















✓ LIFE OF

# ANDREW JOHNSON.

Seventeenth President of the United States.

BY  
REV. JAMES S. JONES.

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## TO THE PUBLIC.

I DESIRE to state that in the preparation of this Life of Andrew Johnson, the Rev. J. S. Jones has had unrestricted access to all the data relating to the subject which I could furnish him.

This includes all files of papers and other materials collected during the lifetime of my father and under his direction, as well as other matter collected by the family since his death.

I heartily commend his work to the public.

MRS. MARTHA J. PATTERSON.

June 9, 1901.



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THE HOUSE WHERE PRESIDENT JOHNSON WAS BORN.

RALEIGH, N. C.

## CHAPTER I.

### ANCESTRY, BIRTH, AND EARLY LIFE. 1808-1830.

**N**ESTLED among the foothills of the western side of the Great Smoky Mountains, which mark the boundary-line between Tennessee and North Carolina, lies the town of Greeneville, memorable by its association with many men whose names have become landmarks in American history.

From this vicinity went some of those liberty-loving heroes who, under the leadership of James Robertson and John Sevier, won the battle at King's Mountain, and turned the tide of the American Revolution, which gave independence to the struggling Colonies.

Here, too, for a time lived Benjamin Lundy, whom Horace Greeley in his "Great American Conflict" declares to have been "the pioneer of direct and distinctive anti-slavery movements in America. Many who lived before him and contemporary with him were Abolitionists. But he was the first of our countrymen who devoted his life and all his powers exclusively to the cause of the slave."

Here, from 1821 to 1823, he published his *Genius of Universal Emancipation*, the first paper (save one which Elihu Embree published the year before at Jonesboro, Tennessee, for a few months) devoted exclusively to the

interest of American abolition. It was at Greeneville that the first Convention of the Manumission Society was held in 1816.

Here, too, the great raider, John H. Morgan, met his tragic death. On an unfrequented street in this historic town stands a little old frame building, having but one room, which has now become of national interest. Over the front door is nailed a weather-beaten sign, which reads,

A. JOHNSON, TAILOR.

Outside the village, on an eminence overlooking the town, stands a marble shaft, over which is draped the American flag, and into whose side is cut an emblem of the Constitution. An eagle, poised as for flight and looking away to old Smoky Mountains in full view, crowns the apex, while on the east side of the shaft is the inscription, "Andrew Johnson, Seventeenth President of the United States. Born December 22, 1808. Died July 31, 1875." "His Faith in the People Never Wavered."

Within the scope marked by the tailor-shop on the obscure street and the monument on the hill lies the story of one of the most eventful lives known to American history.

When one rises to distinction the world demands to know what were his ancestral relations, what his early environments, and what traits of character were prominent in youth.

The ancestry of Andrew Johnson can hardly be traced beyond his own father's family, and of these only enough is known to assure us that while they were poor, they were honorable and upright people.

From an old paper, the *Raleigh Star* of January 12,



1812, is taken the following, which tells us of Andrew Johnson's father:

"Died in this city on Saturday last, Jacob Johnson, who had for years occupied a humble but useful station in society. He was city constable, sexton, and porter to the State Bank. In his last illness he was visited by the principal inhabitants of the city, by all of whom he was esteemed for his honesty, industry, and humane and friendly disposition. Among all to whom he was known and esteemed, none lament him more (except perhaps his relations) than the publisher of this paper, for he owes his life on this particular occasion to the boldness and humanity of Johnson."

The writer of this notice was Colonel Thomas Henderson, whose life Jacob Johnson had saved some twelve months before. The story of this rescue was told by Hon. David L. Swain, on the occasion of the unveiling of a monument to Jacob Johnson some fifty years after his death. He himself had received the narrative from the lips of one of the gentlemen involved.

At a large fishing party at Hunter's Mill pond, on Walnut Creek, near Raleigh, Colonel Henderson, William Peace, and a young Scotch merchant by the name of Callum were out in a skiff; and for sport Henderson rocked the boat and by a mishap upset it, throwing all three into the pond. Callum, who could not swim, seized Colonel Henderson, and both went to the bottom. Mr. Peace was rescued by the party on the shore with little difficulty; but Henderson and Callum seemed lost. Jacob Johnson, who was one of the fishing party, leaped into the pond, and diving in the direction where the two men were last seen succeeded by great effort in bringing them up, and by the aid of others brought them unconscious to the land.

Both were resuscitated; but the exertion of Mr. John-

son so exhausted him that, though he lived for nearly a year afterward, his health was much broken. He strove, however, to meet his duties as marshal of the town and as sexton of the State-house.

While tolling the bell of the State-house (the only one in the town) one day for a funeral, he was seen to fall suddenly from exhaustion. Friends carried him to his home, where he died a few days afterwards. He was buried in the Citizens' Cemetery, and the story of his heroism was forgotten by the people, until after fifty years it was seen that the same blood which had given itself to rescue humanity had led his son Andrew to greatness in another cause of like character, but of national extent.

Jacob Johnson had been a captain in the militia of North Carolina, and concerning him Mr. Swain says: "I have never traced a more blameless character." Thus was Andrew Johnson at the age of four years left fatherless and penniless. Among the blessings in disguise which fall to the lot of men, none perhaps are more reluctantly acquiesced in than poverty.

And yet the lessons taught in her school are essential to him who would be truly great. Patience and self-reliance are developed by her, while courage and hardiness find their best opportunities amid the conditions of poverty. It seemed a cruel fate indeed which doomed this young child to a life of penury and toil, and denied him even so much as one single day in school. But we who have seen him stand for fifty years of public life the champion of the poor and the defender of the weak can understand that his sympathy was born of the bitter experience of his childhood and youth.

When ten years old "Andy" became the "bound boy" of a Mr. J. J. Selby, a tailor in Raleigh, who by the terms of the contract was to have the services of the lad until

he gained his majority. In return for these services he was to feed and clothe him and teach him the tailor's trade.

One who was a companion of his toil in Selby's tailor-shop has testified to the restless energy of the lad, which frequently brought him into trouble with his mistress, but adds that there were never any dishonorable traits of character manifested in his acts of mischief.

When he had reached his seventeenth year an unfortunate occurrence, as it then seemed, terminated rather suddenly his career with his master. As a matter of sport he and an associate about his own age stoned the house of a citizen of Raleigh; but they found the next day that the joke had been turned upon them, for they had been identified, and the outraged citizen was to have them arrested on the following day. That night the future President of the United States wrapped his scanty wardrobe in his tailor's apron, and started for South Carolina.

We next find him at Lauren's Court-house, where as a journeyman he worked at his trade for about one year. Here tradition takes up the thread of the story, and the romance of a love affair mantles the life of our hero.

But what is life without love? He can not be a true biographer who does not attempt, at least here and there, to reveal the heart wanderings of him whose character he sketches.

It is said that he fell passionately in love with a young lady of Laurens, and that, rather than marry before he had gotten a start in life, he ran away from the temptation, to which he was determined not to yield, and yet whose presence he dared not face.

Whether the story be true we do not know; but we find that about this time he returned to Raleigh. On his arrival he found, to his great consternation, that he had

been advertised as a "runaway" by his old master, and that every door in his native State was closed against him. No man dared to employ him and no one might harbor him, such were the laws with reference to "bound boys" in the State of North Carolina.

Thirty-six years later, in a speech in the United States Senate, Mr. Johnson, referring to North Carolina, said: "She is my mother, although poverty, gaunt and haggard monster, expatriated me from her limits to seek a home in my adopted State. Yet she is still my native State, and in my heart I respect and love her."

Beset with a difficulty which he could not overcome for at least three years, he determined to go West. What the West meant then, and what it means to-day, are very different sections of our country. Then Tennessee, and especially the middle and western portions, were classed as the "West," while Ohio and Indiana were in the far West. The region beyond the Mississippi River and beyond the Rockies was practically unexplored.

On a Saturday afternoon, in the month of September, 1826, one might have seen a company, consisting of a youth of eighteen years and a middle-aged man and woman, entering the town of Greeneville, Tennessee.

The men were walking, while the woman rode in a cart drawn by a blind pony. The youth was Andrew Johnson, the woman his mother, and the man Turner Dougherty, his stepfather.

Thus they had traveled from Raleigh across the mountains, camping out at night. The only incident of record relating to the journey is, that on the trip young Johnson killed a bear with a shotgun. On entering the town which was to be their future home, and whose name Andrew Johnson was to couple with his own in history, the party

camped near a spring on the very ground which afterward became the home of Ex-President Johnson.

There seems to have been no definite point to which the party of emigrants would make their way, and so it was easy for the business men of the place, by offer of patronage, to induce the young tailor to locate in Greeneville and open up a shop.

Within a few days after their arrival the party were quartered in a house in the town, one room of which constituted the first tailor-shop Andrew Johnson ever operated.

After his experience with Selby he had determined never to work for any other man. He would have his own shop, and he would never have a partner in business. These resolutions he carried out, and they are an index to his whole life.

He was the very personification of independence. He did not wholly repose confidence in any man. Even while President, one of his secretaries says, he looked after everything in detail.

The section of country into which he had now moved was rich, and the young mechanic, having almost a clear field in which to ply his trade, did a thriving business. By industry and economy the "start in the world" he had so much desired soon had its beginning, and before a year had passed away he owned his own shop and was married.

Eliza McCardle was the only child of a Scotch shoemaker, who had come to Greeneville but a few years before Johnson came from Raleigh.

Andrew Johnson may not have seen her, but she saw him when he trudged his way into Greeneville that Saturday afternoon. She was standing with a group of girls about her own age near by the road, and as the party passed she playfully remarked to her companions, "There goes

my beau, girls, mark it." She little dreamed of the prophetic character of her words, and afterward, even in her latter life, used to laugh at her girlish remark.

These two young people were not long in becoming acquainted, for necessity as well as desire led to an interchange of visits between the young tailor and the family of the shoemaker.

This time we are not left to the uncertainty of the tradition as to the fruits of Cupid's work, for the records show that on the 17th of May, 1827, before he was nineteen and she but seventeen, they were married by Mordecai Lincoln, a magistrate of the town and a kinsman of Abraham Lincoln.

It was an honorable match. She brought to him youth, beauty, culture, and a love which never failed him in his darkest hour. He laid at her feet a character unsullied, a spirit indomitable, an energy untiring, and an ambition which brooked no obstacle.

How did he, who never had a day in school, acquire that knowledge of history and the science of government which enabled Andrew Johnson to successfully compete with his opponents during his long and eventful political life? Many of those against whom he waged his political battles were graduates from the first colleges in the land; but none who ever met this mountain giant in debate doubted but that somewhere he had received a mighty training.

To this question there is largely one answer; viz., Eliza McCardle. She was his teacher, and no "schoolmarm" ever had a more diligent student, nor did ever a pupil have a more devoted instructor.

He had learned to read a little before he left Raleigh, being assisted in his efforts by his fellow-workmen; but after his marriage he pursued his studies with that system



and earnestness which soon brought proficiency in many branches of knowledge. At night while he plied his needle his wife would read to him. It was here, doubtless, that he acquired the habit of being a good listener, which marked him in his public life.

He would also employ some one to read to him during the day while he worked in his shop. There now lives an old man near Greeneville who avers that he has read history to Andrew Johnson many a day for fifty cents a day when he was but a schoolboy. ))

Already the dream of an active political career possessed young Johnson, although at this period of his life few would have been so bold as to prophesy a great future for the broad-shouldered young proprietor of the Greeneville tailor-shop.

If he would enter politics he must become an orator. No man could succeed in political life who could not debate well. Led by this purpose, he joined the debating society of Greeneville College, four miles from his home. Regularly every Friday night he walked out to the college to attend the society, and back home again.

Those who were associated with him there describe him as having been a very timid speaker, afraid of his own voice. This may appear strange to some who have heard him thunder his philippics for four hours at a stretch when on the stump in later life.

Later, out of the discussions which took place in his tailor-shop between a number of citizens who found it pleasant to spend much time in this convenient lounging-place, there was organized a debating society in the town of Greeneville. A number of men belonged to this society who afterwards became prominent in politics in East Tennessee.

Andrew Johnson was not slow to improve this oppor-

tunity, and here he not only learned to debate well, but he won the personal and political friendship of a number of Democrats, who were ever his ardent supporters.

We are told that the people of the little town of Greeneville, even at this early date, were divided into two distinct classes: the aristocrats, comprising the merchants and the slave-owners; and the poorer, or laboring, classes.

In 1828 the latter class prevailed upon Mr. Johnson to become their candidate for alderman. The result was that he was overwhelmingly elected, and two years later was by the same class elected mayor.

Thus did he enter upon that political circle which carried him through the United States Senate and the White House.







MRS. ELIZA JOHNSON,  
WIFE OF ANDREW JOHNSON.

## CHAPTER II.

IN THE LEGISLATURE—PREPARATION FOR A LARGER FIELD.  
1835-1843.

“**I** TOO am in the fight.”

Such is said to have been the language used by Andrew Johnson one Saturday night in 1835, when a group of Greeneville politicians were discussing the candidates for the Legislature, who had already announced themselves.

The emphatic way in which he spoke convinced his hearers that he was in earnest, and they encouraged him in his purpose.

In those days political affairs were not run by machinery as now, but every man offered himself for the office which he wished. The weaker aspirant of each party, of course, naturally fell out, and gave the final race to those who were recognized as leaders.

The race for representative for Washington and Greene Counties in the State Legislature soon narrowed down to Matthew Stevenson of Washington County, a pronounced Whig, and Andrew Johnson of Greene, who declared himself a Democrat.

It is said that many of Mr. Johnson's own party doubted very much his ability to cope with so distinguished a man as Major Stevenson. Stevenson had been a mem-

ber of the Constitutional Convention which met the year before, and was regarded by his party as a strong advocate. He thought to have easy sailing with an inexperienced mechanic as his opponent. But he had reckoned without his host.

The joint canvass was begun early, the first meeting being held on Boon's Creek, in Washington County. In this first battle Johnson not only swept away the fears of his friends, but also created consternation in the ranks of his opponent by attacking the political record of Major Stevenson, and throwing him completely upon the defensive.

It was a great speech considering the circumstances under which it was made, and marked the beginning of that "appeal to the people," of which the "Great Commoner" never wearied. The canvass was prosecuted to the end with the same vigor with which it was begun, and Johnson was elected by a handsome majority.

One who knew him well, and was a member of the General Assembly in which Johnson made his *début*, thus speaks of him: "Though plainly clad, and not so robust in figure as in later life, his marked and expressive features presented him well, and engaged attention when he arose to speak. He made more than the ordinary impression of a new member. He was punctual, laborious, but not unduly forward.

"He kept a vigilant eye on the legislation proposed in molding the order of things under the new Constitution, and judiciously participated in debate. His style was less assumed and vehement than afterwards; but nevertheless ready and pointed."

An important measure of that session was an act for internal improvements—the building of macadamized turnpikes at the expense of the State Treasury.

Mr. Johnson's course in regard to this was strongly illustrative of candor and boldness, as well as of tenacious adherence to constitutional limits in legislation, which he ever so consistently and signally displayed.

His own mountain-bound section of the State, under the operation of the law, would derive benefit greatly desired, ready means of intercommunication, as well as accessibility to other sections, then quite difficult. It was therefore popular in that region, and a number of its leading advocates were from East Tennessee.

Mr. Johnson gravely doubted the power of the General Assembly to impose a tax upon the people for an extraordinary purpose without their previous consent expressed at the polls, and seriously questioned the abstract right and propriety of incurring an indebtedness of the State, bearing interest for any object, however desirable or laudable. From a fund thus acquired, he was jealous to apprehend misapplication of its use. With these views he strenuously opposed the enactments of the measure, notwithstanding the advantage to accrue to the people whom he represented.

Of this early step there was nothing of the order of demagogy.

The bill was passed, however, and for a time gained such popular favor as to sweep everything before it. Johnson was unmoved by the popular flurry, and denounced the measure as one calculated to subject the State to the schemes of swindlers. This, indeed, it did; but the people were fooled for a time, and in the election of 1837 they chose Brookins Campbell, a strong advocate of the measure, to represent them.

Undaunted by his defeat, Mr. Johnson again appealed to the people two years later, and pointing to the fulfillment of his predictions, now clearly to be seen, was elected over Campbell, who was again a candidate.

In the notable political wrangle between James K. Polk and John Bell, Andrew Johnson sided with Bell, and supported Hugh Lawson White, of Tennessee, for the Presidency over Martin Van Buren, Andrew Jackson's candidate. But in the campaign of 1840 we find him on the ticket with Mr. Van Buren as elector for the State at large.

In this campaign he made a State reputation as an orator, and ever thereafter until the war he was one to be reckoned with on the part of the Whigs. His ticket, however, was defeated, and the Democrats, who had been in power both in the State and Nation, were succeeded by the Whigs.

Those were times when oratory had a great place in American politics, and no period in our history has furnished more distinguished speakers than that which is called the "middle period."

In national politics there were Webster and Clay, Calhoun and Douglas, Benton and Everett, and a host of others, whose names are the very synonyms of American statesmanship and oratory.

In Johnson's own State there were Hugh Lawson White, Felix Grundy, John Bell, Aaron V. Brown, James K. Polk, and others too numerous to mention.

It was in this school that the "Defender of the Constitution" received his training, and in his palmiest days he was easily the peer of the most of his teachers.

Those, too, were times when men knew the why of their political preference, for party issues were clear and the lines of distinction sharply drawn.

It is not surprising, therefore, that amid such conditions there should have existed a very determined spirit both in the leaders and in the masses of the people.

This spirit may be well illustrated by the following anecdote, which is received in East Tennessee as authentic by those who knew both parties:

“‘Old Father Aiken,’ an eccentric Methodist preacher and a man of great force was a Democrat, while William G. Brownlow, the ‘Fighting Parson,’ was a Whig. These two met at a camp-meeting on a Sunday morning. Brownlow was to preach the sermon, and Aiken was to conduct the opening exercise. When the old man got down to pray he asked the Lord to forgive the sins of the people, and deliver them from every evil thing.

“O Lord!” he prayed, “deliver us from Whiggery.”

“God forbid!” ejaculated Brownlow. Turning to him, Aiken shouted, “Billy, keep still when I am praying.”

The last service of Andrew Johnson in the Tennessee Legislature was as senator from Greene and Hawkins Counties, 1841-43.

The State was at this time about equally divided politically between the Whigs and the Democrats, these parties alternating for a number of years in State control.

When Mr. Johnson was elected to the State Senate the Whigs had a majority of two in the House of Representatives, while the Democrats had a majority of one in the Senate. The Whigs could, therefore, claim a majority of one on a joint ballot. At this session two representatives were to be elected to the United States Senate, to succeed Hon. Hugh L. White, whose term had expired, and Hon. Felix Grundy, who had recently died.

The clerk of the House early in the session bore to the Senate the desire of the House of Representatives to meet the Senate in joint session for the purpose of electing two United States senators. Mr. Reneau arose and moved that a date be fixed when the Senate shall comply with the



request; but his motion was lost, twelve Whigs voting aye, and thirteen Democrats, led by Senator Johnson, voting no.

Again and again throughout the entire session did the Whigs endeavor to secure a joint meeting for this purpose; but each time the vote stood twelve for and thirteen against.

The Democrats proposed to agree to a joint session, provided the Whigs would agree to allow them to name one of the candidates, who should be elected.

On December 20th, Mr. Laughlin submitted a preamble and resolution setting forth the fact that the State was nearly equally divided politically between the Democratic and Whig parties, as was seen in the fact that the Democrats controlled the Senate, while the Whigs had a majority in the House, and that it was but fair to the people of the State, who had elected a Democratic Senate, that they should be represented in the United States Senate, and that unless some such compromise as he proposed were agreed to, it was evident that there would be no election, and he proposed that Hopkins L. Turney, of Franklin, be elected to represent the Democrats, and Thomas Brown, of Roan, be elected to represent the Whigs. His motion was lost, but the record of it epitomizes the situation.

One of the last acts of that session was to vote on some form of resolution looking to a joint convention of the two Houses to elect two United States senators; but the vote stood to the last, twelve for and thirteen against. Mr. Johnson and those associated with him in the deadlock, which never broke, were named the "Immortal Thirteen," and are thus known in history. They were Messrs. Johnson, Gardner, Hardwicke, Laughlin, Maclin, Martin, Mathews, Miller, Powell, Ross, Warner, Waterhouse, and Turner, Speaker of the Senate.



By this unyielding contest Tennessee was not represented in the Senate of the United States for two years.

