

The Davis Bottom History Preservation Project

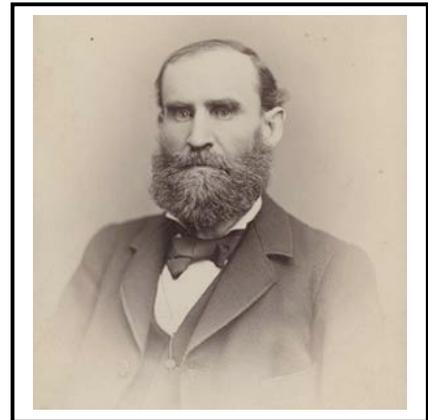
July 4th, 1867: Davis Bottom, Civil Rights and Reconstruction

The history of Davis Bottom is full of surprises. One of the most compelling discoveries made during The Davis Bottom History Preservation Project is a direct connection between two men from Davis Bottom and a U.S. Senate debate on the Third Reconstruction Act of 1867, one of the most significant pieces of federal legislation passed by the U.S. Congress after the Civil War. This historical connection centers on a little-known, civil rights gathering held in Lexington on the Fourth of July in 1867. An “immense” crowd, estimated from six to ten thousand people, mostly African Americans, gathered on that date for a parade through downtown streets, and a day of picnics, music and speeches in a woods off Harrodsburg Pike about a mile south of Lexington.

During the period known as Reconstruction, Independence Day (July 4th) and Emancipation Day (January 1st) were important dates for newly freed African Americans to speak out against state laws and social conditions that severely restricted civil rights, including the right to testify in court and to vote (Lucas 2003: 299). The Fourth of July provided blacks in Kentucky with the patriotic “cover” often needed for large groups to peacefully assemble during an era of Black Codes and political intimidation. The gathering held on July 4, 1867 in Lexington may be the third largest “civil rights” event held in Kentucky during the late 1800s. Two men with ties to the establishment of Davis Bottom played an important role in this landmark event.

The first is William Willard Davis, the namesake of Davis Bottom, who presented a powerful speech on “Colored Suffrage” at the gathering that would be cited nine days later by Charles Sumner during a heated debate in the U.S. Senate over federal Reconstruction measures. Willard Davis, an attorney and Republican politician, was one of the few wealthy white men in Lexington who spoke out against state laws that abridged the civil rights of blacks during the era of Reconstruction.

Figure 2: William Willard Davis in a cabinet card taken at the Mullen studio, Lexington, ca. 1865-1880. Courtesy, Kansas State Historical Society.



The second man is Robert Elijah Hathaway who was one of the first residents of Davis Bottom. Hathaway was also a veteran of the U.S. Colored Troops, and a founding member of The Kentucky State Benevolent Association, which helped to organize the massive Fourth of July gathering. The speeches made during this landmark “civil rights” event would bring national attention to the inequitable social and political conditions for African Americans in Kentucky.

Figure 3: Robert Elijah Hathaway in a family photograph taken at the Mullen studio, Lexington, ca. 1890s. Courtesy, Mosaic Templars Cultural Center.

The surprising connection between Willard Davis and Robert Elijah Hathaway and two U.S. Senators, Charles Sumner (Massachusetts) and Garrett Davis (Kentucky), provides fascinating insights into the politics of Kentucky after the Civil War, as well as a captivating case study about how ordinary citizens may impact national events.

Background

The research for this article was conducted as part of The Davis Bottom History Preservation Project, which documents the history of a small, diverse and tight-knit neighborhood located just south of downtown Lexington. Numerous scholars, media producers and residents collaborated on this public media project that features in a one-hour documentary, companion website and digital media archive. Voyageur Media Group, Inc. produced the project for The Kentucky Heritage Council and the Kentucky Archaeological Survey. Voyageur's production team first learned about Willard Davis and Robert Hathaway during a planning meeting with project scholars on March 10th, 2011.

William Willard Davis was an attorney, an active member of the Republican party and a land speculator. In 1865, he purchased sixty-five lots in a swampy valley that would become known as Davis Bottom. This neighborhood was one of about a dozen ethnic enclaves established after the Civil War for thousands of African Americans who migrated to Lexington from rural areas. One of the project's core research questions was finding out why Willard Davis established Davis Bottom. Was Willard Davis simply an opportunistic land speculator? Or, was he a social advocate for newly freed African American families?

