorkley to Gardner, February 3, March 11, 1868, Letters Sent, Reel 2, BRFAL; E. Whittlesey to J. Hayden, March 2, 1868, Letters Received, Reel 15, BRFAL. The author has been unable to locate the testimonial signed by Greenville citizens concerning Gardner's abilities as subassistant commissioner. The testimonial was probably signed by the same four "loyal citizens" who described the character of the army officer who temporarily replaced Gardner. See A. C. Taylor to George Shorkley, February 26, 1868, Letters Received, Reel 15, BRFAL.

²⁰*Greenville* (Ala.) *Advocate*, March 12, 24, April 16, 1868; Gardner to George Shorkley, April 10, July 3, 1868, Reports of Operations from the Sub-districts, Reel 18, BRFAL; Gardner to George Shorkley, July 13, 1868, Letters Received, Reel 14, BRFAL.

²¹Gardner to J. F. Conyngham, February 15, 17, 19, 1867, Letters Received, Reel 11, BRFAL; Gardner to G. K. Sanderson, June 1, 1868, Reports of Operations from the Subdistricts, Reel 18, BRFAL; Gardner to George Shorkley, July 14, 1868, Letters Received, Reel 14, BRFAL; *Greenville (Ala.) Advocate*, May 19, 1868.

²²Gardner to George Shorkley, July 28, 1868, Letters Received, Reel 14, BRFAL; George Shorkley to Gardner, July 29, 1868, Letters Sent, Reel 2, BRFAL.

²³*Greenville (Ala.) Advocate*, July 28, August 1, 1868; *Montgomery Advertiser* (d.) as quoted in *Greenville (Ala.) Advocate*, August 6, 1868; John Buckner Little, *The History of Butler County, Alabama, from 1815 to 1885* (Cincinnati: Elm St. Printing Co., 1885), p. 246.

²⁴*Report of Joint Committee on Outrages* (Montgomery: Jno. G. Stokes & Co., 1868), pp. 15-19; Gardner to W. H. Smith, September 24, 1868, Gov. Smith Papers, General Correspondence, 1868; Gardner to W. H. Smith, August 8, 1868, J. P. Routon to W. H. Smith (no date), and W. H. Crenshaw to W. H. Smith, August 4, 1868, Gov. Smith Papers, Applications and Recommendations, 1868; *Greenville (Ala.) Advocate*, August 11, 1868.

²⁵*Report of Joint Committee on Outrages*, pp. 15-58; Gardner to W. H. Smith, September 24, 1868, John A. Hart to W. H. Smith, September 10, October 17, 1868, Gov. Smith Papers, General Correspondence, 1868; J. F. McGogy to G. K. Sanderson, October 2, 1868, Reports of Operations from the Subdistricts, Reel 18, BRFAL; *Montgomery Daily Mail*, October 20, 1868; *Montgomery Advertiser* (d.), October 19, 1868; (Montgomery) *Alabama State Journal* (d.), October 2, 1868.

²⁶*Report of Joint Committee on Outrages*, pp. 15-20, 46; Gardner to W. H. Smith, September 24, 1868, and J. W. Owen to W. H. Smith, October 1, 1868, Gov. Smith Papers, General Correspondence, 1868; (Montgomery) *Alabama State Journal* (d.), December 9, 1869.

²⁷*Report of Joint Committee on Outrages*, pp. 18, 22-23; *Greenville (Ala.) Advocate*, November 12, 1868, as quoted in *ibid.*, pp. 26-29.

²⁸*Report of Joint Committee on Outrages*, pp. 18-19, 24-25; Gardner to W. H. Smith, August 6, 1868, Gov. Smith Papers, General Correspondence, 1868; Records of the Butler County Court of County Commissioners, Book II, 1860-1871, p. 372, Butler County Courthouse, Greenville. At the August meeting of the court, Gardner simply wrote in the book "No quorum present."

²⁹*Report of Joint Committee on Outrages*, pp. 18-19, 41, 50-51.

³⁰*Ibid.*, pp. 15-58; *Greenville (Ala.) Advocate* as quoted in *ibid.*, pp. 26-29; *Journal of the House of Representatives, during the Sessions Commencing in July, September, and November 1868, Held in the City of Montgomery* (Montgomery: Jno. G. Stokes & Co., 1869), pp. 260-61, 270-71; *Acts of Alabama, 1868* (Montgo-

mery: Jno. G. Stokes & Co., 1868), pp. 544-45. It appears that Gardner conducted county business while living in Montgomery. He published probate notices in the Republican (Montgomery) *Alabama State Journal* (d.) and issued marriage licenses during this period. See (Montgomery) *Alabama State Journal* (d.), November 23, 1868; Butler County Marriage Records, 1868-1869, pp. 22-42, and Butler County Estate Record, Book 11, *passim.*, both in Butler County Courthouse, Greenville.