An important act of Mr. Johnson's in this Assembly, of which nothing came however, but is interesting as showing his own and the feeling of the people of his section of the State at that time, was his earnest advocacy of a resolution to cede that portion of the State commonly called East Tennessee to the United States for the purpose of being erected into a separate and independent sovereignty, and that the governor of Tennessee be required to hold a correspondence with the governors of the States of Georgia, North Carolina, and Virginia in relation to a cession of a portion of their respective territories adjoining East Tennessee to the United States, the whole of which when so ceded to form the State of Frankland.

At the close of this, his last term in the Legislature of his State, Mr. Johnson returned to his home, and began to prepare for a larger sweep in the political world.

He had Congressional aspirations, and the time seemed ripe for his venture. He was exceedingly popular with his own party, and had an immense advantage with the working classes.

At a meeting of mechanics in the town of Greeneville, in May, 1843, a committee was appointed to draft a memorial to the Tennessee General Assembly on the subject of convict labor, and Andrew Johnson was made chairman of that committee, and wrote the resolutions.

After setting forth the conviction that to bring convict labor into competition with free labor is both unjust to the honest free laborer and hurtful to society, the memorial closes with a eulogy upon labor which shows Mr. Johnson's knowledge of history at that time: "Adam the father of the race was a tailor by trade, for he sewed fig-leaves to-

gether for aprons. Tubal Cain was an artificer in brass and iron; Joseph the husband of Mary, the mother of Jesus, was a carpenter by trade, and the probability is strong that our Savior himself followed the same. The Apostle Paul was a tentmaker; Socrates, the distinguished Grecian philosopher, was a sculptor, but abandoned the fashioning and polishing of the stone for the purpose of cultivating and instructing the human mind. Archimedes, by the exercise of his skill in mechanics, made the enemy declare, when they attacked Syracuse, that he was a modern Jove hurling his thunderbolts upon them. King Crispin was a shoemaker, as was Roger Sherman, who helped to form the Constitution of the United States, and so was Daniel Sheffy of Virginia. General Greene, of Revolutionary fame, was a tinker, while General Morgan, his compatriot, was a blacksmith."

Meanwhile the affairs of the Greeneville tailor-shop had flourished, and Andrew Johnson, who had entered Greeneville seventeen years before penniless, was now a prosperous business man.

He had as early as 1831 purchased a home, and now he owned one of the best residences in the town, owned his shop, and had other property besides. He also purchased a small farm near Greeneville, on which he located his stepfather and his mother. His habits of sobriety, industry, and frugality had served him well in his struggles.

During his course as proprietor of the shop a large number of men had been under him, either as apprentices or as journeymen. One of these, Mr. Lewis Self, still lives in Greeneville, eighty-four years old now, but to be seen upon the streets any day.

Mr. Self bears testimony to Mr. Johnson's integrity and kindness as an employer. His constant advice to the young men was: "Save something. Get you a home."

Later in life he was to make this advice practicable to a vast multitude of men by his championship in Congress of the "Homestead Bill," of which he was the author.

His family, too, had grown, until now there were four children, two girls and two boys, to share his love—Martha and Mary, Charles and Robert. Andrew, for some reason called Frank, was not born until several years later.

Before the war the industrial system of the South was that of slavery. As a rule, those who did not own slaves served themselves. There was little paid labor of the menial type. It was very natural, therefore, that as fortune began to smile upon Andrew Johnson he should become a slave-owner. That he did not believe in the system is clearly manifest from his public addresses made at this time, and from the testimony of those who were his slaves. But this did not prevent him from enjoying the benefits accruing therefrom. He owned a few slaves; kept them as his servants, and never sold one.

His was the position taken by many of the leading citizens of the entire South, and especially of East Tennessee. They lived under the tyranny of a social and industrial system, from which they could not easily break away.

There lives in Greeneville an old colored man who is now the sexton of the Methodist Church, whose proud boast it is that he was "President Johnson's fust servant." He is a fine type of the aristocratic slave, who did not "work on de plantation wid de niggers, but waited on old massa."

To see old Sam on Sunday, dressed in his long-tailed black coat, and wearing his high silk hat, erect and dignified as a lord, yet respectful and courteous, one might doubt whether he ever belonged to anybody. In fact, Andrew Johnson's daughter, in speaking of old Sam, said:

“Old Sam boasts that he was my father’s servant; but the fact is, my father was Sam’s servant.”

He relates many interesting things about his old master, whom he always speaks of as “President Johnson.”

Having now become absorbed in public matters, and possessing a competency, Mr. Johnson sold his tailoring business, and devoted his entire time to politics.

The old shop, however, he did not sell. It had been the place of his toil and the witness of his struggles. Like its master, it also has very much of a personal history. Originally it was the annex of a store building on Main Street, and was bought by Mr. Johnson and rolled to its present site. In 1892 it narrowly escaped being taken to the World’s Fair by some Tennessee antiquarian; but its owner finally refused to give her consent, fearing some accident might befall it. It was threatened by fire in the winter of 1900, several buildings near by being burned to the ground. But by heroic efforts it was saved.

Many persons from all parts of the country have visited it. It has been photographed and sketched, burned into china, and etched on silver and gold. It is still in the possession of Andrew Johnson’s family.

Mr. Johnson was known throughout his public life as the “Tailor;” nor was he ever ashamed that he thus earned his living. On the other hand, it was his boast in the United States Senate that he had forged his way up from obscurity, that he had earned his living by his own toil, and that he, too, was one of the “mudsills” of society.

He declared that the race had descended from a tailor; for had not Adam sewed fig-leaves together for his first garment?

When he was civil governor of Tennessee he cut and made a handsome suit of clothes, and sent them to Governor McGoffin of Kentucky, who had been his friend and

companion in former years. The Kentucky governor had been a blacksmith, and he returned the compliment by making a neat shovel and a pair of tongs, which he sent to Mr. Johnson, expressing the hope that they might help to keep alive the fires of their early friendship.

It is said that at the close of the war Mr. Johnson returned to Raleigh, where he had been brought up, to attend the unveiling of a monument erected by the people of that city to the memory of his father. A large concourse of people were present.

In the address which Mr. Johnson made, he took occasion to say: "I have returned to the South and to the place of my boyhood, to try, if possible, to heal the *breaches* made by war." An old woman in the crowd, who had known Johnson when he lived in Raleigh, exclaimed, "Bless his dear heart, he's going to come back and open up a tailor-shop."

## CHAPTER III.

TEN YEARS IN CONGRESS. 1843-1853.

**T**HE year 1843 marks a new epoch in the life of Andrew Johnson, for it was then that he was elected to represent the First District of Tennessee in Congress. His political borders were now enlarged. From this time forth for more than twenty years his biography is the history of his county. His opponent at this time was Colonel John A. Aiken, of Jonesboro, a lawyer of repute and a forceful orator.

The issues in the campaign centered largely in the financial measures of the Government. It was "United States Bank *vs.* State Bank." Aiken was a United States Bank Democrat, while Johnson defended the policy of Andrew Jackson.

The political campaign at that time was an affair which created great interest among all classes. The country was not so densely populated, and means of public communication were much more limited than now. There were as yet no railroads in East Tennessee, and telegraph and telephone lines were unknown.

Political canvasses were then made on horseback. Andrew Johnson was a good horseman and a fine judge of horses, and it is with much interest that we follow him over the hills of East Tennessee mounted upon an animal which Old Sam declares to have been one of the finest horses in the country. The candidates usually traveled



together from place to place as they made their canvass, and the fierce spirits which they exhibited when before their audiences calmed down into one of brotherliness as they rode side by side and cracked their jokes.

In the campaign between Colonel Aiken and Andrew Johnson, Mr. Johnson was elected, and for five consecutive terms he served his district in Congress, retiring only to become governor of the State.

The time of his service in the Lower House of Congress covers one of the most important periods of our national legislation. He was but thirty-five years of age when he took his seat, and his fresh countenance and clean-shaven face gave him the appearance of being even younger.

When Mr. Johnson entered upon his duties as congressman from the First District of Tennessee, many distinguished men of long experience were members of the House of Representatives; and contemporaneous with his coming came also many brilliant men, who afterwards acquired great renown in the councils of the Nation. Spurred by the presence of these, and sustained by his own indomitable purpose, Andrew Johnson addressed himself to attaining whatever would better qualify him for his position. He had no taste nor aptitude for the social honors attaching to membership in Congress. He regarded the position to which he had been elected as affording an opportunity for public usefulness, the ends of which were the commendation of the people and enlarged personal and political life.

Thus we are told by his associates that he was diligently attentive to the business transpiring; while in the interval he was either discharging duty on committees or intently seeking information from the library and every source at his command. He was never idle, but was inces-

santly equipping for the discharge of the functions which the people had committed to his trust. It is said that he was somewhat sensitive regarding his early poverty and the lack of educational opportunities of his youth.

He was spoken of by John Quincy Adams, then in Congress, as an acute and original thinker, and his future career prophesied.

His was indeed a commanding presence, and his mastery of the English language, together with the breadth and sweep of his intellectual compass, must have marked him even then for a great national career.

His maiden speech before the House of Representatives was made in defense of a bill to refund to Ex-President Jackson the fine imposed on him by Judge Hall for having placed New Orleans under martial law in 1815.

Mr. Johnson's defense of General Jackson was said to have been worthy of both men.

He was a great admirer of Andrew Jackson, as the following story from one of his secretaries during his Presidency will attest. This gentleman says that when he entered upon the duties as one of Mr. Johnson's secretaries, he found that the only vacant desk in the office was a high massive walnut stand in one corner of the room. Not wishing to stand while doing his work he secured the kind of a desk he wanted, and ordered the porter to remove the old desk and place the new one in the space it occupied. The work had hardly begun when the President appeared upon the scene, and an explanation followed.

"That desk," said Mr. Johnson, "was General Jackson's. I love the memory of that man, and whatever was 'Old Hickory's' I revere. It is about the only thing in the White House that is a memento of bygone years, when the Constitution of the United States was worth more than the paper it is printed on. I desire that the desk of Andrew



Jackson remain in that corner as long as the mantle of its one time grand possessor is on my shoulders."

"But, Mr. President," interposed the secretary, "where shall I put my desk?"

"Where you please," said he, "but the desk of Andrew Jackson will remain in that corner." And it did.

Some have declared that there is a striking similarity between the characters of Andrew Jackson and Andrew Johnson; but a careful comparison of the two will reveal a wide difference.

Mr. Johnson was a cool, logical speaker, able to debate, with perfect self-composure, even the most exciting questions of the war. He was a great advocate of law, and became one of the ablest Constitutional lawyers of his day.

But it was quite different with Andrew Jackson, as the following statement from Mr. Jefferson, who was Vice-President when Andrew Jackson was senator from Tennessee, will show. This statement was made by Mr. Jefferson to Daniel Webster when the possibility of Andrew Jackson becoming President was being discussed. He said: "I feel very much alarmed at the prospect of seeing General Jackson President. He is one of the most unfit men I know of for such a place. He has very little respect for law or Constitutions. He is, in fact, an able military chief. His passions are terrible. When I was president of the Senate he was senator, and he could never speak on account of the rashness of his feelings. I have seen him attempt it repeatedly, and as often choke with rage."

There are two traits of character, however, which both of these men had in a large degree; viz., physical courage and a determination of will amounting at times to an almost suicidal obstinacy.

One of the questions of prime importance before the Twenty-eighth Congress, to which Mr. Johnson was elected, was that of the tariff. The high protective tariff measure, adopted by the country in 1816, to foster our young manufacturing industries, had become obnoxious to the South, which was an agricultural rather than a manufacturing section.

The feeling against these tariff measures, which continued in force, reached its culmination in 1832, and was made an occasion for declaring the doctrine of State sovereignty in South Carolina in her famous Nullification Acts.

The vigorous policy of President Jackson quelled the incipient rebellion, but Congress at its next session adopted a compromise tariff schedule providing for a gradual reduction in duties, to reach its final limit in 1842.

Thus Mr. Johnson entered Congress at a time when it was necessary to pass new laws relating to customs duties; for the treasury of the United States had been depleted, a deficit of \$14,000,000 had occurred the previous year, and the new issue of Government bonds, amounting to \$12,000,000, had not found a ready market.

Congressman Johnson planted himself squarely against the doctrine of protection, and insisted upon a tariff for revenue only, declaring that it was an oppressive and nefarious system of plundering the great masses of the people for the benefit of the few.

Protective tariff, he urged, increased not only the price of imported articles, but of articles of a similar kind manufactured or produced in our own country; and while the Government obtains revenue on the imported articles, the favored manufacturer and producer obtains an equal revenue on their fabrics and products. It is, in effect, a partnership with them and the Government to get money

out of the people. He argued for retrenchment and reform in the expenses of the Government. But the supreme question of the hour was the annexation of Texas. Few issues, indeed, of more importance have ever been considered by an American Congress, and few have had the effect to make or unmake men politically as did the question of the admission of Texas.

It was a master stroke of that great Southern leader, John C. Calhoun, and was used by him as a weapon with which to utterly destroy the political hopes of Martin Van Buren in the Democratic Convention of 1844.

It was the boomerang which, cast by Henry Clay in his famous Alabama letter with the hope of gaining Southern votes, lost him the State of New York, and thus not only defeated him for the Presidency, but gave impetus to the young Abolition party.

The battle-cry of the Democratic party in the campaign of Polk and Clay was, "Polk, Dallas, and Texas," and the bold aggressive policy which they adopted as against the weak defensive attitude of the Whigs, led them to victory.

One remarkable feature of the campaign was Polk's failure to carry his own State, it being the only instance in our history, when a man has been elected to the Presidency, when his State voted against him. This incident serves, however, to show the fierceness of the battle fought and the independent spirit of Tennessee voters at that time.

It was in the midst of such conflicts that Andrew Johnson took his first lessons in National politics.

He arrayed himself on the popular side, and the records of Congress show that on the 21st of January, 1845, he made a strong speech in favor of annexation.

In his advocacy of this measure he showed what great

advantage would accrue to the United States from the admission of the great Territory of Texas; how it would enlarge our facilities for producing that staple which was to clothe the world; how possible war with foreign Powers might also thus be averted.

He also argued that Texas might become the "gateway out of which should pass the sable sons of Africa from bondage to freedom, when it should please Him who works out all great events by general laws."

Just what he meant by this is not altogether clear; but he probably was imbued with the theory of emancipation which prevailed in that day.

This was what is known as the gradual emancipation theory, looking ultimately to colonization.

About this time Benjamin Lundy was tramping across Texas looking for a suitable place for a colony of freedmen.

Mr. Johnson appealed likewise to a spirit of patriotism and humanity as well as to the selfish desire for territory.

He sought to institute a comparison between the first settlers of Texas, who had gone from our own borders, and the twelve spies sent out by Moses to search out the land of Canaan.

"This land of milk and honey," said he, "they now bring and lay at our feet. Shall we refuse them admission into the family of States? They are our kindred and our blood, our brothers and our sisters. Have they not proven themselves worthy of being associated with our noble race? Take a glance at the historic page giving an account of their rise and progress, the privations they have undergone, the money and toil they have expended, the valor and patriotism they have displayed in the hour of danger, their magnanimity in the hour of triumph over

a captive foe, whose garments were red with their brothers' blood, the battles they have fought and the fields of carnage through which they have passed, the brilliant and unexampled victories they have won on that grand and glorious march to freedom and independence. Let us extend to them the right-hand of fellowship, and welcome them into the glorious sisterhood of States."

Concerning this policy, James G. Blaine, forty years afterwards, said, "The entire history of subsequent events has vindicated the wisdom, the courage, and the statesmanship with which the Democratic party dealt with this question in 1844."

By agreement between President-elect Polk and President Tyler, together with the leaders in Congress, the annexation of Texas was effected by joint resolution March 1st, and Mr. Tyler gave his official approval the day before the inauguration of Mr. Polk.

Among the leaders of the Whig party in East Tennessee during the period just preceding the Civil War none was more widely known and more devotedly loved by the members of his own party, or more intensely hated by those of the opposite party, than William G. Brownlow. He was a Methodist preacher, who, by giving his time and talents to the political issues of the day, and by his moral and physical courage, won for himself the sobriquet of the "Fighting Parson."

Brownlow published at this time a paper at Jonesboro known as the *Jonesboro Whig*. No greater anatomist of personal and political character ever lived than he, and when once he had reviewed his opponent, either through the columns of his paper or on the stump, the public might almost know even the most secret motives of his subject's heart, and certainly did know everything connected with the public and private life that was of an unsavory nature.

Brownlow



In the Congressional election of 1845, Mr. Brownlow was Andrew Johnson's competitor, and the canvass in which they engaged can only be appreciated by those who knew the two men personally.

To say that it was highly entertaining to the people of that section, where every man was a practical politician, is to put it mildly.

In this campaign Mr. Johnson was elected, defeating his opponent by 1,343 votes. This was a large majority for a Democrat to gain in such a district as Mr. Johnson represented. In the previous election he had received but 547 votes more than his competitor, and in commenting upon this increase, Mr. Johnson said, in an open letter to his constituents after the election of 1845, "This shows an increased confidence in me on the part of the people, and is a result which, under the circumstances, has sunken deep into my bosom, and will only cease to be cherished with my latest breath."

In this campaign with Brownlow he had been charged with being an infidel, and again with being a Roman Catholic.

Mr. Johnson's reply to these charges were contained in this letter: "Now," said he, "when there is no member of Congress to elect, when the public mind is tranquil, I repeat, what I have again and again said, that the charge of infidelity, as preferred against me in the late campaign, is utterly false from beginning to end, and that, so far as the doctrines of the Bible are concerned, or the great scheme of salvation, as founded, taught, and practiced by Jesus Christ himself, I never did entertain a solitary doubt."

As to the charge that he was a Roman Catholic, he considered that this was fully refuted by his opponents when they charged him with being an infidel.

Returning to Congress for the second time, Mr. Johnson introduced a bill which has become so identified with his name as to constitute a chapter in his life.

The vast territory west of the Rocky Mountains had as yet been occupied only by the hardy hunter or the enterprising trader, while much of that lying between the Rockies and the Mississippi River was only sparsely settled. To put it as Mr. Johnson did, the Government of the United States owned three quarter-sections of vacant land for every voter in the country.

The bill which he framed and introduced in 1846 is known as the Homestead Bill, and by its provision the public domain was to be opened up to actual settlers at a nominal cost. It offered to any man who was the head of a family and a citizen of the United States one hundred and sixty acres of land on the condition that he occupy it and cultivate it for five years.

Having suffered the privations of homelessness and poverty in his early life, Andrew Johnson could appreciate, as many men could not, the blessing of a home. One of his first ambitions, when he grew to manhood, was to own his own home; an ambition that was early fulfilled, he having bought his first residence in 1831.

He thus would give every man a chance to live under his own vine and fig-tree.

This bill, introduced at the time it was, revealed both the foresight and the moral courage of Mr. Johnson.

The South was naturally jealous of any measure looking to the rapid settling up of territory which was closed to the institution of slavery, and hence from its incipiency the Homestead Bill was opposed by Southern Congressmen, both in the House and in the Senate.

But this did not deter Mr. Johnson, who saw in the measure an immense advantage for the masses, and like-

wise an appeal to one of the strongest passions of the human heart.

The bill was introduced on the 27th of March, 1846, and for six years was the burden of its author's heart and mind, until he was called from the duties of Congress to preside as governor over his own State.

Before he left Congress he had the pleasure of seeing it pass the House; but for a time it was not received with favor in the Senate. When, four years later, he returned to Congress, this time as senator from Tennessee, he renewed his fight for the bill, with the result that, in 1860, it passed both Houses by a large majority. Most of the senators and members from the South, however, voted against it; even the ten representatives from Tennessee voted in the negative.

It must have been a proud moment for Andrew Johnson as he realized, at last, the culmination of his more than ten years' struggle. With pleasure, no doubt, he contemplated the good favor with which its fruits would be enjoyed by his homeseeking fellow-countrymen.

The bill was the child of his heart and brain, and he had stood sponsor for it in all the days of its disfavor. It was his bill, now that its hour of popularity and good fortune had come.

But alas! his triumph was shortlived, for three days after its passage the Homestead Bill was vetoed by President Buchanan.

The favor with which the measure was received in Congress, after Mr. Johnson had won its recognition, may be seen in the eulogies pronounced upon its framer and advocate.

The Hon. A. G. Brown said in his discussion of the bill: "I honor the head that conceived it. The heart that is capable of the appreciation of the poor man's



worth is entitled to and receives the homage of my poor esteem. The Nation, indeed all mankind, should yield a grateful tribute to that mind that, almost unaided, has forced the consideration of this question upon the American Congress."

Hon. Joseph Chandler, in addressing the House on the same subject, paid Mr. Johnson the following high compliment: "Other men may wear the civic wreath which the Nation weaves for those who serve their country in lofty positions; or they may be graced with laurels prepared for those who defend her in the hour of peril, and their names may be inscribed upon the imperishable record of National glory, while no crown shall be woven nor column be reared to the humble, working legislator who proposed and presented the Homestead Bill. A consciousness of duty performed must be his present remuneration, and his reward in the future must be the lowly inscription of his name with those who loved the people."