More was known about Robert Elijah Hathaway thanks to decades of research conducted by Ms. Yvonne Giles, Director, The Isaac Scott Hathaway Museum, Lexington. We learned that the Hathaway family established one of the first homes in Davis Bottom on West Pine Street. Born into slavery, Robert Hathaway was a Union Army soldier, minister and community leader. He is best known as the father of Isaac Scott Hathaway, a nationally recognized sculptor and professor.

While conducting biographical research on Willard Davis and Robert Hathaway, project scholars discovered that both men were instrumental in one of the largest civil rights events held in Kentucky during Reconstruction.

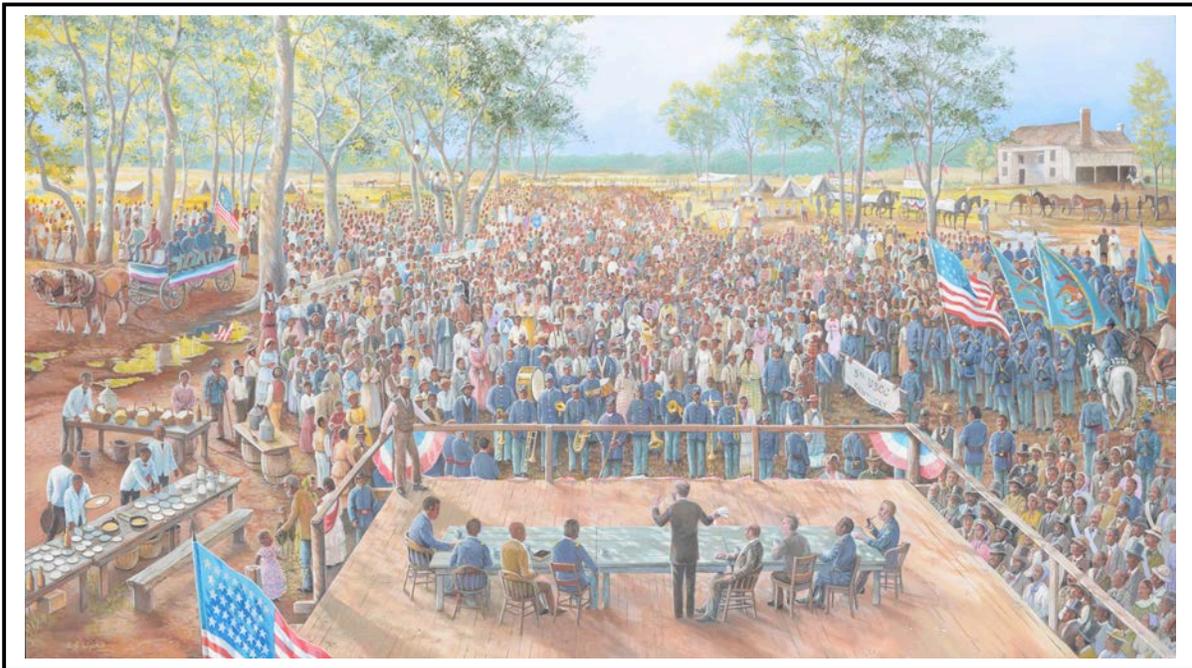


Figure 1: The artist's rendering, "Fourth of July, 1867, Lexington, KY.," depicts Willard Davis as he delivers his speech, "Colored Suffrage," during a gathering of from eight to ten thousand people in Gibson's Woods off Harrodsburg Pike. Robert Elijah Hathaway is also shown just left of the 5th USCT banner among soldiers and dignitaries wearing his Union Army jacket and a white sash as a member of The Kentucky State Benevolent Association. The Kentucky Archaeological Survey and The Kentucky Heritage Council commissioned artist Susan A. Walton to create the 5x3 foot, acrylic canvas as part of The Davis Bottom History Preservation Project. More information about the artwork is available on the Davis Bottom website.