³¹*Reports of Cases Argued and Determined in the Supreme Court of Alabama, during the January and June Terms, 1869* (Montgomery: Barrett & Brown, 1870), 43: 234-51; William Seawell to W. H. Smith, November 17, 1868, Gov. Smith Papers, Applications and Recommendations, 1868; *Montgomery Daily Mail*, November 15, 1868; *Journal of the House of Representatives*, 1868, pp. 260-61; *Greenville (Ala.) Advocate*, February 6, 1869 as quoted in *Montgomery Weekly Mail*, February 17, 1868; Thomas J. Judge to D. L. Dalton, January 30, 1869, J. A. Minnis to D. L. Dalton (telegram), January 27, 1869, J. A. Minnis to D. L. Dalton, January 30, 1869, Gardner to D. L. Dalton, February 1, 1869, all in Gov. Smith Papers, General Correspondence, 1869; (Montgomery) *Alabama State Journal* (d.), January 16, February 12, 13, 1869. Gardner received \$282 for forty-seven days service as enrolling clerk of the Alabama House of Representatives. See *Report of the Auditor of the State of Alabama, for the Fiscal Year Ending 30th September, 1869, to the Governor* (Montgomery: John G. Stokes & Co., 1869), p. 50.

³²*Montgomery Weekly Mail*, January 27, 1869; William Seawell to D. L. Dalton, January 30, 1869; William Seawell to D. Dalton (telegram), January 21, 1869, Gov. Smith Papers, General Correspondence, 1869.

³³Records of the Butler County Court of County Commissioners, Book II, 1860-1871, p. 374; *Greenville (Ala.) Advocate*, April 1, 1869, as quoted in *Montgomery Weekly Mail*, April 7, 1869; *Montgomery Weekly Mail*, April 14, 1869; (Montgomery) *Alabama State Journal* (d.), March 31, April 1, September 4, 1869; H. Pierce to W. H. Smith, March 31, 1869; William Seawell to W. H. Smith, March 31, 1869; H. W. Watson to W. H. Smith, April 31 [*vic*], 1869, William Seawell to W. H. Smith, May 2, 1869, William Seawell to D. L. Dalton, July 14, 1869, William Seawell to W. H. Smith, October 10, 1869, Gardner to D. L. Dalton, September 2, 1869, all in Gov. Smith Papers, General Correspondence, 1869.

³⁴Gardner to W. H. Smith, November 21, 1869, Gov. Smith Papers, General Correspondence, 1869; Gardner to W. H. Smith, September 24, 1868, Gov. Smith Papers, General Correspondence, 1868; Owen, *History of Alabama*, 3: 636; (Greenville) *South Alabamian*, May 29, 1869; Butler County Marriage Record, 1868-1869, p. 147; Statement of Hilary A. Herbert in Samuel S. Gardner Pension Record. Gardner lived at a boarding house when he was shot in March 1869. See (Montgomery) *Alabama State Journal* (d.), April 1, 1869. Mrs. Gardner later stated that the marriage occurred on October 16,

1869, not November 27, 1869, as recorded in the Butler County Marriage Record. In his statement Hilary Herbert said that he could "well understand how, under the circumstances, there might have occurred a discrepancy between the date of the marriage as it actually took place and the date of the certificate. . . ." See Samuel S. Gardner Pension Record. For a study of social ostracism of carpetbaggers see Sarah Woolfolk Wiggins, "Ostracism of White Republicans in Alabama during Reconstruction," *Alabama Review* 27 (January 1974): 52-64.

³⁵Gardner to W. H. Smith, November 21, 1869, Gov. Smith Papers, General Correspondence, 1869; (Greenville) *South Alabamian*, December 4, 1869; (Montgomery) *Alabama State Journal* (d.), December 9, 1869; United States, Congress, Senate, "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, Alabama," S. Rept. 22, 42d Cong., 2d sess., 8: 527-28. Gardner's replacement was Hugh W. Watson, a scalawag from Montgomery, who was serving as register in Chancery of Butler County. Watson had been probate judge of Montgomery County in the early 1850s. See *Montgomery Weekly Mail*, February 17, 1869, and *Montgomery Advertiser* (d.), January 14, 1890.

³⁶*The Ninth Census of the United States: 1870*, Population Schedule, Autauga County, Alabama, p. 42, and Butler County, Alabama, p. 407; Butler County Deed and Mortgage Record, Book 5, pp. 157-58, Butler County Courthouse, Greenville; letter of Gardner, Bowdoin College Library. The Autauga County census describes Gardner as a farmer with real estate valued at \$600 and personal estate valued as \$2,800. Gardner is not listed on the Agricultural Census of 1870 for Autauga County. In December 1871 Gardner sold to his wife the house and lot that he had purchased in Greenville. This sale satisfied his debt of \$275 to his wife's separate estate.

³⁷(Washington) *Evening Star*, March 24, 25, 1899; *Bangor (Me.) Daily Whig and Courier*, March 27, 31, 1899; *Greenville (Ala.) Advocate*, March 29, 1899. Cleaveland's *History of Bowdoin College*, p. 697, states that Gardner moved to Washington in 1872, while Owen, *History of Alabama*, 3: 636, says that he moved in 1873. According to the 1880 and 1890 censuses of Washington, D.C., Gardner's oldest daughter, Bertha (born July 1872) and his son, Arthur (born June 1874), were born in Alabama, while his youngest daughter, Susan (born August 1878) was born in Washington. See *The Tenth Census of the United States: 1880*, Population Schedule, Washington, D.C., p. 15, enumeration district 74, and *The Twelfth Census of the United States: 1900*, Population Schedule, Washington, D.C., p. 24, enumeration district 117.

³⁸(Greenville) *South Alabamian*, November 19, 1870.

SAMUEL SPRING GARDNER

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