In 1847, Mr. Johnson was again a candidate for Congress, and until within a few weeks of the time of the election had no opponent.

But the victory was not to be gained so easily, for a young Whig, Mr. O. P. Temple, of Mr. Johnson's own town, opposed him, and his race was made with such vigor that he all but swept the now invincible Democrat from his Congressional seat.

Mr. Johnson had taken occasion to censure, in very strong terms, Mr. Polk's Administration, and this, as well as the vigorous campaign of his young opponent, led to a great reduction in his former majorities. In a speech in Congress he expressed the wish that "the halls of Congress were an amphitheater large enough to hold the assembled millions of the American people, that they might

behold the corruption of the Administration." These words he heard from the lips of his opponent many a time during the campaign.

He was elected, however, but only by a majority of about three hundred, and pursued his strong course in the affairs of our National legislation. At the election two years later he defeated Colonel N. G. Taylor, the father of Ex-Governor Bob Taylor, a man of fine personal character and a great platform speaker.

The greatest campaign, perhaps, of Mr. Johnson's Congressional course was made in the fall of 1851, with the Hon. Landon C. Haynes as his competitor. Mr. Haynes was a Democrat as well as Mr. Johnson, and the Whigs gave way to these two giants of the Democratic party in the hope of disorganizing their ranks.

In order that the reader may have some idea of the class of men whom Mr. Johnson met on the stump in East Tennessee, and also because of its descriptive value, there is here given an impromptu after-dinner speech of the Hon. Mr. Haynes. It was made at a dinner party in Memphis given at the close of the Civil War.

General Forest, of Confederate fame, was toastmaster, and, knowing Mr. Haynes's fondness for East Tennessee, and wishing to prod him pleasantly, announced, "Colonel L. C. Haynes, our honored guest from East Tennessee, that God-forsaken country."

It is said that Mr. Haynes sprang to his feet instantly, and responded as follows:

"Sir, I proudly plead guilty to the 'soft impeachment.' I was born in East Tennessee, on the banks of the Watauga, which, in the Indian vernacular, means 'beautiful river,' and beautiful it is. I have stood upon its banks in my childhood, and, looking into the glassy water, beheld there mirrored a heaven, with moon and planets and trembling

stars; and looking upward, have beheld the heaven above which the heaven below reflected. Away from its rocky borders stretches a vast line of cedar, pine, and hemlock evergreens, back to the distant mountains more beautiful than the groves of Switzerland, reposing on a background as perfect in grandeur as the cloud-lands of the Sierra Nevada of the Far West.

“There stands the towering Roan, the Black, and the magnificent Smoky Mountains, upon whose summits the clouds gather of their own accord, even on the brightest day.

“There I have seen the Great Spirit of the storm lie down, in his pavilion of clouds and darkness, to quiet slumbers. Then I have seen him awake at midnight, and come forth like a giant refreshed with repose, arouse the tempest, and let loose the red lightnings that flash for hundreds of miles along the mountain-tops swifter than the eagle’s flight in the heavens. Then I have seen those lightnings stand and dance like angels of light to the music of nature’s grand organ, whose keys were touched by the fingers of Jehovah, and responded in notes of thunder, resounding through the universe. Then I have seen the darkness drift away, and Morning get up from her saffron bed, and come forth like a queen robed in her garments of light, and stand tiptoe on the misty mountain heights; and, while black Night fled away to her bedchamber at the poles, the glorious sun burst forth upon the vale and river where I was born. O, glorious land of the mountains and sun-painted cliffs! How can I ever forget thee?”

## CHAPTER IV.

### ANDREW JOHNSON ELECTED GOVERNOR—ELECTED UNITED STATES SENATOR.

“EVERYTHING is fair in love and politics,” is a doctrine which is made to cover a multitude of sins, both social and political.

Unable to defeat Andrew Johnson for Congress in the First District as it was arranged, the Whigs, who were in control of the State Legislature, gerrymandered the district so as to make it possible to kill off this invincible Democrat of Upper East Tennessee.

But they found that they had only driven him into a larger field, and by this act contributed to the future fame of Mr. Johnson and to their own confusion.

When the State Democratic Committee met to canvass the field for the campaign of the fall of 1852, on the suggestion of the Hon. George W. Jones, a colleague of Mr. Johnson, and a lifelong friend, the name of Mr. Johnson was put forward as candidate for governor. Speaking of the matter years afterward, Mr. Jones said that it was largely of his own motion, and that Andrew Johnson was not a wireworker in political conventions, but powerful only before the people.

Thus was the war with the Whigs “carried into Africa,” for the campaign for the governorship of the State proved

to be one of the most vigorous in its history, and resulted in the defeat of the Whig party, from which they never rallied.

Mr. Johnson's opponent in this race was the renowned orator, Gustavus A. Henry, known as the eagle orator of the Whig party. Of him a writer who knew him has said: "Henry had greatly distinguished himself as an orator in the canvass with Cave Johnson for Congress in 1842; after that he canvassed the State three times in succession as a Whig candidate for elector from the State at large. His form was well-nigh faultless, his bearing grand and courtly, and his delivery charmingly graceful and almost dazzlingly brilliant."

Another writer has said of him: "Mr. Henry was an eminent lawyer, and a descendant of Patrick Henry, with much of the fire and brilliancy of his ancestor. His elocution for dramatic effect was surpassed only by that of Henry Clay."

But all these accomplishments went for naught when he met Andrew Johnson's resistless logic on the stump, and he went down in defeat. The vote stood: for Johnson, 63,413; for Henry, 61,163; giving Mr. Johnson a majority of 2,250. As showing how popular Andrew Johnson was at home, the vote of his county, which the Whigs sometimes carried, is given, and was: for Johnson, 1,915; for Henry, 902.

Mr. Johnson was thus declared to be governor of the State of Tennessee, succeeding William B. Campbell, the last Whig governor the State ever had.

It certainly did not diminish the pleasure of Mr. Johnson's friends to remember that in this successful campaign he had defeated the very man who led in the movement to gerrymander his district, and thus remove him from Congress.

For this service which Mr. Henry rendered the Whig party while in the Legislature, he was given the race for governor.

An instance of Mr. Johnson's cleverness in dealing with his opponents on the stump is found in his reply to Mr. Henry's speech at Memphis. Henry sought to prejudice the Irish vote against Johnson by charging him with having, while in Congress, voted against a resolution to make an appropriation out of the National treasury for the famine-stricken people of Ireland. Johnson in his reply admitted that he had voted against the bill, because he believed Congress had no right thus to vote away the funds of the treasury, which had been collected for other purposes; "but," said he, "I proposed to the members that we give our salaries for a certain length of time; and when they would not agree to this, I put my hand in my pocket and gave fifty dollars to the cause." Turning to Mr. Henry, he asked, "How much did you give?" With confusion and amid the jeers of the crowd, Mr. Henry answered that he had given nothing.

It may be interesting to know what Mr. Henry thought of his opponent. A gentleman whose father was a prominent Whig, and thus a supporter of Mr. Henry, says that near the close of the canvass Mr. Henry was in council with Judge Gaut and some other Whig leaders, in Cleveland, his father being one of these, as chairman of the Whig Executive Committee of Bradley County. At this meeting Judge Gaut remarked to Mr. Henry that he had been sadly disappointed in the result of the canvass. He had supposed that the "Eagle Orator of the South" would utterly vanquish Andrew Johnson, whereas Mr. Johnson had everywhere made great gains by his speeches. Henry replied: "You have underestimated my opponent. I have never met so powerful a speaker as Andrew Johnson."



Judge Gaut said: "Why do you not strike him at his weak point? You know he is not a well-read man."

"I so presumed," said Mr. Henry, "and once or twice I supposed I had him trapped; for he was not able immediately to answer me; but the next day he would assail me with the very points I had used, and evince more knowledge of the subject than I possessed."

Governor-elect Johnson took the oath of office October 3, 1853, in the new State capitol, which was as yet unfinished, he being thus the first governor inaugurated in the building. In his Inaugural Address he declared that "Democracy and religion are handmaidens to each other. They were two converging lines extending from earth to heaven, where they unite in theocracy."

At the first session of the Thirtieth General Assembly, held at this time, John Bell was elected to the United States Senate on the forty-ninth ballot. And the chief clerk of the State Senate was only elected after one hundred and two ballots were taken. These indications show the intensity of political feelings of those times.

The comptroller's report showed that the assessed value of the real estate of the three sections of the State was: East Tennessee, \$23,607,365; Middle Tennessee, \$60,124,208; West Tennessee, \$41,402,589.

The number of the slaves and their value of these sections respectively was: East Tennessee—slaves, 10,880; value, \$5,262,328; Middle Tennessee—slaves, 62,728; value, \$33,830,156; West Tennessee—slaves, 41,509; value, \$23,935,231.

On the 19th of December, 1853, Governor Johnson sent his first message to the Legislature.

In this he showed the indebtedness of the State to be nearly six millions of dollars, with the prospective increase of some twenty millions more if the provisions

of acts passed by the last session of the Legislature should be carried out and the internal improvements called for in these should be made.

The State had invested a million and a quarter of dollars in building turnpikes, which were being maintained at a loss of forty thousand dollars per annum.

"The questions," he said, "as to how far the State should be involved in constructing works of internal improvements, and what works should be first undertaken and completed, must be determined by the wisdom and sound discretion of senators and representatives, who have been selected on account of their superior knowledge of the local and general interest of the whole State." But he suggested that, while it was the duty of the Legislature to foster and encourage a well-regulated system of internal improvements, it should be extremely careful in not undertaking too many works at the same time, and thereby divide the energies of the State and individuals to that extent which would cause delay and failure in many of them, and at the same time result in great loss and useless expenditure of the people's substance. "Great care should be exercised by the Assembly in not giving legislation which would impair the State's credit at home or abroad."

He uttered a truth fully appreciated by every poor man living in the rural portion of the State, when he said, "Our present road system operates most unjustly and unequally upon the great mass of the people, and ought to be changed." By the system to which he referred poor men in the county had to give many days' labor in keeping up the public roads, even though they had but little interest therein.

His plea for aid in education is worthy both of a statesman and one who had been denied the commonest advantages in matters of education. He said: "It must



be apparent to all that our present system of common schools falls very far short of the imperative commands of the Constitution. At the present period, and for a long time past, our common schools have been doing little or no good, but, on the contrary, have, in many instances, and in different parts of the country, been rather in the way than otherwise, preventing the people from getting up and having schools upon their own responsibility and at their own expense.

“The time has surely arrived when the Legislature and the people should lay hold of this important subject with a strong and unfaltering hand.

“All who entertain any personal and State pride must feel deeply wounded when they are told, by the recent census, that Tennessee, though the fifth State in the Union, in many of the great elements necessary to make her one of the proudest and most respected, stands last and lowest on the list of education, save one, of all the States composing this Confederacy.

“The excuse has been urged that we have no means; our school fund is too small. There is one way, if no other, that the children of the State can be educated, and that is to levy and collect a tax from the people of the whole State, or to authorize the county courts, separately, to do so in their respective counties, in such a manner as may be deemed by them most acceptable to the people, sufficient in amount, when added to present school fund, to give life and energy to our dying or dead system of common-school education.

“While millions are being appropriated to aid in the various works of internal improvements, can there be nothing done for education? While we are erecting magnificent State edifices, with niches and rotundas accommodated to the reception of fine statues and generous paint-

last  
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education

ings, the exterior presenting all the grandeur of carved and massive columns which architectural ingenuity can invent or display, the whole to cost the people of the State not less than a million and a half of dollars, can there be nothing done to advance the cause of education?"

Another important subject embraced in this message is one of which governors and Legislatures seem never to grow weary; viz., the conduct of the State penitentiary and the disposition of the State's convicts. What did Andrew Johnson think of these subjects? The answer may be found in his own words: "The institution has so far failed in all the leading objects of its creation. The confinement of persons within the prison house or prison walls of a penitentiary, with a view of reforming them in their moral character, has been proven, by experience, to be a great error. There is not one in a thousand convicts whose moral condition is improved by such confinement. Little or no good results from teaching them trades. When the convict leaves the prison he lays aside his prison-learned trade with his prison cap. He looks upon both as badges of his disgrace. Besides this, it has been a source of loss to the State."

Continuing, he said: "While the institution has failed in the leading object of its creation, the manner in which it has been conducted has been made to operate injuriously upon the mechanical interests of the country. It has been made practically a State mechanic institute, fostered and sustained by the treasury of the State, and brought into direct competition with the mechanics of the country to the extent of its entire operation."

His "hobby," too, he made the subject of a section of this message: "I feel that I can not conclude this message without urging upon your consideration the importance and propriety of instructing our senators in the Con-

gress of the United States, and requesting our representatives to use all reasonable exertion to procure the passage of a bill granting to every head of a family, who is a citizen of the United States, a 'homestead' of one hundred and sixty acres of land, upon condition of settlement and cultivation for a number of years."

He proposed, also, that by joint resolution the Assembly should propose some amendments to the Federal Constitution, the principal one of which should provide for the election of the President and Vice-President by popular vote. This selfsame amendment he proposed, in a special message to Congress, when he himself became President.

The administration of Governor Johnson was marked with vigor and wisdom. He gave personal attention to detail in all the affairs of his office, as was ever his custom, and so highly satisfactory had his course been, that, almost without opposition, he was chosen by his party to make the race for a second term.

In this second campaign for governor, Andrew Johnson was to meet an opponent and an issue which would put to a severe test both his own personal powers and the strength and loyalty of his party.

The Kansas-Nebraska Act, passed by Congress in 1854, making the Missouri Compromise ineffective, and leaving the question of slavery to be determined by the people of these Territories, marked the beginning of the end of the Whig party in the North, and alienated many men in Tennessee from the party of Henry Clay.

It was at this time that a new, yet old, issue was thrust into the political campaign of the Middle and some of the Southern States.

The old cry of "America for Americans," which had been the watchword of the Federal party in the early

days of the Government, was heard again in the campaign of 1855.

This movement, which for a time seemed to be dominant in the State, and powerful enough in the Nation to baffle the calculations of the wisest politicians, was called "Knownothingism."

It had its origin, we are told, in the reaction against the active aggression of the Roman Catholic Church in American politics. About this time large numbers of foreign emigrants from all parts of the world, and mostly from Catholic countries, were coming to our shores.

In their care of these pilgrims the Roman Catholic priests were active in securing work on the police and street force of cities, and on public works of various kinds, until, truthfully or otherwise, the cry of political bargain was raised by those whose jobs were thus infringed upon, and the matter grew to the importance of a party issue. The movement found expression in the organization of what was known as Knownothingism, and later, the Know-nothing or American party.

There were secret societies organized in many parts of the country, and while it was evident to those without that there was much strength in the movement, none might be sure of the extent of that strength until after the ballot was taken on election-day. To all inquiries made by one not a member of this organization came the answer, "I do n't know;" hence the name.

We are now told that one of its countersigns was that memorable order of General Washington's, made at a critical period in the Revolutionary War, "Put none but Americans on duty to-night."

A section of one of the by-laws, giving the qualification for membership, reads, "He must be a native-born citizen of the United States, a Protestant, either born

of Protestant parents or reared under Protestant influences; and not united in marriage with a Roman Catholic." The question asked the candidate for membership likewise left him in no doubt as to what his political duties were. Among these we find the following: "Where were you born?" and in connection with this question the statement is made in the ritual "that if it be revealed by the answer that he is of foreign birth, he is to be dismissed with a solemn admonition as to secrecy, and the brother who vouched for him is to be suspended, unless he can clearly prove that he was misinformed." Another question, "Are you married? If so, is your wife a Roman Catholic?"

Again, "Are you willing to use your influence and vote for native-born American citizens for all offices of honor, trust, and profit in the gift of the people, to the exclusion of all foreigners and aliens, and Roman Catholics in particular, and without regard to party predilection?"

The American party, as such, having assumed National proportions, held a Convention in Philadelphia in 1856, and nominated Ex-President Fillmore for the Presidency, and Andrew J. Donelson, President Jackson's old private secretary, for Vice-President.

The distinguishing plank in their platform was, "Americans must rule America, and to this end native-born citizens should be selected for all State, Federal, and municipal offices or Government employment in preference to all others."

The Knownothings were strong in Tennessee, some even claiming that they could count on one hundred thousand voters. Political parties then, as now, found it easy to shape their platform and direct their campaigns in keeping with popular movements, and so the Whig party in Tennessee adopted the principles of Knownothingism.



They nominated for governor Meredith P. Gentry, whom John Quincy Adams pronounced the greatest natural orator in Congress, and, with the fusion of the two political elements, their victory seemed easy.

Some idea of the canvass which followed between Mr. Johnson and Mr. Gentry may be inferred from a statement made by Mr. Johnson in a speech on the subject of slavery in the United States Senate some three years later, when he was opposing John Bell, of Tennessee. He said: "I canvassed the State from the mountains of Johnson County to the Chickasaw Bluffs, in Shelby County. I was in nearly every county in the State, and well do I recollect the exciting events that took place during that canvass. I had a competitor who was eloquent, who is known to many of the members of this House, who was with me on every stump in the State.

"One of the leading issues in that canvass was the Kansas-Nebraska Bill. I pressed my competitor upon it before every audience, and there were scarcely ever such turnouts in the State as during that canvass, and he declined to take ground."

"Americanism" was the main ground of contest, therefore, in this gubernatorial campaign, and this issue was made, not by Mr. Johnson, but by Mr. Gentry.

The bitterness of the strife may be seen in the fact that Mr. Johnson's opponent invaded his private life, and charged that his daughter had been educated in a convent; and so widely was this charged that it has become fixed in the minds of many as a matter of history; whereas the only ground for the charge was that she was educated in Georgetown, where there was and still is a well-known Catholic school. The author has it from the lips of Mrs. Martha Patterson, the daughter in question, that she never attended a Catholic school a day in her life, but was edu-

cated in "Mrs. English's Seminary for Young Ladies," a well-known institution at that day in Georgetown, Md.

Mr. Johnson took up the gauntlet thrown down by his Knownothing opponent, and met the issue squarely. He showed that the same principle which his opponent would apply to the Roman Catholic religion would have shut out the Methodists, whose founder, John Wesley, was an Englishman; the Presbyterians, whose best apologist was of Scotland; and so on, until every religious denomination in America would be on the proscription-list. There live now people who heard his noted speech in Cleveland during the canvass, when, prior to his coming, Knownothingism was bold and aggressive. On this occasion Mr. Johnson reviewed the whole question, speaking for four hours, his audience listening with rapt attention to the very last.

"From that day," says one who was a resident of Cleveland then, "Knownothingism never again showed its head."

That the appeal to the religious and denominational prejudices of the people of the State was greatly feared by the Democrats is seen in the fact that Hon. Aaron V. Brown, himself a Methodist, published a large pamphlet on the subject, which was scattered over the State.

This was in the form of an open letter to the clergy of the Methodist Episcopal Church, South, and in it the writer sought to convince them of the un-American attitude they were assuming in fostering the Knownothing secret organization and in supporting the Knownothing party.

The excitement of the campaign brought out the full vote on election-day, and there were cast for Mr. Johnson 67,499 votes, while Mr. Gentry received 65,343, giving Mr. Johnson a majority of 2,156.

The General Assembly met on the first day of October,

and on the 8th a joint committee from the Lower House and the Senate waited upon the governor to receive any communication he might be pleased to offer. The annual message at this session is full of interest to the historian.

He reviewed the issuance of \$650,000 in bonds by the Nashville and Chattanooga Railroad, which, by an act of the Legislature, were guaranteed by the State. The president of the railroad had presented \$95,000 worth of bonds later, which he wished Governor Johnson to sign for the State, on the ground that that amount had been burned by mistake by the holders. This Mr. Johnson refused to do, and referred the matter to the Assembly for its consideration.

He advised that the stocks held by the State in turnpikes, railroads, and banks be sold, and the proceeds be used to buy up the bonds outstanding against the State and drawing six per cent interest. Much attention was given to the agricultural interests of the State. The custom of holding fairs and agricultural exhibits in different parts of the State had greatly stimulated the interests of the farm. Education received its just notice in this message, and it was declared that the conditions were growing better.

Since the adjournment of the last General Assembly the penitentiary had been destroyed by fire. This, however, did not prevent Mr. Johnson from expressing his disapprobation of the system by which the convicts were employed to the disadvantage of free labor. At the succeeding session of the Legislature he laid before them the fact that the State banks were failing generally, numbers of them having already ceased specie payment. He stated that the banks of the State had in circulation eight million dollars, while the amount of specie with which to redeem this was but two million dollars. He suggested



that "a circulation in paper amounting to four dollars to one in specie can not afford a sound currency. A circulation which can be expanded from two to eight million dollars, as the interest or cupidity of the banks may suggest, can never be made uniform in quantity or value; but the whole country must be subjected to the increase and diminution of prices for all the products of the country, just in proportion as their bank accommodations are expanded or contracted." He insisted that "the whole banking system of the United States was founded in error, and that all banks having their origin in such a system must necessarily contain the elements of their own destruction."