Willard Davis in Kansas

William Willard Davis moved from Lexington to Kansas in 1871. There, he renewed his political career, rising to the position of Attorney General for the State of Kansas from 1877 to 1881. The Kansas Memory Project, an on-line resource of The Kansas Historical Society, had several references to Willard Davis, including a brief biography, a photograph and the citation for a biography about Willard Davis that was written by C.J. Ewing for the *Leavenworth Daily Times* in 1880. This biography was later reprinted in the comprehensive *History of the State of Kansas* by William G. Cutler. The C.J. Ewing biography has several inaccuracies that may come from the fuzzy recollections of an older Willard Davis, or the author's stated admiration for his subject. However, Ewing's biography contained a description of a speech that Willard Davis gave while living in Lexington:

Excerpt: Willard Davis biography by C.J. Ewing, *Leavenworth Daily Times*, 1880

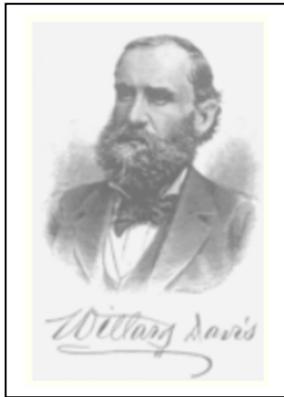


Figure 4: Sketch of Willard Davis from "History of the State of Kansas" by William G. Cutler, 1883. Courtesy, Kansas State Historical Society.

*In the summer of 1867, he was called upon by a committee of colored soldiers to deliver their Fourth of July oration. He at once accepted the invitation, against the protestations and entreaties of many personal friends in both parties, who were apprehensive of his personal safety if he should attempt to carry out the program of the colored soldiery. He chose for his theme, "Colored Suffrage." At that time no white man in the State of Kentucky had had the temerity to promulgate, in a public speech, a declaration in favor of this great right. But, without this occasion and its eloquent utterances, Mr. Davis' life and character could never have been understood by the world, and never would have been appreciated by the thousands of the good and the true of this land who have read, and will read the words of heroic eloquence uttered in his Lexington speech, on the 4th of July, 1867. It was the conception of a noble mind - the utterance of a great and good heart. J. B. McCullough [sic], now editor of the *Globe Democrat*, reported the speech in full for the *Cincinnati Commercial*, an original copy of which paper, containing the speech at length, the writer now has before him. In a speech of the gifted and eloquent Sumner, delivered in the Senate of the United States on the 13th of July 1867, just one week after the delivery of Mr. Davis' speech in the city of Lexington, the learned Senator paid this merited and beautiful compliment to Mr. Willard Davis.*

The Tale of Two Newspapers

We found an original copy of *The Cincinnati Commercial* of July 8, 1867 (Vol. XXVII – No. 317) in the archive of The Cincinnati Historical Society. The two-page article, "Celebration at Lexington, Ky," was not written by J.B. McCullagh as reported in the Ewing biography. It was written by a correspondent with the initials E.D.S. Joseph McCullagh, who signed his correspondences with MACK, was working in Washington D.C in July, 1867. The article contains a detailed account of the Fourth of July gathering, including descriptions of a mile-long parade through downtown streets, and the text of speeches made by such prominent civil rights advocates as Reverend John Fee, Reverend G.H. Graham, General J.S. Brisbin, Judge W.C. Goodloe and a young attorney, Willard Davis.