It was with no small degree of pride, no doubt, that at this session Andrew Johnson was able to report the purchase of the Hermitage. At the preceding session the Legislature had passed an act authorizing the governor to purchase five hundred acres of land, including the late residence and the tomb of Ex-President Andrew Jackson.

It was the purpose of this act to tender this property to the General Government to be used as a site for a branch of the Military Academy at West Point. The governor had made the tender, in compliance with the act, but Congress had adjourned without passing upon the tender, further than that the Military Committee reported favorably in the matter. Mr. Johnson suggested that if Congress should fail to comply with the request of the State, the property should be used as a residence for future governors.

The price paid for the property was forty-eight thousand dollars (\$48,000).

This was Mr. Johnson's last message to the Legislature. At the election in November, 1857, he had declined to make the race again, having the assurance that he would

be chosen United States senator to succeed Hon. James C. Jones, whose term had expired.

Isham G. Harris was Mr. Johnson's successor in the office of governor.

When the Assembly met on the 8th of October to ballot for United States senator, W. C. Dunlap, of Shelby County, put Mr. Johnson in nomination, and on the first ballot he was elected, receiving fifty-seven votes, while his opponent, Neil S. Brown, received thirty-eight. Thus was fulfilled, according to his own statement made often afterward, his highest ambition.

His had been an almost unbroken series of triumphs covering a period of twenty-nine years, and if, as one has said, "A triumph is to be measured by the amount of antagonism overcome," surely Andrew Johnson's victories are worthy a place in history. In the rounds of his contests he had met many of the ablest men Tennessee has produced, among them men of national reputation, and up to this period he had been the victor of every field.

## CHAPTER V.

ANDREW JOHNSON IN UNITED STATES SENATE. 1858-62—  
TENNESSEE VOTES ON SECESSION—JOHNSON  
CANVASSES EAST TENNESSEE.

ONE of the first acts of Senator Johnson in the Thirty-fifth Session of Congress, which convened December 1, 1857, was to revive the Homestead Bill which he had introduced in the House in 1846, the history of which has been given in a previous chapter. But the chief interest of this, as well as succeeding sessions of Congress during his term as senator, centered in the invincible slavery question.

The battle was now waged over the admission of Kansas into the Union. Since the repeal of the Missouri Compromise in 1854, by which the question of the admission of slavery was left to the people of the Territory, a great rush was made by the pro-slavery element from Arkansas and Missouri and from anti-slavery people from the North and East to settle the Territory, each party hoping to outnumber the other, and thus carry the State into the Union as "Free Soil," or "Slave State," according to their own predilections..

In this conflict, not always bloodless, James Buchanan, who had just come into the Presidency, lent the aid of the Government to the pro-slavery party by appointing Robert

J. Walker, a Southern man in his sympathies, as Territorial governor, and Frederick P. Stanton secretary.

On February 2, 1858, the President submitted to Congress what is known as the "Lecompton Constitution of the Territory of Kansas," with a message recommending that the Territory be admitted as a State. This Constitution was in the interest of slavery, and it was charged that it had been adopted by the people of Kansas only by fraudulent means. A spirited debate followed the reception of this message by the Senate, in which the resolutions passed by the General Assembly of Tennessee, calling upon Mr. Johnson's colleague (John Bell) to resign because he voted against the interest of slavery in the issue, were alluded to by a senator, and commented upon to the discredit of Mr. Bell. Mr. Bell resented this treatment on the part of the Legislature of his State, and in a speech made such strictures upon its members, that Mr. Johnson felt called upon to defend their action.

In his reply, Mr. Bell charged Mr. Johnson with having his eye upon the Presidency, and seeking to win the favor of both the Northern and Southern voters. He predicted that he would fall by the way. He sneeringly declared that he was not the competitor of his colleague in any respect.

Whatever may have been Mr. Johnson's views on the main issue, and we have no means of knowing, his retort to the insinuating remark of Mr. Bell is worthy of his irony and his courage. "I have had," said he, "competitors again and again, and many of them not inferior in ability and reputation even to the honorable senator's conception of himself. I have had competitors that were worthy of my steel, and they have met their fate like honorable men, and recognized me as such. A gentleman and well-bred man will respect me; all others I make do it." On the day following both senators made becoming apologies, and

the personal feelings engendered in this debate were eradicated. It happened that, when the final test came and the issue of secession must be settled by the State of Tennessee, John Bell went with the State which had repudiated his vote on this occasion, and Andrew Johnson went against the Legislature, whose action he had defended.

The stormcloud of war was fast gathering over all the country. There was a gloomy foreboding of the evil days which were to come. Throughout the Administration of Mr. Buchanan there was a widening of the breach between Northern and Southern statesmen on the question of slavery, now fast turning to the question of secession.

By the time the Presidential election of 1860 had arrived, the great intellectual battles between the North and the South were over, and a direct appeal to arms was everywhere threatening.

The mad attempt of John Brown and his few followers to arouse the slaves of Virginia, and their trial and execution, had been a firebrand in the dry stubble. The Southern heart was being fired, and the Abolitionists of the North were desperate; conservative men and measures were everywhere at a discount. It was in such a political atmosphere as this that the National Conventions of 1860 were held.

The Democratic Convention met at Charleston, South Carolina, on the 23d of April, and was composed of delegates from all the thirty-three States of the Union, the whole number of votes being 303. After the example of former Democratic Conventions, the two-thirds rule was adopted, which made it necessary that the successful candidate for the nomination for the Presidency should receive 202 votes. On the second day of the Convention a resolution was passed, to the effect that the Convention should not proceed to nominate candidates for President and Vice-

President until a platform be adopted. This was the entering wedge to the split which followed, for on a platform the Convention could not agree. The Southern delegates stood by the Dred Scott decision, which held that slave property was as valid under the Constitution as any other class of property; while the Northern Democrats held, with Douglas, that popular sovereignty was supreme in all matters of State. After a week of heated debate and attempted compromise, the dissolution of the Charleston Convention began by the withdrawal of the delegates from the States of Louisiana, Alabama, South Carolina, Mississippi, Florida, Texas, Arkansas, and Georgia. After the withdrawal of these States the Convention again forestalled the possibility of an immediate nomination by passing a resolution providing that "No person should be declared the nominee of the Convention for President or Vice-President who shall not receive a number of votes equal to two thirds the number of votes in the Electoral College." This rendered the nomination of Mr. Douglas impossible. When the ballot was cast, Mr. Douglas received 145½ votes, Mr. Hunter of Virginia 42, and Mr. Johnson received the full vote of his State—12; the rest were scattered.

After days of wrangling the Convention adjourned to meet at Baltimore on the 18th of June. When it reassembled Mr. Johnson wrote to General Samuel Milligan, authorizing him to withdraw his name. The Tennessee delegation stood firmly to him, having cast their ballots for him thirty-six times during the Convention at Charleston. Mr. Johnson's letter is dated Washington City, June 18, 1860, and is as follows:

GENERAL SAMUEL MILLIGAN:

"Dear Sir,—Whilst deeply thankful to you and your associate delegates in the National Convention for your



support of my name as a candidate for the Presidency, indorsing and reflecting therein the honor done me by the State Convention of the Democracy of Tennessee, an honor and distinction given my name by the people whom I have served, and whose confidence is worthy of the best efforts and highest ambition of any man, yet in this hour of serious apprehension for the future welfare and perpetuity of our Government I can not and will not suffer my name to add to the difficulties and embarrassments of my friends. I feel that it is incumbent upon you, upon me, that everything that can honorably and consistently be done by us to secure unity and harmony of action, to the end that correct principles may be maintained, the preservation of the only national organization remaining continued, and above all, that the Union, with the blessings, guarantees, and protection of its Constitution, be perpetuated forever.

“That the Tennessee delegation may so act, and that in no contingency they may find themselves embarrassed by the action of our State in regard to myself, I desire through you to request that they will not present my name to the Convention at Baltimore, and to each of them tender my regards.

“I have the honor to be, etc.,

“ANDREW JOHNSON.”

The Convention at Baltimore, with so many of the Southern States eliminated, proved to be no more harmonious than had the one at Charleston. After a test vote, showing that the Douglas wing were of sufficient strength to nominate their man and formulate the platform, the delegates from Virginia, North Carolina, Tennessee, and six of the Massachusetts delegation withdrew. On the 23d of June, Mr. Douglas received the necessary majority, and was declared by the Convention to be the regular

nominee of the Democratic party of the Union. Mr. Herschel V. Johnson, of Georgia, was nominated for Vice-President.

On the same day and in the same city another Convention met, styling itself "The National Democratic Convention." It was composed of the delegates who had just withdrawn from the Douglas Convention, and the original delegates from Alabama and Louisiana. At this Convention John C. Breckinridge, of Kentucky, was nominated for President, and General Joseph Lane, of Oregon, was named for the second place on the ticket. Thus did the great Democratic party, which had largely controlled National affairs for twenty years, and which had elected its candidates for the Presidency for the past five terms, go to pieces on the rock of slavery.

The Republican Convention met at Chicago, on the 16th of May. All the Northern States were represented, and there were partial delegations from Delaware, Maryland, Kentucky, Missouri, and Virginia. The prominent candidates were William H. Seward, of New York; Abraham Lincoln, of Illinois; Salmon P. Chase, of Ohio; Simon Cameron, of Pennsylvania; and Edward Bates, of Missouri.

On the third ballot Mr. Lincoln was nominated, receiving 354 out of 446 votes. Mr. Seward led the vote at the beginning; but his friends were unable to overcome the opposition, led by Horace Greeley and other prominent men from his own State. Mr. Lincoln had been known as a candidate but a month or two before the Convention met; while a systematic canvass had been made in the interest of Mr. Seward. But his memorable debate with Stephen A. Douglas, now to be one of his opponents in the race for the Presidency, gave Mr. Lincoln great favor with the anti-slavery people. His nomination, therefore, was received with much enthusiasm by the Republicans, and with grim



determination on the part of the slaveholders of the South. Hannibal Hamlin, of Maine, was nominated for Vice-President.

A fourth Convention, representing a much smaller constituency, but hopeful of success if the election could but be thrown into the House of Representatives, was the American Convention, which nominated John Bell, of Tennessee, for President, and Edward Everett, of Massachusetts, for Vice-President. Four tickets, therefore, were in the field in the National election of 1860: that of the Republican party, whose platform asserted that slavery should not be extended to the Territories, that slavery was wrong morally, and that freedom was national, that the Nation should at least anticipate its gradual extinction; that of the Douglas wing of the Democratic party, which held to the doctrine of popular sovereignty, and claimed that in its exercise in the Territories they were indifferent as to whether slavery or anti-slavery prevailed; that of the Breckinridge wing of the Democratic party, which asserted both the moral and legal right to hold slaves, and to carry them to the Territories, and that no power, save the National Constitution, could prohibit or interfere with it outside of the State lines; and that of the American party supporting Bell, which adhered to their peculiar doctrine touching emigration and naturalization, and was evasive on the question of slavery.

The campaign which followed has never been equaled for bitterness. The two sections, North and South, were arrayed against each other in the parties represented by Mr. Lincoln and Mr. Breckinridge, while Douglas and Bell found supporters over the whole country. The vote in the election stood: For Mr. Lincoln, 1,866,452; Electoral votes, 180. Douglas, 1,357,157; Electoral votes, 12.

Breckinridge, 847,936; Electoral votes, 76. Bell, 570,631; Electoral votes, 39. It is thus seen that Mr. Lincoln was elected by the division in the ranks of the Democratic party.

In this campaign Mr. Johnson supported John C. Breckinridge, as he afterwards stated, because he regarded him as the candidate most favorable to the Union. The abstract question of the right of the State to secede from the Union had been conceded by many over the whole country prior to the election of 1860.

Horace Greeley said in the *New York Tribune*: "If the Declaration of Independence justified the secession from the British Empire of three millions of Colonists in 1776, we can not see why it would not justify the secession of five millions of Southerners in 1861."

This was written as a kind of a farewell to the slave States when they were about to go out of the Union.

This doctrine was widely taught throughout the South in the Presidential campaign of 1860, and Southern leaders realizing that the doom of slavery was sealed finally, if it was not to be extended to the Territories, prepared for secession in the event of Mr. Lincoln's election, which seemed a foregone conclusion from the beginning of the canvass.

When the Legislature of South Carolina met November 5, 1860, Governor Gist in his message recommended that, in the event of the election of Abraham Lincoln, a Convention of the people of the State should be immediately called to consider and determine for themselves some mode of redress. And he expressed the opinion that the only alternative left to South Carolina was "Secession from the Federal Union."

This Convention was afterward called to meet December 17, 1860.

Ten days before it met, South Carolina's representatives in the United States Senate resigned their seats, and later in the same month her congressmen resigned also. On the 20th of December the governor issued a proclamation "announcing the repeal by the good people of South Carolina of the Ordinance of May 23, 1788, and the dissolution of the Union between the State of South Carolina and other States under the name of "The United States of America," and that "the State of South Carolina is, as she has a right to be, a separate, sovereign, free, and independent State."

Other Southern States to the number of seven followed this example with a readiness which indicated not only a common sentiment and interests, but a previous understanding on the part of their leaders.

January 7, 1861, the Legislature of Mr. Johnson's own State met in special session, pursuant to a call from Governor Harris, and by joint resolution proposed certain amendments to the Federal Constitution, which expressed the views of the pro-slavery element in Tennessee. A resolution was also passed calling for a Convention of all the slaveholding States to be assembled as early as practicable, to define and adopt a basis upon which, if possible, the Union might be constructed. An election was ordered, at which the people should vote on the question as to whether a Convention should be held, and also to vote at the same time for delegates to this Convention, if it was decided by vote to favor it.

The proposition was voted on by the people on the 9th of February, and was defeated, the vote standing: For the Convention, 57,798; Against the Convention, 69,675. Another session of the Legislature was assembled on the 25th day of April. At this session resolutions were adopted authorizing the governor to enter into a military league

with the Confederate States. To effect this, Gustavus A. Henry, A. W. O. Totten, and Washington Barrow were appointed commissioners, and concluded their work on May 7th. The Legislature also passed the Ordinance of Secession, and submitted it to the people for their ratification in an election held June the 8th. The people voted to favor it, by 104,913 for, to 47,238 against it. Following this action Mr. Johnson's colleague in the Senate, Mr. A. O. P. Nicholson, resigned his seat, and left Washington. Mr. Johnson refused to go with his State, claiming that her acts of secession were treasonable. His position thus rendered him one of the most conspicuous characters before the whole world at that time. A lifelong Democrat, a man who had stood devotedly by the interests of the South, and while not an ardent advocate of the institution of slavery, yet at the very time a slaveholder, representing a State which by its Legislative act and popular vote had seceded from the Union, Andrew Johnson constituted a class almost by himself in his peculiar attitude in the United States Senate.

In a great speech made on "The War for the Union," delivered in the Senate January 27th, Mr. Johnson defined his position clearly. In the course of his address he took occasion to refer to the late National election, and said: "In the last Presidential contest, I am free to say that I took some part. I advocated the pretensions and claims of one of the distinguished sons of Kentucky as a Democrat. I am a Democrat to-day: I expect to die one. My Democracy rests upon the great principles I have stated, and in support of measures I have always tried to be guided by a conscientious conviction of right, and I have laid down for myself, as a rule of action in all doubtful questions, to pursue principle; and in the pursuit of a great principle I can never reach a wrong conclusion. I intend

advocate's Book

in this case to pursue principle; I am a Democrat, believing the principles of this Government are Democratic. I believe Democracy can stand, notwithstanding all the taunts and jeers that are thrown at it throughout the Southern Confederacy. . . .

"I advocated the professions of a distinguished son of Kentucky at the late election, for the reason that I believed that he was a better Union man than any other candidate in the field. Others advocated the claims of Bell, believing him to be a better Union man; others those of Mr. Douglas. In the South we knew no Republican ticket. I was a Union man then; I was a Union man in 1833; I am a Union man now. And what has transpired since the election in November that has produced sufficient cause to break up this Government? If the candidate whose claims I advocated had been elected, I do not believe this Government would have been broken up. If Stephen A. Douglas had been elected, I do not believe this Government would have been broken up. Why? Because those who advocated the pretensions of Mr. Lincoln would have done as all other parties have done heretofore, yielded to the high behest of the American people.

"Then is the defeat of one man and the election of another according to the forms of law and the Constitution sufficient cause to break up this Government? No; it is not sufficient cause. Do we not know, too, that if all these seceding senators had stood as faithful sentinels, representing the interests of their States, they had it in their power to check any advance that might be made by the incoming Administration?

"I showed these facts and enumerated them at the last session. They were shown the other day. On the 4th of March, when President Lincoln was inaugurated, we had a majority of six upon this floor in opposition to his Adminis-



tration. Where, then, is even a pretext for breaking up this Government? . . . Let the energies of the Government be redoubled, and let it go on with this war—not a war upon sections, not a war upon peculiar institutions anywhere; but let the Constitution be its frontispiece, and the supremacy and enforcement of its laws its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, can not, fall. [The Battle of Bull Run had just been fought, and the Union army defeated.]

“Though your flag may have trailed in the dust, and a retrograde movement made, though the banner of our country may have been sullied, let it still be borne onward; for if in the prosecution of this war in behalf of the Government and the Constitution, it is necessary to cleanse and purify the banner, I say, let it be baptized in fire from the sun and bathed in a Nation’s blood! The Nation must be redeemed; it must be triumphant.”

In the great struggle to carry Tennessee for secession those who favored this step not only put forth their best efforts throughout the State, but made special efforts to carry East Tennessee. This section had given a majority of over twenty-five thousand against the “Convention” at the election held in February, and had always been intensely loyal to the cause of the Union. A number of influential men from Middle and West Tennessee were sent into East Tennessee to convert the people to the cause of the South. Prominent among these was Gustavus A. Henry, who had been Andrew Johnson’s opponent for governor in the memorable campaign of 1853. These efforts were unavailing, however, for in every place where they went they were met by staunch advocates of the Union.

In the month of May preceding the election on the Ordinance of Secession, Mr. Johnson made a thorough can-

vass of East Tennessee, speaking jointly a portion of the time with the Hon. T. A. R. Nelson, another loyal Unionist. The interest in these speeches and the issues which these men discussed may be indicated only partially by the press reports which have been preserved. The great crowds of people, the exciting and dangerous scenes, narrations of which have come down to us through the printed page of the times, can tell us only imperfectly the history of that canvass. The spirit of those days must be felt to be fully appreciated. But who of us, who love our country and her whole people, but are profoundly grateful that that spirit is felt no more?

East Tennessee had become by this time not only a battle-ground for intellectual contests, but was fast becoming the field of muster for soldiers, both Confederate and Union. Frequent conflicts were had by both soldiers and civilians. Often thus was the life of Mr. Johnson threatened as he went from place to place speaking against the Ordinance of Secession, and trying to save the State to the Union. At different times his enemies tried to intimidate him; but never once did he quail. If there was the element of fear in his nature men failed to discover it.

At Cleveland, while Mr. Johnson was speaking, a train-load of Confederate soldiers came into the town on their way to Virginia. When the train stopped and the soldiers learned that Andrew Johnson was speaking in the town, a company of them started for the stand, which was not far from the depot, declaring they would kill him. Mr. Johnson's friends warned him of their coming and their purpose. But he spoke on and with renewed vigor, and denounced the whole movement of Secession. The shrill whistle of the engine, announcing the departure of the train, turned the soldiers from their purpose.

At another meeting threats had been made against Mr.



Johnson, and it had been given out that if he appeared that evening he would be shot. At the hour announced for the speaking he was on hand, and taking out a revolver he said: "Before I begin my speech here to-night, there is another matter which needs to be attended to. Threats have been made that if I appeared here to-night I would be shot. Now, if any man has any shooting to do, let him begin now." No move was made, and, laying his pistol on the table in front of him, he said, "I have been misinformed, and I will now proceed to address you upon the issues which have called us together."

The vote on the Ordinance of Secession was taken on the 8th of June, and the act of the Legislature was indorsed by an overwhelming majority. East Tennessee, however, voted against it, and stubbornly refused to be controlled by it after it had been ratified by the State. The events which transpired in that section in the year 1861 constitute an interesting chapter in the Civil War. The uprising of the Union element there amounted to an insurrection, and is known in Tennessee history as the "Rebellion in East Tennessee."

November 12, 1861, A. G. Graham wrote from Jonesboro, Tennessee, to Jefferson Davis, giving him an account of the situation in East Tennessee. He declared that civil war had indeed broken out there, and that the Union people looked as confidently for the re-establishment of the Federal authority as the Jews looked for the coming of the Messiah. He advised that the expatriation order, requiring "alien enemies" to dispose of their effects and leave with their families, should be enforced. On the 20th of November of the same year, Colonel W. B. Wood, in command of Confederate forces at Knoxville, reported to Mr. Benjamin, Secretary of War of Confederate States, that he had studied carefully the conditions in East Ten-

nessee, and that the Union people were the followers and slaves of Andrew Johnson and Horace Maynard, and never intended to be otherwise. He had arrested Judge David T. Patterson, the son-in-law of Andrew Johnson, and desired instruction as to what disposition to make of him. Confederate troops were scouring the country for the capture of Charles and Robert Johnson, the latter of whom was engaged in raising troops for service in the Union army.

Such were the conditions surrounding Andrew Johnson and all that he held dear in the year 1861. After the election in June he returned to his seat in the Senate at Washington, and was an important factor in raising and equipping soldiers for the recapture of East Tennessee.

## CHAPTER VI.

ANDREW JOHNSON, MILITARY GOVERNOR OF TENNESSEE,  
MARCH 4, 1862, TO MARCH 4, 1865.

IT is impossible, in a brief biography like this, to give even a synopsis of the history of the Civil War in Tennessee. Only incidental reference can be made to those features in which Andrew Johnson figures prominently.

On the 23d of February, 1862, the Confederate forces evacuated Nashville, and the State Government was removed to Memphis, and a little later was disbanded. March the 4th, following, President Lincoln appointed Andrew Johnson military governor of the State of Tennessee, with authority to exercise and perform, within the limits of that State, all and singular powers, duties, and functions pertaining to the office of military governor, including the power to establish all necessary offices, tribunals, etc. He was also given the rank of brigadier-general. The appointment of Mr. Johnson to the military governorship of Tennessee was hailed with delight by Union people, not only of the State, but of the whole country. His devotion to the cause of the Union while in the Senate greatly endeared him to all lovers of Federal Government, while his great courage, well known to all, gave assurance that a firm hand now held the reins of government at Nashville.

Mr. Johnson reached Nashville on the 14th of March, after having many thrilling experiences en route from Washington. When the news of his coming was received in the South, people gathered at the stations along the road over which he passed to see him, and at a number of points he came near being mobbed by his enemies.

On the night of his arrival at Nashville a vast throng gathered in front of his hotel, and, calling for him, demanded a speech. In response to this call he came out on the balcony, and spoke of the prevailing conditions, and of the duty of the people of Tennessee to the Union, and of his policy relating to the task to which he had been appointed. "I come," said he, "to render you whatever aid may be in my power in re-erecting upon her rightful domain of Tennessee the Star-bangled Banner—that flag borne by him who was "first in war, first in peace, and first in the hearts of his countrymen;" borne by him, also, whose sacred ashes repose almost within the sound of my voice."

He laid bare the real cause of the war as he viewed it, and referred to his own speeches made in the interest of the South as well as of the Union, before the clash of arms came. "I have taken part in your politics since 1835. Is there a man within the sound of my voice who can say that he has ever been deceived by Andrew Johnson? Why all this persecution against me and mine? Why am I an exile? Why driven from my home, and my hard earnings taken from me? Simply because I adhered to my Government and yours, my flag and yours."

He painted in living pictures the track of desolation that secession had left. Bridges, crops, dwellings destroyed, brother arrayed against brother, families torn asunder, widows broken-hearted, and orphan children crying for bread. He closed by a most tender allusion to

East Tennessee, where his desolate home was and where lay his sick, sad wife. He had not been able to go back to Greeneville since he made his canvass against the Secession Ordinance during the spring of 1861. The State had been overrun with Confederate troops, thus making it impossible for him to visit his family. He now called upon his countrymen to come forward in the defense of his beloved section, "to show their hands, to speak their minds, and fear not."

He went to the deserted State-house, in company with General Buell, Horace Maynard, and other prominent gentlemen, and took formal possession thereof. The public documents had all been removed to Memphis on the approach of General Buell and the Federal forces some weeks before. On the 18th of the same month, Governor Johnson issued a proclamation to the people of the State, in which he reviewed the progress of secession, and announced formally that he had been appointed, in the absence of the regular and established State authorities, as military governor, to give protection of law actively enforced to her citizens, and, as speedily as possible, to restore her government to the same condition as before the existing rebellion. This he declared to be in keeping with the Federal Constitution, which guaranteed to every State a republican form of government. He earnestly invited all the people of the State who desired to see civil authority restored in Tennessee, to co-operate with him in his undertaking. He found most, if not all, of the offices, both State and Federal, vacant. These he said he would temporarily fill until the people could have a chance, at the ballot-box, to choose such officers for themselves.

He promised that protection should be extended to all the people. All their rights should be duly respected, and their wrongs redressed, when made known. Those who

through the long, weary nights of the Rebellion had maintained their loyalty to the Union, would be honored. The erring and misguided would be welcomed on their return. No merely retaliatory or vindictive policy would be adopted. A full amnesty was offered to all who, in a private and unofficial capacity, had assumed an attitude of hostility to the Government, on condition of their yielding themselves as peaceful citizens to the supremacy of law and order.

On the whole, the proclamation was very conciliatory, and was received with much favor and widely commented upon. His difficulties began when, on the demanding of the members of the City Council of Nashville that they should take the oath of allegiance to the Union Government, they promptly refused. Whereupon Governor Johnson removed them, and filled the vacancies by men who were loyal.

To restore order throughout the State and to render the lives and property of Union people secure, he issued a proclamation on May 9th, in which he declared that, in every instance where a Union man was arrested and maltreated by maurauding bands, then infesting different portions of the State, he would cause the immediate arrest of five or more Confederates, the most prominent in the neighborhood where the act of violence was committed; and they should be dealt with as the nature of the case required. By this means he sought to put the sympathizers with secession under bonds to protect Union people. If this appears to have been vindictive, let it be remembered that it was the spirit of the times, and that few men had more cause for retaliation than Andrew Johnson.

December 10, 1862, Mr. Johnson was declared "an alien enemy" by the Confederate Government, and his property was confiscated. The following is a copy of the



findings of the court in the case of "Confederate States of America vs. The Estate of Andrew Johnson, an alien enemy:"

"FIRST RECEIVER'S DISTRICT.

"In this case appeared M. T. Haynes, receiver for the First District of East Tennessee, and moved that said Andrew Johnson be declared an alien enemy to the Confederate States of America; and the court directed that the matter be submitted to a jury; whereupon came the traverse jury, who had been summoned by the marshal, and duly elected and impaneled and sworn to try all the causes and matters, civil and criminal, in the Eastern District of Tennessee, to be submitted to them during the present term of the court, to-wit: Robert Cravens, James Montgomery, John Bise, Joe Bowling, John G. King, Carrick W. Crozier, Samuel P. Ivens, William S. Kennedy, William B. Smith, William Ray, E. W. Marsh, and J. G. Blackwell; and the said jury, having heard the testimony and the charge of the Court, upon their oaths do say that the said Andrew Johnson is an alien enemy to the Confederate States of America. It is therefore ordered by the Court that the said Andrew Johnson is an alien enemy, and all the property, rights, and credits belonging to him, either at law or in equity, are sequestered under the acts of Congress, and the receiver for this district is directed to proceed to dispose of the same as provided by law."

On the 21st of April, 1862, Mrs. Johnson received, at her home in Greeneville, the following communication from Colonel W. M. Churchwell, at Knoxville:

"MADAM,—By Major-General E. Kirby Smith I am directed to respectfully require that you and your family pass beyond the lines of the Confederate army, through



Nashville, if you please, in thirty-six hours. Passports will be granted you at this office."

The final execution of this order was delayed, on account of the ill-health of Mrs. Johnson, until the following September; and when the journey was finally made, it was attended by such hardships as have scarcely ever been endured by helpless women and children. When the party arrived at Murfreesboro they were detained by General Forest and his command, until, by the intercession of Isham G. Harris and other prominent Confederates, an order was received from the Confederate Government to allow them to proceed to Nashville. It was a happy meeting when Governor Johnson and his family were reunited, having been separated now, by reason of the war, one year and a half, and much of the time not even able to communicate by letter or otherwise. It is said that the Governor's Roman sternness gave way, and he wept like a child. Soon after their arrival in Nashville, Governor Johnson's family were located in the residence formerly occupied by Aaron V. Brown, Ex-United States Postmaster-General.

One of the darkest shadows which ever fell over the home of Andrew Johnson was caused by the untimely death of his son Charles, a surgeon in the United States army, who was killed in Nashville by being thrown from his horse, April 4, 1863. He was but thirty-three years of age at the time of his death, greatly beloved of his mother, who never quite recovered from the calamity of his death.

Perhaps no State in the Union saw more fighting during the Civil War than did Tennessee; and no prize was ever more contested for than were the strategic points in this State. Much depended upon what support the Union or Confederacy should receive from the people of

this, one of the first States to be put under the control of a provisional Union governor. In order to win the people to the cause of the Federal Government and the State Government as it now existed, and to prepare the way for the reorganization of civil government, Union mass-meetings were held, wherever it was at all practicable, in all parts of the State. Governor Johnson attended many of these in person, and by his addresses aided very materially in the spread of sentiment favoring civil reorganization. He made numerous hair-breadth escapes in going to and from these meetings and while addressing the people, many of whom were by no means in sympathy with his ideas of government. At one time, when he was returning from Shelbyville to Nashville, a band of Confederate soldiers attempted to destroy his life by wrecking the train they supposed him to be on; but he had taken an earlier train, and thus escaped being killed or captured.

By his firm policy Governor Johnson saved Nashville from being recaptured by the Confederates when General Buell was about to place the city in jeopardy by withdrawing his forces on the approach of the Confederates, in March, 1862. It was at this time that, according to the story as told by Mr. Lincoln, the Rev. Granville Moody, the fighting parson of Ohio, called to see Governor Johnson, and, according to his statements made to Mr. Lincoln, found Mr. Johnson closeted with two gentlemen, in earnest conversation, pacing the floor and talking in an excited manner. When Mr. Moody entered the office the other gentlemen retired. Whereupon Mr. Johnson turned to Mr. Moody, and exclaimed: "Moody, we are sold out! Buell is a traitor! He is going to evacuate the city, and in forty-eight hours we will be in the hands of the rebels!"

Presently, growing more mild, he said, "Moody, can you pray?" "That's my business as a minister of the gospel," said the Colonel. "Well, I wish you would pray," said Johnson. And the two men went down on their knees on opposite sides of the room. As the prayer became more fervent, Johnson responded "Amen" in true Methodist style. Presently he crawled over to the preacher, and put his arms about him, while he continued to pray. When the prayer had closed, Johnson said, with emphasis, "Moody, I feel better." But in an instant he said: "But Moody, I don't want you to think I have become religious because I asked you to pray. I am sorry to say it, but I have never pretended to be religious. But, Moody, there is one thing that I do believe: I believe in Almighty God; and I also believe in the Bible; and I say, I'll be *damned if Nashville shall be surrendered!*" And it was not surrendered; for General Thomas received orders from Washington to hold Nashville at all hazards. The city was fortified speedily. The Asylum for the Blind, built by the State at a cost of \$40,000, was razed to the ground in order to give the guns in Fort Negley full play. The siege lasted several weeks, and determined efforts were made by Forest, Anderson, and Morgan to capture the city; but when the decisive struggle came the Confederates were repulsed with great loss. During the siege, in order to stiffen up the courage of weaklings, Governor Johnson gave it out that if any man talked about surrendering he should be shot. It was currently reported and believed that, rather than have had Nashville retaken by the Confederates, Governor Johnson would have destroyed the city by fire. As to whether there were reasons for his great apprehension at the beginning of the siege, may be seen by the following official letter:

“NASHVILLE, March 29, 1862.

“HON. E. M. STANTON, *Secretary of War*:

“SIR,—This place, as I conceive, has been almost left defenseless by General Buell. There are a few regiments left in detached positions without a single piece of artillery. There are one or two regiments at Camp Chase, Ohio, and one at Lexington, Kentucky, that might be forwarded to this point. In addition to these forces here, there should be one brigade complete. In this opinion Brigadier-General Dumont, left in command, fully concurs.

“ANDREW JOHNSON, *Military Governor*.”

One of the official acts of Andrew Johnson, while military governor of Tennessee, which has been the subject of much adverse criticism, was the levying of a special tax upon the wealthy people of Nashville, who sympathized with the Confederacy, to support the many widows and orphans, wives and children whose husbands and fathers had either lost their lives in the war, or had been driven from their homes, leaving their families helpless and destitute. However it may appear now, and how much soever it may have been resented by those to whom it applied, it was a speedy remedy for the conditions of poverty which prevailed with many in and about Nashville; and it was regarded by Mr. Johnson as justifiable on the ground that the responsibility for the war rested largely upon the wealthy classes of the South.

As brigadier-general, Mr. Johnson raised and equipped twenty-five regiments for service in his State. At the head of one of these, the Sixth Tennessee Cavalry, as colonel, was his son, Robert Johnson. His son-in-law, Mr. Daniel Stover, was colonel of the Fourth Tennessee Infantry, and his son, Charles Johnson, was surgeon in the regular army.

His efforts, too, in the management of the railroads of his State, as they fell into his hands upon the retirement of the Confederate forces, and the building and equipping of seventy-five miles of the Northwestern Railroad, from Nashville to the Tennessee River, revealed his capacity for managing large business concerns. By the completion of this road just mentioned a safe and reliable means of communication was opened between the Northwest and the Union army in Tennessee and Georgia.

To meet the emergencies constantly arising for the protection of the railroads of the State, Governor Johnson had all their operatives enrolled and sworn in as members of the State militia. The Louisville and Nashville Road was the only one which was not operated by the Government at this time, and Governor Johnson ordered the enlistment of its employees in the State militia, and frankly stated to the officials that, if they failed to fall in with the general order respecting the enrollment of all Government and railroad employees, he would take charge of the road, as military governor, and operate it under the authority of the Government. The reasons for this step are clear enough when we remember that, not only were the supplies of the army in constant danger, but the enemy was always on the alert to cut off all means of communication by tearing up railroad tracks, burning bridges, and destroying telegraph lines.

A fact not generally known, relating to desertion from the Union army on the part of numbers of East Tennessee soldiers, is revealed by a letter from Governor Johnson to Major-General George H. Thomas, dated August 16, 1864, with contents as follows:

“As you are aware, a number of the East Tennessee regiments, before they were completed, have been turned

over into the regular service of the United States. A number of these men, who have been oppressed and driven from their homes, hearing of the sufferings and wants of their families, have been induced to return, to extend whatever relief they could for the time, and did not intend to desert, but to return to the service; but now fear of being court-martialed prevents many of them from doing so. I hope, therefore, that there will be an order issued allowing them to return to duty without trial and punishment, giving them twenty or thirty days. Colonel Spalding has made application to that effect for his brigade. I hope it will be extended to all Tennessee troops.

“ANDREW JOHNSON, *Military Governor.*”

On the 25th of July, Governor Johnson telegraphed to President Lincoln urging the promotion of General Alvan C. Gillem\* to the rank of brigadier-general, stating that he had need of him for special service. This special service proved to be a cavalry raid into Upper East Tennessee, which was made by General Gillem during the latter part of August and the first part of September, 1864, and resulted in the killing of General Morgan, the famous Confederate raider, and the capture of his entire staff at Greeneville on September 4th.

In consequence of this victory, and in keeping with the proclamation of President Lincoln, Governor Johnson issued the following proclamation:

“STATE OF TENNESSEE,  
“EXECUTIVE DEPARTMENT,  
“NASHVILLE, TENN., *September 9, 1864.* } ”

“WHEREAS, It has pleased Almighty God to recently vouchsafe great triumphs to National arms in the cap-

\*His brigade was known as “The Governor’s Guards.”



ture of Mobile Bay, Weldon Railroad, and Atlanta, and the killing of the marauder, John Morgan, and the defeat of and rout of Wheeler and his raiders; and

“WHEREAS, The President of the United States has issued the orders which are hereto appended, it is recommended and directed,

“1. That on Sunday next, the 11th inst., there be offered, at all places opened for public worship in this city, thanksgiving and prayer, in accordance with the request of the President of the United States.

“2. That on Monday next, the 12th inst., between the hours of six and seven P. M., the bells of all the churches and public edifices be rung; and that between the hours of seven and eight o'clock P. M. there be a general illumination of the city; and that, commencing at the hour of eight o'clock P. M. of the same evening, there be a congratulatory meeting at the Representative Hall of the State capitol.

“ANDREW JOHNSON, *Military Governor.*”

With full confidence in Governor Johnson's administration in Tennessee, President Lincoln, in September, 1863, issued an order authorizing him “to exercise such powers as may be necessary and proper to enable the loyal people of Tennessee to present such a State government as will entitle it to the guaranty of the United States therefor, and to be protected under such State government by the United States against invasion and domestic violence.”

On the 8th of December following, Governor Johnson issued a proclamation authorizing an election to be held for the purpose of electing representatives to Congress. These Congressmen were elected, but were never seated, the House of Representatives having denied Mr. Lincoln's



right to thus restore Tennessee so easily to her former relations to the Union. It was Mr. Johnson's supreme ambition to restore peace throughout the State and to reorganize civil government in all its departments. In all his efforts leading thereto he had the hearty support and the unshaken confidence of President Lincoln.

Efforts were made by not a few influential persons to break off these mutual relations between the President and his appointee, but they were unavailing. No one can study closely the relations of these officials without being convinced that Mr. Lincoln not only had a high regard for the judgment and probity of Andrew Johnson, but was influenced by his advice in all that pertained to the conduct of affairs in the South, and especially in Tennessee. "Andy Johnson is running things in Tennessee," was his reply to criticisms adverse to Mr. Johnson's course. It was due to Mr. Johnson's suggestion that Tennessee was not included in the Emancipation Proclamation of Mr. Lincoln by which the slaves of most of the Southern States were set free. Before President Lincoln issued this proclamation, Governor Johnson signed a petition, which was borne to Washington by Mr. Campbell, member of Congress, asking him to exempt Tennessee, so as to allow slavery to remain for a time. Mr. Johnson wanted Tennessee to free her slaves herself. This was not simply a State pride, but in this he proceeded upon a principle which always actuated him in his political career: Let the people, by their own voice and vote, express themselves, and then there will be no need of further appeal. Thus thought Mr. Johnson, and Mr. Lincoln allowed him to have his way. In a speech made to about three thousand Negroes in Nashville in 1864, Mr. Johnson said: "President Lincoln, in his proclamation, has exempted you from emancipation; but I, Andrew John-

son, military governor of Tennessee, to-night declare every one of you free." In his Inaugural Address as Vice-President of the United States he declared that Tennessee was free; that she had bent the tyrant's rod; that she had freed her own slaves.

As to how rapidly the process of restoring civil government in the State progressed, indications are given in the private correspondence of Mr. Johnson with General Thomas and others. On September 26, 1864, he reported to General Thomas that "the civil and criminal courts were in operation in the counties of Davidson, Montgomery, Rutherford, Bedford, Maury, and in many other places in the State, and that the work of reorganizing civil authority was progressing rapidly in the rear of the military."

So much absorbed was he in this work of reconstructing his State that, when the time for his inauguration as Vice-President of the United States came, he intimated to President Lincoln that he would like to be excused, if possible, from going to Washington at that time, in order that he might be in Tennessee during its State election, and also attend the opening of the first session of its new Legislature.

No State among all those that seceded was so prompt in returning to loyalty to the Union, and in so amending its Constitution as to forever abolish human slavery, as was Tennessee. Among the many who wrought so faithfully to accomplish this end none were more devoted in their efforts than was Andrew Johnson.

The Union Convention, which completed its work January, 1865, at Nashville, besides declaring the act of secession and all laws relating to the war passed during the administration of Governor Harris null and void, proposed two amendments to the State Constitution having

the same import. The first abolished slavery, while the second prohibited the General Assembly from making any law, in the future, recognizing the right of property in man.

An election was ordered for the 22d of February, at which the people should have the right to vote on these proposed amendments. Another election was authorized by this Convention, to be held on the 4th day of March, for the election of a governor and members of the General Assembly. Both elections were held, the Constitutional amendments were ratified, and W. G. Brownlow was elected governor. At the preceding November election Andrew Johnson had been elected Vice-President of the United States. The reorganization of his State he regarded as one of his proudest victories, and in the methods pursued he illustrated his theory with reference to the relation of the individual State to the Union Government, and the right of that State to determine what should enter into its Constitution.