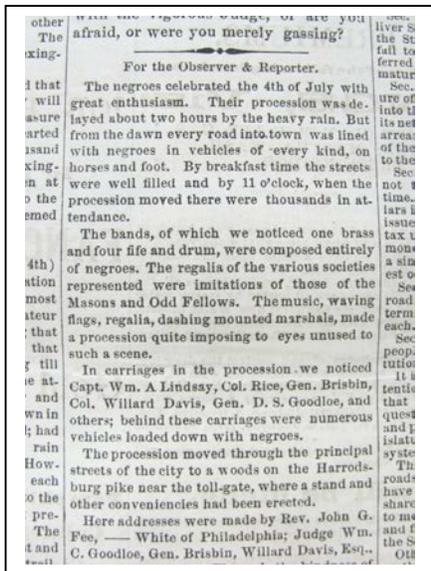
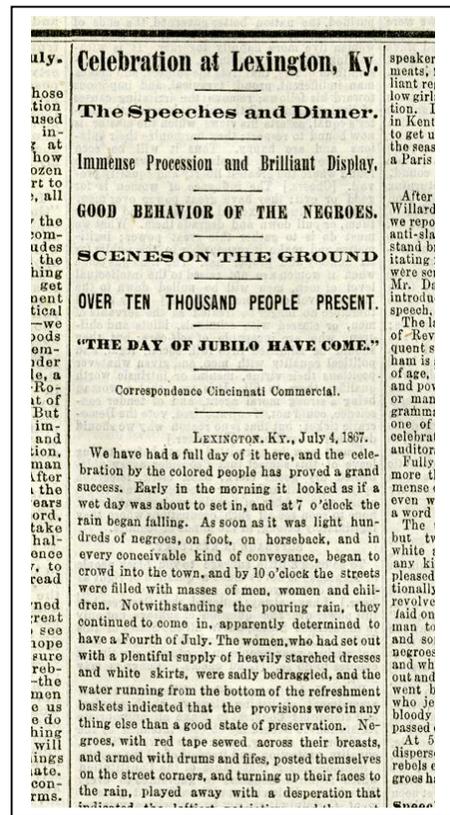
This historic "civil rights" event is referenced by contemporary historians, including Marion B. Lucas who provides excellent context for similar events held in Kentucky in his comprehensive work, *A History of Blacks in Kentucky from Slavery to Segregation, 1760-1891*. Yet, the massive gathering was downplayed by the newspapers of Lexington in 1867. The stark contrast in newspaper coverage of this event between *The Cincinnati Commercial* and *The Lexington Observer & Reporter* shows how the political persuasions of newspaper owners and editors influenced articles.

The *Cincinnati Commercial*, published from 1866-1882, was owned by Murat Halstead who worked as a reporter and war correspondent (*Times* 1908). While newspaper started out "journalistically neutral," its editorial support quickly moved in favor of the Republican party. The *Cincinnati Commercial* published a two-page article on the Fourth of July gathering in its issue published on July 8, 1867 (Vol. XXVII – No. 317).

A *Cincinnati Commercial* correspondent not only attended the event, he also secured copies of all of the speeches. The front-page article (about 12,000 words) provided a detailed account of the parade in Lexington, the names of participants, and a vivid description of the crowd.

Figure 5 (right): *The Cincinnati Commercial*, July 8, 1867. Courtesy, Cincinnati Historical Society.

Figure 6 (below): *The Lexington Observer & Reporter*, July 6, 1867. Courtesy, Lexington Public Library.



The *Lexington Observer & Reporter*, edited by William Campbell Breckenridge, most often favored the positions of the New Departure Democrats (Harrison/Klotter 1997:243) during the late 1800s. The semi-weekly newspaper covered the Fourth of July event in an issue published on July 6, 1867 (Volume XLII). The article (about 875 words) appears on an interior page after a long editorial column lambasting Judge Goodloe for his positions on several state and national issues. In a later issue, the newspaper says it sent a reporter to the event, but the original news article suggests it received second-hand information about the gathering "through the kindness of a friend." The *Lexington Observer & Reporter* did not print the text of the speeches (later issues show the newspaper and Judge Goodloe squabbled about access to copies of the speech), but described some speeches with a heavy dose of editorial commentary.

The contrast in coverage between the two newspapers is seen throughout each article, beginning with crowd estimates:

The Lexington Observer & Reporter

"The number present must have reached six thousand. Of course in such a crowd there was of necessity some disorder, but on the whole the negro and his friends have reason to be pleased and gratified with the good order and decorous behavior exhibited."

The Cincinnati Commercial

"Fully 10,000 people were on the ground, not more than half of whom could hear, but the immense crowd stood for hours and were quite still, even where they could only catch now and then a word of what the speaker was saying."