This identical State Government, which he had been so much interested in forming, and whose representatives in Congress he so cordially welcomed back to the Federal Government, turned upon him, however, in the person of its officials, when he attempted to do for the whole South what had been done for Tennessee; and some of the most bitter fights made upon him during his impeachment trial were led by the radical element of the Union party in Tennessee.

## CHAPTER VII.

### RESTORATION OF THE STATE GOVERNMENT.

SPEECH OF GOVERNOR ANDREW JOHNSON, AT THE MEETING HELD IN THE HALL OF THE HOUSE OF REPRESENTATIVES, THURSDAY EVENING, JANUARY 21, 1864, TO TAKE INITIATORY STEPS TO RESTORE CIVIL GOVERNMENT IN TENNESSEE.

**F**ELLOW-CITIZENS,—In responding to the call that has been made upon me, I do so, not for the purpose of making a speech, but simply to enter into a conversation, as it were, upon the subjects brought to your consideration here to-night in the resolutions just adopted.

The time has come when we should begin to consider the true policy to be adopted. I know, in making speeches, it is easy to make a flourish of trumpets or a display of fireworks, and entertain an audience for a time; but at present we should be practical. Our business now is to commence the restoration of our State Government, and, if I understand the resolutions adopted to-night, I think they cover the whole ground.

Our object is to restore all the functions of State Government. We have been involved, or, more properly, engaged, in a rebellion. Rebellions were anticipated by our forefathers, and their suppression provided for. And when a rebellion occurs, it devolves upon the Government of the United States to suppress it. Admitting the func-

tions of a State to be paralyzed for a time, it does not destroy the State, as has been very correctly remarked. In the progress of the rebellion, the governor of a State may fly to seek protection in foreign climes, the Legislature may disappear, the civil magistrates may cease to act; but that does not destroy the State. Its functions have only been paralyzed—its powers are only remaining inactive.

In the Fourth Section of the Fourth Article of the Constitution we find that the United States shall guarantee to each State in this Union a republican form of government. Instead of petitioning the President or the Congress of the United States—instead of assuming the attitude of suppliants in reference to the restoration of the powers of State Government, we stand in the attitude of demanding—claiming at the hands of the Federal Government the guarantee of a republican form of government. We are no suppliants—no petitioners. We stand upon the broad platform of the Constitution, demanding our rights—that the guarantees in the Constitution shall be secured to us—that is, to secure to us a republican form of government.

We find also in the Constitution of the United States that the President is required to take an oath of office. He is sworn to support the Constitution of the United States. He is bound to see that the laws are faithfully executed, and he, in the exercise of his Constitutional obligations, may appear in the State of Tennessee in the person of an agent—I care not by what name, either military governor, agent, or commissioner—but he can appear through his agent, and restore to the people of Tennessee, and to every other State in the Union, a republican form of government. He has been sending brave men and gallant officers to suppress this rebellion, and for a time

the functions of Government in this State have been suspended—we have no governor, no Legislature, and but few judges—and we have one of these here to-night [Judge M. M. Brien], who has been discharging his duties in obedience to the principles I have been describing.

But in beginning to restore the Government—in carrying out the obligations of the Constitution, preserving and guaranteeing to the people a republican form of government, we must have justices of the peace, constables, etc. There are many here, no doubt, to-night, who are not citizens of Tennessee. Those who are, are familiar with our regulations. For instance, our State is divided into counties, then civil districts, each one of which elects two magistrates and one constable. There are provisions and exceptions made for different towns to have additional justices of the peace and constables. We will say, by way of illustration, that the first Saturday in March has been the usual time for the election of all county officers—justices of the peace, constables, trustees, sheriffs, clerks of the County and Circuit Courts—and when we come to the Constitutional basis, would it not be clearly Constitutional—would it not be carrying out the behests of the Constitution, and would the Executive be doing anything more than discharging his duty to say to the people of this State on the first Saturday in March next, Go to the ballot-box and elect your constables, sheriffs, justices, county trustees, and clerks? And, when elected, let them be commissioned as they ordinarily are. The agent of the Government supplies the vacuum. Is there anything outside of the principles of the Constitution in that? Is there any usurpation in it? There must be a beginning somewhere.

In the absence of government, there must be steps



taken, though they may be irregular, for the purpose of bringing back order. Then we take a step without precedent, but clearly justifiable, and proceed to elect our officers as we have done heretofore. In looking over the various judicial districts of the State, we find them without judicial officers. In turning to the laws and Constitution of the State, we find that, when vacancies occur by death, resignation, or otherwise, the Executive shall make temporary appointments, and these appointees shall hold their places until their successors are elected and qualified. Then we see how easy the process is. Begin at the foundation, elect the lower officers, and, step by step, put the government in motion. But it may be said this can't be done in all the counties throughout the State. But, if it is done in a half-dozen counties, it is so much done, and, that much done, we can do more.

In this connection there comes up a very important question, and that is, Who shall be allowed to vote? This is the touchstone. And let us talk about this in a plain, common-sense way, and see if we can ascertain who ought and who ought not to vote. I assume that an individual who has engaged in this Rebellion, who has got his consent to give up the Government of the United States, and, with his person, attach his fortunes to the Southern Confederacy, or to any other Government—I say he has been, by his own act, *expatriated*—at the very point of time at which he gets his consent to take up arms against the Government of the United, he ceases to be a citizen of the United States. [Applause.] A man coming into the United States from Great Britain, Ireland, or elsewhere, does not become a citizen until he has filed his declaration and taken the oath of allegiance. We describe in our laws the process by which he may become a citizen. Renouncing his allegiance to all powers,



kings, and potentates, thus complying with our naturalization laws, he becomes a citizen of the United States. We know that a great many who went into this Rebellion went into it under a reign of terror; we know a great many were conscripted, a great many went from interest and speculation; and others—the intelligent portion—went into it for the purpose of changing the Government and establishing an aristocracy or Negro oligarchy. [Laughter.] This we know; and now, shall we act upon the doctrine that a man can't repent, or upon the Christian principle that a man can conscientiously acknowledge his error and once more become a citizen of the United States? This is the question. Shall we lay down a rule which prohibits all restoration, and by which all will be excluded from participating in the exercise of the elective franchise? Think: we are told that honest men sometimes do change their opinions. We are told, upon pretty high authority, that sinners sometimes repent, and honestly repent; and we are told that in this repentance there should be works meet for repentance—that there should be some evidence of it. That is the condition of the community. We want to restore the Government, and the restoring process is that you, the people, must go to the ballot-box and exercise the elective franchise in so doing. Now let us get at it practically. These three gentlemen sitting here to-night—who are reporting, I presume—are judges of an election. We want to elect our squires, our constables, our county officers, and our judges. I am speaking of things to be done before we get to Convention, about which I have much to say before I conclude. What rule will you adopt by which you can tell disloyal from loyal men? Over there I can point to a man who has been standing out, like Saul of old, head and shoulders above the rest for the Union, as every-

body knows. Over there stands another, who has been equally prominent on the other side. Of these two we can say at once that the one may vote and the other may not. But in this instance we have got two extremes—we have got a case which everybody or anybody can decide without difficulty. But is the whole community in this condition? You may discriminate for a while—these are Union men, these are rebels—but after a while you approach a line where they have not been prominent, and then how many can tell which is which? Will you have no test? No rule? Will you confer the power upon these judges to say that no person shall vote save those that be loyal? But they can not tell; they may act correctly as far as their judgment goes. Then again, in addition, I tell you, you are trusting a great deal where you leave this matter to the discretion of judges. They may, in many instances, act right, and they may think they act right in all. Here sit the three judges. They look around the neighborhood and say, “Why, I do not like to discriminate in favor of one friend and against another—I hope he has done right, and, if he has done wrong, I hope he has repented.” Then what rule will you establish? We want some standard by which we can put he that has been a traitor to the test, though he has repented. Now, what will it be? It is easy to talk that rebels shall not vote and Union men may; but it is difficult to practice this thing. What rule will you establish? I ask the question. I want information. I came up here to talk to you, and you to me.

I know it has been said by some Union men that we should not be placed in the attitude of culprits—of men asking for pardon. I do not feel that you, and you, should be required, for the sake of a vote, to ask for pardon. I am not a criminal—I have violated no law—

I have not raised my arm against my Government. Therefore, I do not want pardon. But in the election of officers who are to take charge of the Government we want some test, at least, that the men who vote are loyal and will act with loyal men. In all the States of this Union there is a qualification attached to voters without regard to treason, traitors, or anything of the kind. And, taking the State of Tennessee for an illustration, what is the qualification? We find that the person, to vote, must first be a citizen of the United States; next, he must be a free white man. I want you to understand that, although I am going to talk about Negroes presently, I am for a white man's Government [cheers], and in favor of free white qualified voters controlling this country, without regard to Negroes. [Continued cheering.] Next, the voter must have been in the county six months immediately preceding the day of election. Then, if we were to say, in addition, before you can vote you must take an oath something like the following:

I solemnly swear that I will henceforth support the Constitution of the United States, and defend it against the assaults of all its enemies; that I will hereafter be and conduct myself as a true and faithful citizen of the United States, freely and voluntarily claiming to be subject to all the duties and obligations, and entitled to all the rights and privileges of such citizenship; that I ardently desire the suppression of the present insurrection and rebellion against the Government of the United States, the success of its armies and the defeat of all those who oppose them, and that the Constitution of the United States, and all laws and proclamations made in pursuance thereof, may be speedily and permanently established and enforced over all the people, States, and Territories thereof; and, further, that I will hereafter

heartily aid and assist all loyal people in the accomplishment of these results. So help me God.

Is there any one, Union at heart, who can object to taking an oath like this? [A voice, "None."] Is there a solitary Union man who can not take this oath? [Voices, "No, no."] Is there any Union man but what would take great pleasure in coming before the judges of election and take this oath to test him who has been warring against his country? You put him to the test; you do n't come up asking pardon; but are only giving evidence of being a loyal and a qualified voter. These are simply the qualifications of a voter. On the other hand, if there is anybody in this large assembly of voters who needs and desires a pardon or amnesty, whether he seeks it in good faith or for the purpose of saving a little remnant of Negro or any other property, I would say to him: "Go over there; there is an altar for you. There is President Lincoln's altar if you want pardon or amnesty—if petitioning to the President for Executive clemency. If you want to escape the penalties you have incurred by violations of law and the Constitution, go over there and get your pardon. We are not in need of it; we wish not to take that oath; that is the oath for him who has committed crime." Now, gentlemen, it seems to me this will be fair. We want a hard oath—a tight oath—as a qualification for everybody that votes. He that wants pardon, must take the oath prescribed by the President of the United States, and I am free to say that I think the President has been exceedingly lenient in permitting them to do that. If this will not do, will you suggest something that will be better? What standard will you erect? Do n't stand here and find fault with my suggestions, and say they will not do; but suggest others that are better and more acceptable. I am for a rule

that will test a loyal man as against a disloyal one; that is the rule I am for. I am free to say to you that I believe there are many even in the Confederate army, many who have deserted, and even some captured, who, I believe, are honest and loyal to-day, and regret that they have ever been involved in this infamous, diabolical, and damnable Rebellion. I have had men come before me who evinced, by their emotions and the tone of their voice, that they were as much opposed to the Rebellion as I am. If this be so, and they are now willing to support the Constitution, and fight in vindication of it, as far as I am concerned, I am willing to admit them and give them a fair chance to return. We can not put all in prison; we can't suspend all upon the gallows. No, this is not a war of extermination, but a war for the restoration of Government; and, while restoring the Government, if we reclaim honest men we have only done our duty.

If we want to restore the Government, we must start at the foundation. Having elected our squires, constables, sheriffs, and other county officers, as we can get men to serve, we have got the groundwork laid. Then, what will you do next? Now mark: under the Fourth Clause and Fourth Article of the Constitution of the United States we have a pledge to secure to the States a republican form of government. To carry out the spirit and letter of the Constitution, as the people are the rightful source of political power, I should say the Executive would have the right to invite the people to have a Convention to restore government to the people. Then, even looking to the Constitution of the United States, we have a right to call a Convention, and have the Convention as a means flowing from the Constitution to guarantee the restoration of a republican form of government. We find, in



the Constitution of this State, that you can amend the Constitution by the Legislature; but it takes about six years to amend it in that way. But when we recur to the Bill of Rights, which is a paramount part of our State Constitution, we find that the sovereign people have the right to alter, amend, or abolish their form of government whenever they think proper, and in their own way. This is perfectly consonant to the Constitution of the United States, and admits the great principle that all political power is inherent in the people.

I have, unfortunately or fortunately, as the case may be, always been one of those who hold that all power is inherent in the people, and that the Government is made for the people instead of the people being made for the Government; as much so, at least, as the shoe is made for the foot, instead of the foot being made for the shoe. Government emanates from the people; and now, when your Government has been paralyzed, or its functions suspended, is there any better way that can be adopted than to call a Convention here? In other words, let us have the sovereign present in the shape of delegates; or, were it practicable, to appear in a large amphitheater, and know what their opinions were in taking the steps to restore the workings of Government, I would say, let the people be convened in obedience to the Constitution of the United States and of the State, and, in strict compliance with the fundamental principles of our Government, that power is inherent in the people. Who dare say the Convention shall not assemble? Who dare say that the people shall not assemble in Convention? I know there is a little croaking dissatisfaction among some that have been nominally Union men, and some that have been rebels in this hell-born and hell-bound Rebellion, who, now that they are subjugated, after having

been instrumental in paralyzing to some extent the Government, and after having helped to produce the Rebellion, hypocritically say, O! they don't want so much disturbance; it will be too revolutionary to have a Convention; it will not do to trust the people with the settlement of this great question. Let us think. Give me your attention, and I will show you that there is a cat in the meal. They turn to the Constitution, as it now stands, and say, Let us get the Legislature back here; let us patch up things, and have no fuss. They think of that little clause in our Constitution which provides that the Legislature shall not emancipate slaves without the consent of their owners. Do n't you see? Then, if they get the Legislature back under the Constitution as it is, they think they can hold on to the little remnant of Negroes that is left—the disturbing element that has produced all this war. [Applause.] I then say this: Bring the people forward in Convention—the source of all power—they that made the Constitution, and let them act upon this important question and upon this momentous occasion. Let us have the people here, and when they assemble in Convention—when the sovereign is present, he can do all that the Legislature can, and he can do a great deal more. Have a Convention here, and it can put your State upon her legs in eight and forty hours. It could appoint these magistrates, these squires, these sheriffs, all the officers, and carry on the machinery of State to perfection in eight and forty hours. Let the people come forward and speak, and, in speaking upon the Negro question, my honest convictions are that they will settle it, and settle it finally.

Now, my countrymen, it is not worth while to try to deceive each other, and thus play a hypocritical part, as the soothsayers in olden times, while practicing their



deceptions upon the people, when meeting, would always smile in each others' faces. I know there is going to be division in Tennessee; and I tell them now, politically speaking, that my sword is unsheathed, and it never is to be returned until I fall, or until this great principle of free government has triumphed. [Cheers.] Now is the time to settle it. This question of slavery has been the disturbing element in this Government, and the time has come now to settle it. The rebels commenced the destruction of the Government for the preservation of slavery, and the Government is putting down the Rebellion, and, in the preservation of its own existence, has put slavery down, justly and rightfully, and upon correct principles. It attempted to rise above the Government, and, had it succeeded, Negroes or their masters would have controlled the Government; but in making the attempt to control the Government, the mighty car of State has moved forward, and the institution has been crushed, and thank God for it! [Applause.]

But in this connection I have got a single word to say in reference to the brave and gallant men of Tennessee who have entered the service of their country. Is there any one who would like to deprive them of the elective franchise? [A voice, "No."] Mr. Lincoln has done no such thing. He will not require these fifteen thousand heroic soldiers, who have been fighting the battles of their country, and of themselves constitute more than one-tenth of our voting population, to stand before him as petitioners for pardon and amnesty. I know his high appreciation of loyal men, of justice and right, too well for this. I opposed his coming into power. I spoke and voted against him, and though I did this and in favor of another, I believe Abraham Lincoln is an honest man, and has done, and is doing, all in his power to preserve

this Government and put down this infernal Rebellion. [Applause.] Render unto Cæsar the things that are Cæsar's. I believe Mr. Lincoln is a patriot and a friend to his Government; I believe he is for free government; and, so believing, I shall stand by him. It is easy to find fault—to complain; but the next question comes up, Who would have done better than he has done? [Renewed applause.] He is the last man in the United States that would wish to circumscribe the privileges of the brave men of Tennessee in the matter of the elective franchise. Is there a Tennessean here to-night, though he may have differed with me heretofore, who ever doubted me upon this question of free government? In an election for members of a Convention, or for county officers, how easy will it be for every Tennessee soldier, if he can hear who the candidates are in his district, to vote for the man of his choice wherever he may be stationed. Whether in Middle, or East, or West Tennessee, his voice can be heard and his weight goes into the ballot-box in the settlement of this great question. That is the manner in which I want it settled. And when it comes to repelling and driving back the rebel armies, then let him have on his whole armor—put on his shield and lock shield with his comrades, and never return till victory perches upon his standard. Who wants to deprive the army from Tennessee of the right to participate in the restoration of their Government? Will anybody make that allegation against me? Since this Rebellion commenced, who has been hunted, persecuted, denounced, and calumniated by the rebels? There is not one among the army of Tennesseans but what knows that I would make any and every sacrifice by which their interest could be promoted. No, no; who ever dreamed or thought of their being deprived of participating at the ballot-

box—they who have done so much for the restoration of the State?

Now upon this Negro question, and I know the saying is sometimes bandied about that you are always prating and saying the Negro is dead. If he is dead, why repeat it so often? Is there a man here that has observed this thing who does not know that the institution of slavery in Tennessee is dead? I have had some come to me and say, "Governor Johnson, are you in favor of immediate emancipation?" I tell them yes. "Do you want to turn the Negroes all loose upon the country? What will we do with them?" Why, sir, I reply, as far as emancipation is concerned, that has already taken place. Where are your Negroes? They answer, "They are running about somewhere." I ask, What do you call that? [Laughter.] They seem to be already turned loose. The institution of slavery is turned into a traveling institution, and goes just where it pleases. It is said the Negroes are not qualified to be free; because they have been slaves so long they are unfitted to be freemen, and shall not be permitted to enjoy the privileges of freemen; but, by way of making them competent, it is proposed to keep them in slavery nineteen or twenty years longer. In the first place, it would not do to have them free, because they have been slaves, and, in the next place, they should be kept in slavery to qualify them for freemen. [Laughter.]

We were proceeding to put up the State Government—to elect clerks, justices, trustees, Legislature, governor, and other things that constituted the State heretofore. But the institution of slavery. There it lies; will you take it back? Leave out the disturbing element, I say. It is now out; and to put the State in motion, start the machinery, and leave Negroes out of the ques-

tion. [Applause.] Then the conclusion is that, in fact, Negroes are emancipated in Tennessee to-day, and the only remaining question for us to settle, as prudent and wise men, is in assigning the Negro his new relation. Now, what will that be? There are no more Negroes to-day than there were yesterday—there being no more Negroes free than there were slaves. The same space will contain them in one condition as in another, and the slaveholder need not be alarmed with the fear that Negroes will be increased faster than they were before. Then the Negro will be thrown upon society, governed by the same laws that govern communities, and be compelled to fall back upon his own resources, as all other human beings are. The God of Nature has endowed him with faculties that enable him to enjoy the result of his own labor. Political freedom means liberty to work, and at the same time enjoy the product of one's labor, be he white or black, blue or gray, red or green [laughter], and if he can rise by his own energies, in the name of God let him rise. In saying this, I do not argue that the Negro race is equal to the Anglo-Saxon—not at all. There are degrees among white men; some are capable, others are not; some are industrious, others are not; but because we find inferiors among ourselves, shall every inferior man be assigned to slavery? If the Negro is better fitted for the inferior condition of society, the laws of nature will assign him there. My own conviction is, that in less than five years after this question is settled upon the principle of hired labor, the Negro's labor will be more productive than it ever was.

The argument used to be that "Cotton is King." But I think that idea is pretty well exploded. [Laughter.] For a little experience has proven that cotton is a feeble King without the protection of the United States. I used

to tell them that bread and meat were King, and if we look over in rebeldom now, we will find that a little bread and meat would be more acceptable than cotton. [Renewed laughter.]

I hope the Negro will be transferred to Mexico, or some other country congenial to his nature, where there is not that difference in class or distinction, in reference to blood or color. If in the settlement of this question the providence of God should call a number of them there, I say let them go. And about that time I would not care much to see a large portion of our gallant sons go along to Mexico, too [Cheers], and as they approach the city of Mexico or Jalapa, of which Louis Napoleon has taken possession, where he was going to send Prince Maximilian to govern, I would like our boys to be along there inquiring into that affair, and give him to understand that while we can fight for years and head a monstrous Rebellion to boot, he can not come upon this continent to establish a government anti-republican in its character. We have not yet fulfilled our mission. We have got the Negroes to dispose of. We will do that. And we have got other things to do. We should teach France and all other Powers that we can crush down a gigantic Rebellion at home, and that the combined armies of the world can not subdue the United States when united. [Loud cheers.] I care not though all nations were arrayed against us in one solid phalanx. When the masses of the people of these United States stand united we can bid defiance to the combined Powers of earth.

Let us go on in the performance of the great mission of restoring these States. And I fully concur in the doctrine I heard advanced here to-night, that a State can not commit suicide—a State can not destroy itself—a State has no right to go out of this Union and the Federal



Government has no right to put one out. None. The doctrine is as dangerous on one hand as on the other. If you accept either, your Government is destroyed and crumbles into pieces like a rope of sand, by its own weight. These States occupy a certain relation to the great whole, and the great whole to each part. The parts can not destroy the whole, neither can the whole destroy the parts. It is undeniable: there is no way to destroy a State. We find in the Constitution that you can make States, create a Government, but there is no way to destroy it. I repudiate the doctrine *in toto*. It is contrary to the Government of our fathers—an emanation of Divinity—and we fail to discharge our duty, and commit as great a sin and error in permitting the destruction of this Government in that way, as though we had raised our sacrilegious hands to tear it down.

Though it was not my intention to speak on this occasion, in conclusion of what I have said, I am free to declare that I am for a Convention, after adopting some rule that will exclude disloyal and admit only loyal men. Under the Constitution, the people have a right to meet and appoint delegates. On the other hand, the President of the United States, through his agent, has the right by proclamation to say to the people: "On such a day elect so many delegates to take into consideration the restoration of the State." As I remarked before, sometimes we may do irregular things for the sake of returning to law and order. It might be irregular in starting, but when the Convention get together, they have the right to change, alter, or abolish their government in their own way. I am disposed to think that the people, if they were together, would be inclined to remove the difficulties under which we labor. I am willing to trust them. I believe they are honest, and especially so in reference to govern-



mental affairs. And even judging men by self-interest, I am willing to trust them, because it is their interest to have the best government they can get, and they will have it. I do not see why a Convention could not be trusted as well as a Legislature. Who is prepared here to-night to hesitate to admit the great principle than man is capable of governing himself? Have any of you reached that point? If you have, you had better go down and join Jeff. Davis; that is the locality for you. [Laughter.] And now I am going to tell you a truth, and you know what I say is true: If there are any here who have lived in the county of Davidson, you know many men have been afraid and alarmed even to speak upon the Negro question when the large slaveholders were about. Some of you have been deprived of your manhood so long upon this question, that when you begin to talk about it now, you look around to see if you are not overheard by some of your old masters. [Laughter.]

In 1843, when I was a candidate for governor, it was said, "That fellow Johnson is a demagogue—an Abolitionist"—because I advocated a white basis for representation—apportioning members of Congress according to the number of qualified voters, instead of embracing Negroes. I discussed the question alone, scarcely getting a paper to come to my support; and hundreds agreeing with me, sought me in private to give me comfort, but were afraid to strike openly. I know all about this Negro question, and pardon me if I seem to be egotistical when I say that I am the only man that has dared at all times to discuss it in this State; and now some of you see what I have all along foreshadowed. I have known this question was coming, and that it was only a question of time. Standing alone, having but little means to command, and no press, but simply relying upon argument, with the

great mass of the people I was sustained. Running against him who was called the "eagle orator," a lineal descendant from the forest-born Demosthenes, it was expected that I would be driven from the contest; but, thank God! I have always relied upon one thing: that there was a great principle of right lying at the foundation of all things; and that truth is mighty and will prevail. Right goes forward; truth triumphs; justice is paramount; and slavery goes down. [Applause.] And now, I proclaim it, the time has come, God being my helper, I am willing to do my part, and am willing to wind up my political career in the final settlement of this question. The time has come when the tyrant's rod shall be broken, and the captive set free. [Renewed applause.] Then, now is the time to strike; and he is a coward who desires to remain inactive and will not come forward to that altar and worship. [Continued applause.] Yet while right is triumphing, they talk about compromising this question. Compromise! Compromise with what? Compromise a great principle! Will you have truth to compromise with falsehood? Will you have right to compromise with wrong? Will you have virtue compromise with vice? I say, No. In the compromise of right with wrong, right is the loser; in the compromise of virtue with vice, virtue is always violated. Deity might as well have compromised with the devil, who was the first rebel, and made war in heaven. No compromise. None. No compromise with traitors while they have arms in their hands. [Cheers.] I am no maniac or fanatic upon this question; but I feel devoted, attached, and wedded to great principles. Sometimes I inquire in my own mind why this people have had no leader. Peter the Hermit led the Crusade, but was wild and visionary, yet he intended to redeem the Holy Land. The Crusaders had their leader; the Israelites had

their leader; the Greeks had their leader; the Romans had their leader, and England had her leader. The Israelites had their Moses, and have this people got no Moses—no leader—or have they to rely for their deliverance upon the establishment of this great principle? The ways of Providence are incomprehensible to short-sighted, erring man. In the various periods of the world's history there have been manifestations of a Power incomprehensible to us, and I believe that there is a direct and important connection between the moral and physical world, and the one is affected more or less by the other in bringing about great events. Going back to the history of the world, we find events and signs have preceded final results. This Nation, many think, has been involved in a great sin. Nations as well as individuals must sooner or later be overtaken for their transgressions. Perhaps this Rebellion will result in great good; the Nation will become chastened and the sin removed. Who can tell? When we go back to ancient times and run over the pages of history, what do we find there? We find Pharaoh, after governing the Egyptians with an iron rod so many years, there was a rebellion there; the people were led by Moses to the shores of the Red Sea, when by the touch of his rod the waters parted and stood as a wall on either side, and Moses and his followers passed through dry-shod and reached the land of Canaan; whilst Pharaoh and his chariots and mighty hosts proceeded to follow on and were lost amid the waves, and were drowned in the sea. I do not say that this was a direct or special interposition of Providence; I will not undertake to argue that it was the result of a divine law. I refer to it as a great fact that Pharaoh and his hosts were lost in the Red Sea in pursuit of those trying to escape from bondage. If disposed, I might take you back to Babylon, and there look at her people in their

might, or to those mighty walls crowded with chariots. Those walls have crumbled; Babylon has gone down, and is no more. I will not say whether it was the result of a special providence, or of a general law, but I state it as a great fact. Some great wrong or some great sin had to be redressed. I might take you back to ancient Tyre, in the days of her freedom and splendor; but all her glories are no more, and her ruins are used only as a resort for straggling fishermen to dry their nets upon the rocks. I might take you back to Herod, in the days of all his pomp and splendor, when, on one occasion, he appeared before the people, and they stood amazed and exclaimed, "He speaks not as a man, but as God." But he was smitten by the Almighty, and eaten by worms. I will not say whether these were special interpositions of Providence or the results of a Divine law, but they are great facts. I might call attention to the journey of Saul of Tarsus to Damascus, when he was struck blind, as believed by some, on account of his persecutions of the Christians. But I will not say whether that was the result of a special interposition of Divine Providence, or of a general law, but it is a great fact. I might take you to Jerusalem, and tell of the persecution by the Jews of Christ, and his crucifixion upon the cross, and now their dispersion to all parts of the globe. I will not assume that it was an interposition of Divine Providence, or the result of a general law, but it is a great fact, and the Jews have been dispersed and rebuked. There are many ways in which the Almighty manifests his power. He sometimes unlocks the winds, and rends the forests, and strands whole navies upon the hidden rocks and desert shores. Sometimes he manifests his power in the forked lightning's glare, and sometimes his mutterings are heard in distant though threatening peals of thunder. Sometimes he lets the

comet loose, which sweeps from one extreme of the universe to the other, shaking from its fiery tail pestilence and death. There are

“Signs sent by God to mark the will of Heaven—  
Signs which bid nations weep and be forgiven.”

Does not the mind irresistibly come to the conclusion that this great sin must be gotten clear of, or result in the overthrow and destruction of this Nation? I say, then, remove the evil, obey the laws of Heaven, and always reach a right conclusion. As we have commenced the work of restoring the State, let us profit by past experience, and put the Government in motion now upon correct and true principles. Let us go at it honestly. I know there are some that are finding fault and thinking about the places of State already. We should not be controlled by considerations of this kind. Let us forget that we have been divided into parties; let us commence the work of restoring and building the Government up, and then if we want to quarrel about local questions or questions of expediency, we will have a Government to quarrel in.

I will remark in this connection, that about the beginning of the Rebellion, in conversation with Philip Clayton, Howell Cobb's Assistant Secretary of the Treasury, that gentleman said, after we had argued the question pro and con: “Mr. Johnson, it is unnecessary to argue this question further; a large portion of the South is unwilling to submit to the administration of the Government by a man who has come up from the ranks as Abraham Lincoln has.” And let me tell you, there is a good deal of this feeling and sentiment in the hearts of the leaders of this Rebellion, because Abraham Lincoln rose from the masses. Abraham Lincoln is a democrat in principle; he is for the people and for free government, and so I am for him [Cheers], and will stand by him until this Rebellion is put



down. There are corruptions, of course, in such an immense expenditure. But what is a few millions or billions of dollars, when contrasted with the existence of this Government and the suppression of this Rebellion? What is it contrasted with the life and existence of a great Nation which has not fulfilled its mission? It is easy to clamor and to find fault; but let us put the Rebellion down, and then, if anybody has done wrong, we will have plenty of time to punish offenders.

Gentlemen, I did not come here to speak to-night. My intention was not to participate in the meeting, but I was anxious to see some steps taken which would indicate what you intended to do. If we have correct principles, it does not need previous consultation, and the result will be the triumph of those principles. Then take this great question; it is a question of state—of the existence of free government. Take it and think about it. Turn it over in your minds. Which is the best way? What is the best mode? How shall it be done? I stand where I have always stood, an advocate of free government. I am for the people having a fair, full, impartial trial of their capacity for self-government, and I have confidence that they will triumph. And if these brave officers and gallant men, with what aid we can give them, will keep the rebel army from us, or drive them in the Gulf (as I believe ere long they will), before they reach the Gulf, Tennessee will “stand redeemed, regenerated, and disenthralled by the genius of universal emancipation.” Let those of us who are for restoring the Government and leaving out this element called slavery, stand together, and in language often repeated, let us give a long pull, a strong pull, and a pull all together, and the Union sentiment and free Government will succeed. We have commenced the battle of freedom—it is freedom’s battle—and let me say it is



not extended to the Negro only, for this will free more white men than it will black men. I know what I say. There are men owning slaves themselves that will be emancipated by this operation. It is not my devotion to the black man alone, but a greater devotion to the white men and the amelioration of their condition. My humanity is broad enough for the white and the black man too. We have commenced the battle of freedom, and—

“Freedom’s battle, once begun,  
Bequeathed from bleeding sire to son,  
Though baffled oft, is ever won!”

Make high and strong resolves; let your principles go forth to the world, and, though slave-owners and Negro-drivers, though hell stand yawning before you, go forward with the banner of Freedom and Free Government; pass the fiery cross around, and Freedom will ere long triumph, and the triumph, I hope, will last for all time.

Here in Tennessee some say, “O, I am afraid of the slavery question!” They are so afraid of doing wrong that they are afraid to do right. Many yet are so afraid of their former masters they still look around to see whether Mr. Bell, Mr. Overton, or the Ewings are standing about. It is time, when talking about restoring slavery, to restore manhood. They know many of them have that taken from them which constitutes a man—their manhood has been emasculated. Get your consent that you have manhood enough to stand up here and take hold of the helm of State, and convince us that you are willing to do it. Let us commence the work this night. The shackles must fall from the limbs of all. You must have laws for the punishment and protection of all. Law is what we want. There is no freedom without law. As an ancient Greek has said, “The love of law is the soul of liberty.” We must have law, and whether the black man

is here or not, we must have government. There will be no difficulty about this question. I don't care if the Negroes go to Africa or any other place more suitable to them—we can make more cotton after they are gone than has ever been made in the United States before. If you cut up these large cotton farms into small-sized farms, each man with his little family getting hold of part of it, on good land will raise his own hogs, his own sheep, beef cattle, his own grain, and a few bales of cotton, better handled, and a much better article than we have ever had heretofore. With a greater number of individuals, each making a few bales, we will have more bales than ever were made before. And in addition to that, if the cotton-plant was lost, the world would not stop, for the vacuum would be filled by making a little more silk, wool, hemp, and flax, and in a little while you would never know that cotton had been in the world. [Laughter.] It is all an idea, that the world can't get along without cotton. And as is suggested by my friend behind me, whether we attain perfection in the raising of cotton or not, I think we ought to stimulate the cultivation of hemp [renewed laughter]; for we ought to have more of it, and a far better material, a stronger fiber with which to make a stronger rope. For, not to be malicious or malignant, I am free to say, that many who were driven into this Rebellion, I believe, are repentant; but I say of the leaders, the instigators, the conscious, intelligent traitors, they ought to be hung. [Cheers and applause.] Treason must be made odious, traitors must be punished and impoverished. Their social power must be destroyed, and the effects that give them power and influence must be taken away. I trust the time will come, when the Union men who have been oppressed, and the loyal heirs of those who have perished on the battlefield, or starved in the mountains, will, to some

extent, be remunerated out of the property of those who betrayed and tried to destroy their country. Common sense teaches that the transgressor should make restitution. What the common sense of every man suggests is but common justice.

This would not be considered a very politic electioneering speech; but I am no candidate for anything. I know some say that when traitors become numerous enough, then treason becomes respectable. I want that class hung to test their respectability. [Cheers.] Fellow-citizens, I must say in conclusion [cries of "Go on"], that I am very much gratified to find that there has been no dissension here to-night as far as I have observed. I am proud to say that I have not seen the slightest indication of prejudice or dissension. The resolutions as adopted, as I understand them, I think will cover the whole ground, and if we carry out these resolutions I think we can succeed in accomplishing the end sought for. I am also proud and gratified to see so many here participating in this meeting. Let it go to the country as an earnest of what is going to follow. Things must have a beginning, and you have put the ball in motion. I repeat, that I feel proud and more than gratified at this demonstration, and in conclusion, tender you my sincere thanks for your marked attention to this crude and desultory speech.

## CHAPTER VIII.

### ANDREW JOHNSON NOMINATED FOR VICE-PRESIDENT— BALTIMORE CONVENTION—THE PLATFORM OF THE UNION PARTY—INAUGURATION OF VICE-PRESIDENT JOHNSON.

THE National Union Convention assembled in Baltimore, June 7, 1864, for the purpose of nominating candidates for President and Vice-President for the ensuing quadrennium, and the adoption of a party platform upon which it was hoped to elect this ticket. The opposition to Mr. Lincoln in the ranks of his own party had withdrawn some days before the Baltimore Convention met, and held a Convention at Cleveland, Ohio, at which John C. Fremont and John Cochrane were nominated for President and Vice-President respectively.

Mr. Lincoln had, therefore, a clear field when the Baltimore Convention met, and was nominated for re-election as President on the first ballot, receiving all the votes of the Convention except those of the delegation from Missouri, who, under instruction, cast their votes for General Grant.

When the time came for the naming of a man for the second place on the ticket great interest was manifested and much excitement prevailed, some contending that the ticket for 1864 should remain as it had been in 1860, and that Mr. Hamlin was justly entitled to renomination as Vice-President. Many, however, believed, and

it proved that they were largely in the majority, that, in order to secure success, not only in the coming campaign, but with reference to the future, recognition should be given to the war Democrats of the country, North and South. It was this consideration which turned the scale in favor of another rather than Mr. Hamlin, against whose administration nothing could be urged.

The names of two prominent representatives of this class were considered; viz., that of Daniel S. Dickinson, of New York; and Andrew Johnson, of Tennessee. Mr. Dickinson being from so important a State as New York, as well as his earnest patriotism manifested in his ardent support of Mr. Lincoln's Administration, caused him to be considered with much favor. But with a view to nationalizing the ticket, and thus emphasizing the policy of the union of the States, Mr. Johnson was agreed upon.

When the moment for the nomination of Vice-President came, Hon. C. M. Allen, of Indiana, rose and said, "Indiana presents the name of Andrew Johnson, of Tennessee." Great applause followed this nomination, and when it had subsided, Horace Maynard, of Tennessee, addressed the Convention in the interest of the action of the gentleman from Indiana. He said: "Mr. President, we but represent the sentiment of those who sent here the delegation from Tennessee, when we announce that if no one else had made the nomination of Andrew Johnson, which is now before the Convention, it would have been our duty to make it by one of our own delegation.

"That citizen, known, honored, distinguished, has been presented to this Convention for the second place in the gift of the American people. It needs not that I should add words of commendation of him here. From the time he arose in the Senate of the United States, where he then was, on the 17th of December, 1860, and met the

leaders of treason face to face, and denounced them there, and declared that the laws of the country must and should be enforced, for which he was hanged in effigy in the city of Memphis, in his own State, by the hands of a Negro slave, and burned in effigy I know not in how many more places throughout that portion of the country; from that time, or during the residue of that session of the Senate until he returned to Tennessee, after the firing upon Fort Sumter, when he was mobbed in the city of Lynchburg, in Virginia, on through the memorable canvass that followed in Tennessee, till he passed through Cumberland Gap on his way to the North to invoke the aid of the Government for his people, his position of determined and underlying hostility to this rebellion that now ravages the land has been so well known that it is a part of the household knowledge of every loyal family in the country.

“Of his sentiments on the questions that now agitate the public mind, and his present attitude before the country, it is equally unnecessary for me to speak. He himself has spoken in words unmistakable, not only in his own State, from Memphis to Knoxville; not once, but repeatedly; not in a corner, but before thousands of his own citizens and persons assembled from other States. But he has also spoken in the Capital of the Nation, in this city, and I know not in how many State capitals throughout the entire country. His opinions are upon record; they are known and read of all men. I have only to say, in addition, on that point that, when he sees your resolutions that you have adopted here by acclamation, he will respond to them as containing his sentiments; and I pledge myself, by all that I have to pledge before such an assemblage as this, that, whether he be elected to this high place, or whether he retire to private life, he will adhere to those sentiments and to the doctrines of those



resolutions as long as his reason remains unimpaired, and as long as breath is given him by his God."

When the ballot was taken, Mr. Johnson received two hundred votes, Mr. Hamlin one hundred and fifty, Mr. Dickinson one hundred and eight, while the remaining votes were divided between seven other candidates. Before a formal announcement was made, enough changes were announced by the delegations to give Mr. Johnson a total vote of four hundred and ninety-four, and, on motion of Mr. Tremain, of New York, who had nominated Mr. Dickinson, the nomination of Mr. Johnson was made unanimous.

It is well to note the character of this Convention and the expressed motives which led to the nomination of Andrew Johnson as Vice-President on the Lincoln ticket; for in later years the history of this Convention became interesting reading as supplementary to the records of the Twenty-ninth and Fortieth Sessions of Congress. It is a matter of history that, while Mr. Lincoln's personal popularity was very great and his policies enthusiastically received by the great majority of his own party, there were some features of his Administration which had caused much dissent throughout the North. His Emancipation Proclamation, by which he stood so heroically, had not as yet been considered by the people at the polls. Whether they would indorse it by his re-election could not, of course, be definitely known as yet. Furthermore, the Republican party, which had been successful four years before, had come into power only because of the divided ranks of its opponents. It was wise, therefore, for the supporters of the Administration to take every precautionary step looking to success. Hence the Convention is known in history, not as the "National Republican Convention," but as the "National Union Convention," and

both the platform adopted and the selection of Andrew Johnson as Vice-President justifies the name.

In a speech made by Mr. Tremain, in putting forward the name of Daniel S. Dickinson, a war Democrat, for the Vice-Presidency, he said: "It was well said by the temporary and by the permanent chairman that we meet here not as Republicans. If we do, I have no place in this Convention. I have been a lifelong Democrat." He asked that recognition be given to the war Democrats who had joined their fortunes with the Union party in the interest of the Government. The same consideration which led to the naming of Mr. Dickinson obtained with reference to Mr. Johnson. It was because he was a recognized Democrat, and could bring to the ticket the support of the war Democrats of the country, that he received the nomination.

Of his choice, Mr. Blaine said, "It tended to nationalize the Republican party, and thus gave it great popularity throughout the North." An analysis of the vote at the subsequent election reveals the wisdom of this Convention of far-seeing politicians.