Willard Davis' speech - "Colored Suffrage"

The Cincinnati Commercial described Willard Davis as a lawyer and a "strong anti-slavery man." Davis made the first speech after dinner. During his address, part of the speaker's platform collapsed sending forty or fifty people to the ground, according to *The Cincinnati Commercial*. "A few were scratched, but no one was seriously hurt." The speech of Willard Davis, under the theme "Colored Suffrage," while patronizing at times, is an extraordinary work on numerous levels. An active member of the Republican Party, Davis was one of the few wealthy, white men in Lexington who publicly protested state laws that severely limited the rights of blacks in Kentucky. As an attorney, Davis represented several black organizations in state courts, including the newly formed Kentucky State Benevolent Association. He also represented out-of-state railroad companies, which may have insulated him from the financial backlash commonly experienced by professionals who advocated civil rights in Lexington during Reconstruction (Giles 2011).

Davis' speech began with a review of the Preamble to the Declaration of Independence. He recounted the self-evident truths that "all men are created equal," and the unalienable rights to "life, liberty and the pursuit of happiness." After recounting the history of slavery and the impact of the Civil War, Davis attacked two state laws that abridged the Civil Rights Act of 1866. Passed by the U.S. Congress, this federal legislation tried to provide blacks "full and equal benefit of all laws" and "equal protections" (Lucas 2003:293). But, state laws often circumvented this federal legislation. Davis first attacked a Kentucky law that prohibited blacks from testifying in state court cases "where a white person is a party concerned." This made blacks second-class citizens, highly vulnerable to fraud, crime and unwarranted arrest.

The present law of Kentucky regarding testimony, in your case, is mere mockery of justice. It allows you to make affidavit against a white person who may have annoyed you in person or property, and on this affidavit process issues, and the offender is brought into court, but there you stop: if your witnesses are colored, your case fails because the State Courts will not hear them. This is a monstrous wrong, and I believe the next legislature will remove it.

Davis continued by attacking the state law that barred black men from voting.

The right to act for yourself, or to say who shall act for you, is higher than all human law, and no State can deprive a freeman of this right and be republican in fact. No government can be just and deprive any portion of her citizens of this right. In this respect suffrage is a natural right; the age at which you may exercise it is political and may be altered or amended, and so may a state fix qualifications, but the great original right to vote at some time remains, and cannot be taken from freemen except by despotic force.

Davis had the foresight to also oppose any voting "standard of qualification that did not apply alike to both races." Many southern states would use non-racial standards such as literacy tests and poll taxes to keep blacks from voting. Davis provided some remarkable personal information in the speech, including the fact that he was once a slave owner.

I was all my life the owner of a few slaves inherited and I know that no man rejoiced more over their emancipation than I did.

In the speech, Davis said an "inherited" male slave served in the Union Army, and vowed, "that when his time was out he would come home and serve me again." The U.S. Federal Census of 1870 lists two black servants in the Willard Davis household: Lydia Rollins (age 45), and Francis Lee (age 26). We have not yet been able to identify the names of the slaves Davis "inherited," the manner of their emancipation, or a Union Army record for Francis Lee.

Willard Davis was an ambitious and bold politician. Within three years of his 1867 speech, Davis moved to Kansas where he would rise to the position of the state's Attorney General. The 1880 biography on Willard Davis listed many of his professional accomplishments. But, Davis and his biographer, C.J. Ewing, stressed with pride the fact that his speech on the Fourth of July in Lexington was cited nine days later on the floor of the U.S. Senate.

Robert Elijah Hathaway

The connection of Robert Elijah Hathaway to the “civil rights” gathering of July 4th, 1867 is just as compelling. His story ends with an astonishing twist of historical irony. Hathaway was enslaved by Garrett Davis of Bourbon County, Kentucky, according to archival documents compiled by Yvonne Giles, Director, The Isaac Scott Hathaway Museum. Garrett Davis, while a slave owner, opposed secession for Kentucky. In 1861, he was elected to the U.S. Senate, filling the seat of John C. Breckenridge who joined the Confederate Army. In the summer of 1864, Robert Hathaway fled the farmstead of Garrett Davis to join the U.S. Colored Troops at Camp Nelson in Jessamine County (Giles 2011). Camp Nelson was one of the largest recruitment and training centers for the Union Army in the United States. After the Conscriptive Act of 1864, thousands of slaves and freemen enlisted at Camp Nelson (McBride 2012). Robert Elijah Hathaway enlisted as a private in the U.S. Colored Troops, 100th Infantry, Kentucky at large, Company B on June 6, 1864. The 100th Infantry guarded railroad lines and fought in several campaigns in Tennessee and Alabama. Over 120 soldiers from Hathaway’s unit were either killed or wounded during the Battle of Nashville. After the war, Hathaway settled in a family homestead at 208 West Pine Street in Davis Bottom. He worked as a waiter and clerk before finding his true calling as a Christian preacher.

In March of 1866, Hathaway attended The First Convention of Colored Men of Kentucky held in the Ladies Hall on Church Street in Lexington. The primary role of the convention was to address voting rights, but attendees discussed a range of issues, including education, jobs and the conditions for African Americans in Kentucky. The convention also established The Kentucky State Benevolent Association in order to continue work on political and social issues. Robert Elijah Hathaway is one of forty seven founding members of The Kentucky State Benevolent Association, which helped promote social and political events for African Americans, including the gathering on July 4, 1867 in Lexington.



Figure 7: Robert Elijah Hathaway (front row center), Sr. Pastor, Little Rock Christian Church, Bourbon Co., KY, with fellow elders and deacons, ca. 1900s. Courtesy, High Street Christian Church, Mt. Sterling, KY; Disciples of Christ Historical Society, Nashville, TN.

We have not found documents to confirm that Robert Elijah Hathaway attended the Fourth of July celebration in his hometown. But, its hard to imagine that he wasn’t among the dignitaries and honorees as a Union Army veteran, a member of The Kentucky State Benevolent Association, and a respected community leader. While downplayed in Lexington, this landmark event would soon play a role in debates over federal Reconstruction legislation in Washington, D.C.

The Third Reconstruction Act (1867)

During the summer of 1867, the U.S. Congress was working on legislation that would become known as the Third Reconstruction Act. From 1867 to 1868, Congress passed four statutes known as Reconstruction Acts. The Reconstruction measures established military governments in most southern states, and defined requirements for Confederate States to be re-admitted into the Union, including drafting new state constitutions for approval by Congress and the ratification of the Fourteenth Amendment, which granted voting rights to black men. The Republican party dominated the 40th Congress since the delegations of many former Confederate states had yet to be seated. In the U.S. Senate, Republicans held about an 85% majority over about eight Democrats from Union border states such as Kentucky and Maryland.

U.S. Senator Charles Sumner, (R) Massachusetts.

Senator Charles Sumner, a leading voice of the "Radical" Republicans, headed to the U.S. Senate floor on July 13th, 1867, for a legislative session on funding for the Third Reconstruction Act. Republicans dominated Congress, easily passing two prior Reconstruction measures over the vetoes of President Andrew Johnson. Sumner, a fierce abolitionist, was nearly beaten to death on the Senate floor in 1856 by a South Carolina Congressman for an anti-slavery speech. On the morning of July 13th, Sumner received a copy of *The Cincinnati Commercial* with the speeches presented at the Fourth of July gathering held nine days earlier in Lexington. The Senate was discussing the amount of funds needed to cover costs for Reconstruction. The session quickly turned into a heated floor debate between Sumner and Senator Garrett Davis, a Democrat from Kentucky, according to transcripts published in *The Congressional Globe* (Globe 1867).

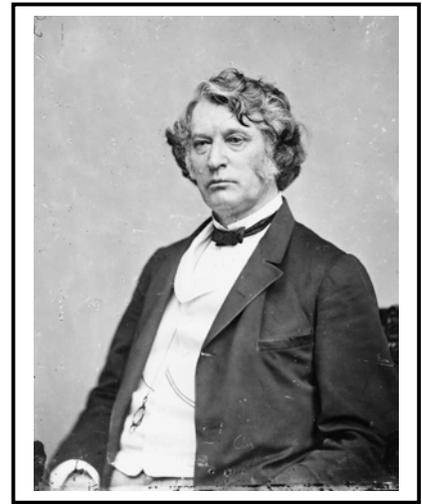


Figure 8: Senator Charles Sumner, ca 1860s-1870s. Courtesy, Library of Congress.

U.S. Senator Garrett Davis, (D) Kentucky

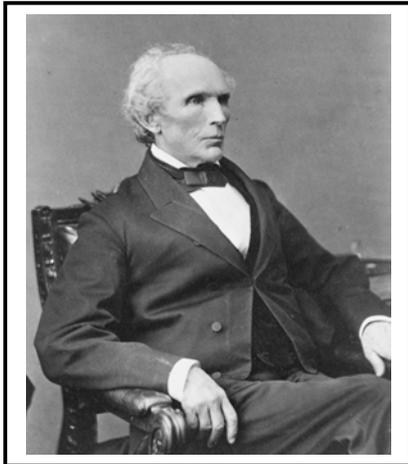


Figure 9: Senator Garrett Davis, 1869. Courtesy, Library of Congress.

Senator Garrett Davis (no relation to Willard Davis) was one of eight Democrats serving in the U.S. Senate during the second session of the 40th United States Congress. Lewis Collins, author, *History of Kentucky*, 1882, described Garrett Davis as "honest, bold and fearless, a ready debater, an able lawyer, an exhaustive thinker," adding, "he zealously represented his state in the Senate, and bitterly denounced the infractions of the constitution by the Radical party. Mr. Davis was remarkable for the earnestness and pertinacity with which he pressed his opinions." During the Senate session on July 13th, Davis asked the Senate President to speak in response to a letter he obtained that was written by Charles Sumner to Senator John Creswell, a Republican from Maryland. Through the letter, Garrett Davis discovered that Sumner was secretly lobbying to add Kentucky to the list of southern states targeted for Reconstruction. Davis began his oratory in defense of southern states:

[Garrett Davis] *Mr. President, the greatest fictions of this day, in my judgement, are the stories that have been retailed in Congress of wrongs and crimes committed in the southern States against negroes and Union men. So far as my own State is concerned I know it to be so, notwithstanding every once in a while an utterance escapes the Senators from Massachusetts that indicate that their purpose is to reconstruct Kentucky.*

Senator Garrett Davis then read excerpts from Sumner's letter, including his plea to add Kentucky, which remained with the Union, to the Reconstruction process.

[Davis quoting from Sumner's letter]: "Kentucky needs reconstruction and it is your duty to provide it. Put it on an equality with the rebel States. Let her colored citizens enjoy the full-blown rights of citizens, and let the white Unionists there have the protection of their votes. You sent muskets once. Send votes now."

Senator Davis continued with a stinging diatribe against Sumner. His speech began with a bold assertion:

[Garrett Davis] *Now, I say to both Senators from Massachusetts, that the whole population of Kentucky are better protected and more secure in their rights than are the white people of Massachusetts."*

Davis was fighting mad. He accused Sumner with complicity in "a crime of treason," concluding his speech with a sentence that seems to challenge Sumner to a fight:

[Garrett Davis] *Sir, I wish that before the sun sets the Senator from Massachusetts and myself could meet alone upon the soil of Kentucky, and he there to reconstruct it, and no interference, we all alone. [laughter].*

Sumner rose in response:

[Charles Sumner] *Mr. President, I say nothing about Massachusetts. Her history and her character will speak for her. I shall say something, however, about Kentucky. I have in my hands a newspaper which I have received this morning, which contains the account of a celebration of the Fourth of July at Lexington. Is not that a town in Kentucky? I read, therefore, for what I say, only Kentucky authority.*

Armed with a copy of *The Cincinnati Commercial*, Sumner then read excerpts from the speeches given on the Fourth of July in Lexington. Sumner introduced Willard Davis as a speaker "who makes an elaborate, able, compact, forcible address, any Senator on this floor might covet the ability to make."

[Sumner quoting the speech of Willard Davis] "What is your property and your lives worth without the means of that complete protection derived from the enforcement of all those legal remedies enjoyed by your white neighbors? The present law of Kentucky regarding testimony in your case is mere mockery of justice."

Senator Sumner added, "Strong words for a Kentuckian – a mere mockery of justice. Surely a State which has such laws needs a little reconstruction." Sumner cited three more passages from the speech of Willard Davis, as well as excerpts from many other speakers from the Fourth of July in Lexington. Senator Garrett Davis gave a strong rebuttal in defense of Kentucky, but the heated debate between Sumner and Davis ended when the Senate President moved on to other business.

National attention

The U.S. Congress easily passed the Third Reconstruction Act of 1867. Garrett Davis was one of four Senators to vote against the statute. Kentucky remained exempt from Reconstruction measures, but the U.S. Congress and President Andrew Johnson would continue to battle over Reconstruction measures, culminating in Johnson's narrow escape from impeachment in 1868. Lexington's 1867 Fourth of July gathering, and the exchange between Senator's Sumner and Davis, brought national attention to the plight of blacks in Kentucky. There, out front, were two men with deep connections to Davis Bottom. William Willard Davis, a staunch advocate for civil rights. And, Robert Elijah Hathaway, one of the first residents of Davis Bottom, who just three years earlier had been enslaved – the property of Senator Garrett Davis.

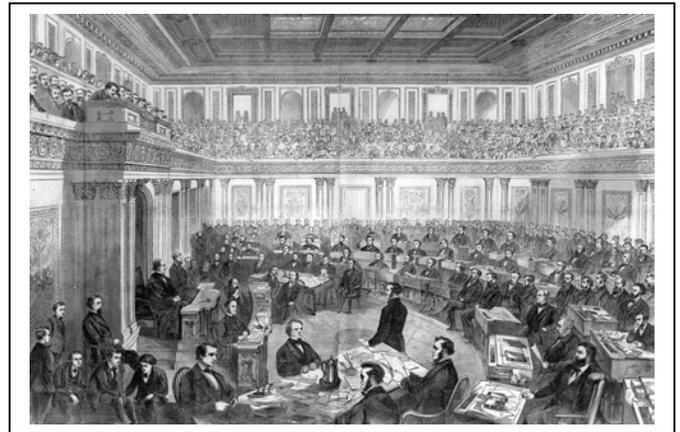


Figure 10: A sketch of the U.S. Senate during the impeachment trial of President Andrew Johnson, *Harper's Weekly*, April 11th, 1868. Courtesy, Library of Congress.

References Cited

Proceedings of the First Convention of Colored Men of Kentucky

1866 By The Kentucky State Benevolent Association, Miscellaneous Pamphlet Collection, Library of Congress, 1866.

The Cincinnati Commercial

1867 Issue from July 8, 1867, pages 1-2.

Congressional Globe, Senate, 40th Congress, 1st Session

1867 A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875. Davis-Sumner debate, pages 631-633, July 13, 1867.

Collins, Lewis.

1882 *History of Kentucky*, Vol. II, Garrett Davis biographical sketch, pages 66-83, by Lewis Collins, Collins & Co., Covington, Kentucky, 1882.

Cutler, William G.

1883 *History of the State of Kansas, Labette County, Part 6, Biographical Sketches*. Willard Davis entry written by C. J. Ewing, of the *Thayer Headlight*, for the *Leavenworth Daily Times* 1880.

New York Times

1908 Obituary of *Murat Halstead*, printed July 3, *New York Times*.

Lucas, Marion B.

2003 *A History of Blacks in Kentucky: Volume 1, from Slavery to Segregation, 1760-1891*, Marion B. Lucas, Second Edition, The Kentucky Historical Society, 2003.

Harrison, Lowell H. and Klotter, James C.

1997 *A New History of Kentucky*, The University of Kentucky Press, Lexington.

Giles, Yvonne.

2011 Interview, *The Davis Bottom History Preservation Project*, Kentucky Archaeological Survey, 2011.

McBride, W. Stephen

2012 "More than a Depot," a history of Camp Nelson, by W. Stephen McBride, Ph.D., Archaeologist, Camp Nelson Civil War Heritage Park, 2012.

Ohio History Central

2012 Biography of *Murat Halstead*, 2012.