Shortly after the campaign began, Mr. Fremont withdrew in favor of Mr. Lincoln. Whether he would have been led to do this with another on the ticket with Mr. Lincoln, we can not tell; but that he did do it with Mr. Johnson as Vice-President we do know. Moreover, while the electoral vote of Mr. Lincoln was large, it is seen, by a survey of the popular vote, that he lost several important States, and barely carried several others, which shows that the case was indeed critical, and that a possibility, at least, of his defeat, did exist.

In admitting the delegation from Tennessee to the Convention at Baltimore, and in nominating the Vice-President from that State, the Republican party put itself

on record as to the status of the States which had seceded. If Tennessee was not in the Union in June, 1864, then he who was her gift to the Vice-Presidency was not a citizen of the Union. If she was in the Union, and the Republican element in the Union Convention of 1864 did the legitimate thing in seating her delegates and in granting the second place on the National ticket to her governor, then were all the States which had like conditions to Tennessee in the Union, and their senators and representatives had a right to seats in Congress. But it was one thing to consider the matter of the relation of the seceded States to the Union in a National political Convention, when the popular vote was sought, and another thing to consider the same question in the National Congress, by the same men, when again party ends were to be served.

When notified officially of the action of the Convention in his nomination, Mr. Johnson replied in a letter, which is here given, and which, in connection with the platform adopted by this Union Convention, sets forever at rest the much-mooted question as to Andrew Johnson's defection from the Republican party after he came to the Presidency:

"NASHVILLE, TENN., July 2, 1864.

*"Hon. William Dennison, Chairman, and Others:*

"GENTLEMEN,—Your communication of the 9th ult., informing me of my nomination for the Vice-Presidency of the United States by the National Union Convention held at Baltimore, and inclosing a copy of the resolutions adopted by that body, was not received until the 25th ult.

"A reply on my part had been previously made to the action of the Convention in presenting my name, in a speech delivered in this city on the evening succeeding

the day of the adjournment of the Convention, in which I indicated my acceptance of the distinguished honor conferred by that body, and defined the grounds upon which that acceptance was based, substantially stating what I now have to say. From the comments made upon that speech by the various presses of the country to which my attention has been directed, I considered it to be regarded as a full acceptance.

“In view, however, of the desire expressed in your communication, I will more fully allude to a few points that have been heretofore presented.

“My opinions on the leading questions at present agitating and distracting the public mind, and especially in reference to the rebellion now being waged against the Government and authority of the United States, I presume, are generally understood. Before the Southern people assumed a belligerent attitude (and repeatedly since), I took occasion most frankly to declare the views I then entertained in relation to the wicked purposes of the Southern politicians. They have since undergone but little, if any, change. Time and subsequent events have rather confirmed than diminished my confidence in their correctness.

“At the beginning of this great struggle, I entertained the same opinion of it I do now; and in my place in the Senate denounced it as treason, worthy the punishment of death, and warned the Government and people of the impending danger. But my voice was not heard or counsel heeded until it was too late to avert the storm. It still continued to gather over us without molestation from the authorities at Washington, until at length it broke with all its fury upon the country. And now, if we would save the Government from being overwhelmed by it, we must meet it in the true spirit of patriotism, and bring traitors to the punishment due their crime, and, *by force of arms,*

crush out and subdue the last vestige of Rebel authority in every State. I felt then as now, that the destruction of the Government was deliberately determined upon by wicked and designing conspirators, whose lives and fortunes were pledged to carry it out; and that no compromise, short of an unconditional recognition of the independence of the Southern States, could heretofore have been, or could now be proposed, which they would accept. The clamor for 'Southern rights,' as the Rebel's journals were pleased to designate their rallying cry, was not to secure their assumed rights *in the Union and under the Constitution*; but to disrupt the Government and establish an independent organization, based upon slavery, which they could at all times control.

"The separation of the Government has for years past been the cherished purpose of the Southern leaders. Baffled, in 1832, by the stern, patriotic heroism of Andrew Jackson, they sullenly acquiesced, only to mature their diabolical schemes, and await the occurrence of a more favorable opportunity to execute them. Then the pretext was the tariff, and Jackson, after foiling their schemes of nullification and disunion, with prophetic perspicacity, warned the country against the renewal of their efforts to dismember the Government.

"In a letter, dated May 1, 1833, to the Rev. A. J. Crawford, after demonstrating the heartless insincerity of the Southern nullifiers, he said:

"*'Therefore the tariff was only a pretext, and disunion and a Southern Confederacy the real object. The next pretext will be the Negro, or slavery question.'*

"Time has fully verified this prediction, and we have now not only *'the Negro, or slavery question,'* as the pretext, but the real cause of the Rebellion, and both must go down together. It is vain to attempt to reconstruct the



Union with the distracting element of slavery in it. Experience has demonstrated its incompatibility with free and republican governments, and it would be unwise and unjust longer to continue it as one of the institutions of the country. While it remained subordinate to the Constitution and laws of the United States, I yielded to it my support, but when it became rebellious and attempted to rise above the Government, and control its action, I threw my humble influence against it.

“The authority of the Government is supreme, and will admit of no rivalry. No institution can rise above it, whether it be slavery or any other organized power. In our happy form of government all must be subordinate to the will of the people, when reflected through the Constitution and laws made pursuant thereto—State or Federal. This great principle lies at the foundation of every Government, and can not be disregarded without the destruction of the Government itself. The support and practice of correct principles can never reach wrong results; and by vigorously adhering to this great fundamental truth the end will be the preservation of the Union, and the overthrow of an institution which has made war upon and attempted the destruction of the Government itself.

“The mode by which this great change—the emancipation of the slave—can be effected is properly found in the power to amend the Constitution of the United States. This plan is effectual, and of no doubtful authority; and while it does not contravene the timely exercise of the War Power by the President in his Emancipation Proclamation, it comes stamped with the authority of the people themselves, acting in accordance with the written rule of the supreme law of the land, and must therefore give more general satisfaction and quietude to the distracted public mind.



“By recurring to the principles contained in the Resolutions so unanimously adopted by the Convention, I find that they substantially accord with my public acts and opinions heretofore made known and expressed, and are therefore most cordially indorsed and approved; and the nomination, having been conferred without any solicitation on my part, is with greater pleasure accepted.

“In accepting this nomination, I might here close; but I can not forego the opportunity of saying to my old friends of the Democratic party *proper*, with whom I have so long and pleasantly been associated, that the hour has now come when that great party can justly vindicate its devotion to true Democratic policy and measures of expediency. The war is a war of great principles. It involves the supremacy and life of the Government itself. If the Rebellion triumphs, free Government—North and South—fails. If, on the other hand, the Government is successful—as I do not doubt—its destiny is fixed, its basis permanent and enduring, and its career of honor and glory just begun. In a great contest like this for the existence of free government, the path of duty is patriotism and principle. Minor considerations and questions of administrative policy should give way to the higher duty of *first preserving the Government*; and then there will be time enough to wrangle over the men and measures pertaining to its administration. This is not the hour for strife and division among ourselves. Such differences of opinion only encourage the enemy—prolong the war, and waste the country. Unity of action and concentration of power should be our watchword and rallying cry. This accomplished, the time will rapidly approach when their armies in the field, the great power of the Rebellion, will be broken and crushed by our gallant officers and brave soldiers, and ere long they will return to their homes and firesides to resume again the avocations of

peace, with the proud consciousness that they have aided in the noble work of re-establishing upon a surer and more permanent basis the great temple of American liberty.

“I am, gentlemen, with sentiments of high regard,  
“Yours truly,                      ANDREW JOHNSON.”

What were the principles laid down in this platform which Andrew Johnson declared to be in accord with his public acts and opinions heretofore expressed and made known?

“*Resolved*, That it is the highest duty of every American citizen to maintain, against all their enemies, the integrity of the Union and the paramount authority of the Constitution and laws of the United States; and that, *laying aside all differences of political opinions, we pledge ourselves, as Union men*, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling, by force of arms, the Rebellion now raging against its authority, and to bring to the punishment due to their crimes the rebels and traitors arrayed against it.

“*Resolved*, That we approve the determination of the Government of the United States not to compromise with rebels, nor to offer them any terms of peace, except such as may be based upon an ‘unconditional surrender’ of their hostility and a return to their allegiance to the Constitution and laws of the United States; and that we call upon the Government to maintain this position, and to prosecute the war with the utmost possible vigor to the complete suppression of the Rebellion, in full reliance upon the self-sacrificing patriotism, the heroic valor, and the undying devotion of the American people to the country and its free institutions.

“*Resolved*, That as slavery was the cause, and now

constitutes the strength, of this Rebellion, and as it must be always and everywhere hostile to the principles of republican government, justice, and national safety, we demand its utter and complete extirpation from the soil of the Republic; and that we uphold and maintain the acts and proclamations by which the Government, in its own defense, has aimed a deathblow at the gigantic evil. We are in favor, furthermore, of such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate and forever prohibit the existence of slavery within the limits or the jurisdiction of the United States."

Thus reads a part of this platform. Then follows an indorsement of Mr. Lincoln's Emancipation Proclamation and his general policy relating to slavery and the conduct of the war, together with a pledge for the redemption of the National debt.

Certainly these principles "substantially accorded" with Mr. Johnson's public acts and opinions. They had been the burden of the speeches made by him in the Senate of the United States when his fellow-senators from the South were resigning their seats in the interest of secession, and they had been declared throughout his native State in the face of dangers of every character from the beginning of the war.

The campaign was one of great interest, the chief issues, of course, being the conduct of the war and the question of Negro emancipation. The aristocratic element among the opponents of Mr. Lincoln and Mr. Johnson, commenting upon the action of the Baltimore Convention in a certain paper, said: "They have a railsplitter and a buffoon for the head of the ticket, and upon the tail they have a boorish tailor." Such assaults upon the social character of these two self-made and truly noble men could

but help to attract to their support that great body of honest toilers who are the strength of every Nation. The election in November brought victory to the Union ticket, and on March 4, 1865, Andrew Johnson became Vice-President of the United States. The inaugural ceremonies attending the induction of the President and Vice-President into their offices were, as usual, elaborate and imposing.

In spite of the rain, which seems to be a fundamental part of Presidential inaugurations, great throngs attended both the ceremonies in the Senate, where Mr. Johnson was installed as Vice-President, and the open court at the east of the Capitol, where the oath of office was administered to Mr. Lincoln, as President. An incident occurred during Mr. Lincoln's presentation which illustrates the unreliable character of the omens of physical nature. 'T is said that as Mr. Lincoln stepped upon the platform to address the vast throng gathered in front of the eastern portico of the Capitol, that "the sunlight, obscured through the morning, broke from the clouds, as by a miracle, and illuminated his face and form. The city roofs and spires, the trees and lawns, and the hills and woods far away, and all the landscape around, were gladdened as with the freshness of the first-created light. The long hours of rain and cloud were over, and the multitude looking upon the scene accepted it as a glad omen of a peaceful and prosperous Administration." But a few days later the same spot was draped in mourning, and he whose face had been kissed by the genial sunlight of heaven on that august occasion lay pallid and chill in the embrace of death. In his Inaugural Address, Mr. Johnson took occasion to refer to the existing conditions in his own State. Tennessee, whose representative he declared himself proud to be, was at last free. She had bent the

tyrants' rod; she had broken the yoke of slavery; she waited not for the exercise of power by Congress, but by her own act reorganized her Government, freed her slaves, and claimed thus a right to representation in the halls of the National Congress. It was true, said he, "that the operations of her Government were for a time interrupted;" but she had never been out of the Union. "This very day she elects her governor and her Legislature, which will convene on the first Monday of April and elect her representatives to the United States Senate. Soon Tennessee's representatives shall again mingle with those of her sister States; and who shall gainsay it? for does not the Constitution require that every State shall be guaranteed a republican form of government?"

The situation with reference to Tennessee was anomalous; for, although the Vice-President of the Union was one of her citizens, she, nevertheless, had no representatives in Congress; and the term of Andrew Johnson as President was half over before the two Houses of Congress consented to admit her representatives. He was therefore her representative, and his presence in this National office was a pledge of Tennessee's readmission into the sisterhood of States.

Upon taking the oath to support the Constitution, Mr. Johnson entered upon his duties as speaker of the Senate. The few days which he occupied this position were crowded with momentous events. The Confederate cause was fast fading into history. General Grant's staying qualities, with the immense backing afforded him by the Union Government, had proven too much for General Lee, with his wasting army and his slender support from his impoverished country. Sherman had now completed his march to the sea, and was pressing hard upon the army of General Johnston. On the 9th of April came the sur-



render at Appomattox, with all its train of rejoicings on the part of the North and the pangs of grief and bitter disappointment throughout the South. The end of the weary struggle had long been wished for, however, as eagerly by the leading men of the Confederacy, both in the army and among the citizens, as by the people of the North. The surrender was an event which produced commingled feelings in the breasts of the common soldier. The end at last, and with it home and peace! But to the Southern soldier, what home might mean now, and how honorable might be the peace which had come to him, were questions awakening his gravest apprehensions. There is not a sadder picture in all the pages of history than that of the disbanded Southern army returning to their wasted fields and broken homes, bearing with them disappointed hopes and downcast hearts. The Union soldier was met at every stop of the train which bore him on to Washington to the grand review, with the shouts of admiring hosts and with every evidence that the Nation and her people would reward him for his courage and sacrifice. He, too, returned often to a broken home and to plans which had been shattered by the war; but he carried with him a feeling that the cause in which he had enlisted his all had won; and its victory meant the Union forever. But he who turned his face southward when Appomattox came, carried with him no such buoying sentiments. His cause was lost! The Confederacy, to which he sacrificed all that is dear to men save honor, had no longer even a name. The marks of gallantry which he bore were but the reminders of the futility of his struggles; while the shouts of the people who greeted him on his way back to his fenceless and houseless farm were mingled with wails of sorrow.

When the news of each succeeding victory of the



Union army in the closing series was received at Washington, it was a signal for ever new rejoicings. On the evening of the day on which Richmond fell throngs of Washington people gathered in mass-meeting to register their joy. Among others who were called upon to voice their feelings was the new Vice-President. In the speech which he made on this occasion he paid, as he was ever wont to do, the highest tribute to the devotion of the common people to their country, and declared that the great victory that was fast coming with the closing of the war was due, not to any one man, but to the fidelity of the common soldier and the common citizen alike in their maintenance of the Government. Was Andrew Johnson an orator? Listen to these impromptu words: "We can now congratulate ourselves that we possess the strongest, the freest Government the world ever saw. Thank God that we have lived through this trial, and that, looking into your intelligent faces here to-day, I can announce to you the great fact that Petersburg, the outpost of the strong citadel, has been occupied by our brave and gallant officers and our untiring and invincible soldiers. And, not content with that, they have captured the citadel itself. Richmond is ours, and is now occupied by the forces of the United States. Her gates have been entered, and the glorious Stars and Stripes, the emblem of union, of power, and of supremacy, now float over the enemy's Capitol.

"It is your flag, it is my flag, and it bids defiance to all the nations of the earth and the encroachments of all the Powers combined.

"In the midst of our rejoicing we must not forget to drop a tear for those gallant fellows who have shed their blood that their Government might triumph. We can not forget them when we view the many bloody battlefields of the war, the new-made graves, our maimed friends and relations who have left their limbs on the enemy's soil,

and others who have been consigned to their narrow houses with no winding-sheet save their blankets saturated with their blood."

In this speech he declared again, as he so often had done, that leniency should be shown in dealing with the masses of the Southern people. A few leaders were responsible for the war, and these should be made to suffer severely. Both Mr. Lincoln and Mr. Johnson visited Richmond after its fall, and both, again, in Washington, addressed the people on the surrender of General Lee and his army.

So important is the speech of Mr. Lincoln, made two days after the surrender, not only as being the last speech he ever made, but as foreshadowing the reconstruction policy which he meant to pursue, that extracts therefrom are here reproduced. Touching upon the discussion going on in the press as to what the relation of the seceded States really was, and how they should be dealt with, Mr. Lincoln said: "I have been shown a letter on this subject, supposed to be an able one, in which the writer expresses regret that my mind has not seemed to be definitely fixed on the question whether the seceding States, so-called, are in the Union or out of it. It would, perhaps, add astonishment to his regret were he to learn that, since I have found professed Union men endeavoring to make that question, I have purposely forbore any public expression upon it. As it appears to me, that question has not been, nor yet is, a practically material one, and that any discussion of it, while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet, whatever it may hereafter become, that question is bad as the basis of a controversy, and good for nothing at all—a merely pernicious abstraction. We are all agreed that the seceded States, so-called, are out of their proper practical relation

to the Union, and the sole object of the Government, civil and military, in regard to those States, is to again get them into that proper practical relation. I believe it is not only possible, but, in fact, easier to do this without deciding, or even considering, whether these States have been out of the Union than within it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restoring the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether, in doing the acts, he brought the States from without into the Union, or only gave them proper assistance, they having never been out of it."

On the 14th of April a notable event transpired in the raising again of the Stars and Stripes above Fort Sumter. Four years before, after a gallant but fruitless resistance, General Robert Anderson had been compelled to lower his flag and capitulate the fort. Now, in the strange providence of God, his hand again ran up the identical flag which he had lowered, and which was now received, not as formerly, with shot from the enemy's guns, but with the welcome salute from vessels of war in the harbor, and forts on land, all in possession of the Union Government. The occasion was one of great display, and afforded an opportunity for great eloquence. Among the speakers were Henry Ward Beecher and William Lloyd Garrison. Between the firing the first gun against this fort, April 12, 1861, and the hoisting the Union flag over it again, April 14, 1865, the most terrible war known to history had been fought. Millions of men and money had been sacrificed in the heroic contest, and half our National domain had been drenched in blood.





Mrs. MARTHA JOHNSON PATTERSON,  
MISTRESS OF THE WHITE HOUSE.

## CHAPTER IX.

### THE ASSASSINATION OF PRESIDENT LINCOLN — ANDREW JOHNSON PRESIDENT.

I N the midst of the great rejoicings incident to the surrender of General Lee and the apparent end of the war, the Nation was suddenly called upon to mingle its tears of grief with its cries of indignation over the assassination of President Lincoln. The sad story has often been told, how that, to gratify the desire of the public to see him, Mr. Lincoln had gone to Ford's Theater to witness the play, "Our American Cousin," on the night of April 14th, and there had been the victim of foul murder at the hands of John Wilkes Booth; but it has its place here, for by this calamity the responsibility of the office of President fell upon the shoulders of Andrew Johnson. While the play was at its height, and when all eyes were intent upon the stage, with stealthy tread and murderous heart the assassin approached Mr. Lincoln from the rear of his private box, and shot him through the brain.

Before the audience could realize what had happened, Booth sprang from the box to the stage, breaking his fall somewhat by seizing the folds of a large flag which was draped about the scenery. As he passed off the stage he flourished a large knife, and shouted, "*Sic semper tyrannis!*" It was all over in less time than it takes to narrate it, and before the people regained their senses



the assassin had reached his horse, in waiting in the rear of the theater, and made his escape.

Then all was confusion and excitement. It was found, on examination, that Mr. Lincoln was unconscious, and that his wound was fatal.

In the midst of the excitement which prevailed, Ex-Governor Farwell, of Wisconsin, who happened to be in the audience, remembered that it had been rumored that all the members of the Administration were to be assassinated, and he hurriedly made his way to the Kirkwood House, where Vice-President Johnson had his rooms, and, arousing him from his slumbers, put him on his guard, and told him of the sad fate which had befallen the President. He says Mr. Johnson was greatly affected by the announcement, but exhibited no fear for his own safety. Ex-Governor Farwell, nevertheless, had guards stationed at all the doors leading into the hotel, and these remained until soldiers, under orders from the War Department, arrived and took charge. News soon came that Secretary of State William H. Seward had been assailed in his own room and stabbed nearly to death by an unknown man. Rumors of every character filled the air. In spite of the remonstrance of his friends, Mr. Johnson made his way to the bedside of the dying President, for whom he cherished, not only that respect which is due to one's superior in office, but which comes of a kinship of spirit and common suffering. After his visit to Mr. Lincoln, Mr. Johnson returned to his room late at night, and made ready to assume, on the morrow, the duties which were now manifestly his. Those were grave duties which were about to be thrust upon him.

President Lincoln died at 7.22 the next morning, and for him the whole civilized world went into mourning. Even throughout the South there were everywhere ex-

pressions of sorrow; while in all the cities of the North business was suspended, bells were tolled, and the hearts and minds of the whole people were filled with amazement and sorrow. The English press, which had not been kindly disposed to Mr. Lincoln's Administration, now made atonement for all its lack of fairness by profuse eulogy and the tender of a well-meant sympathy.

The Louisville *Press* expressed the situation with truth when it said editorially: "No such day of universal gloom, of widespread and really heartfelt grief, has ever been experienced in this Republic. It is not often in history that the loss of one man's life is so great a calamity. The people everywhere are keenly, unspeakably impressed with the magnitude and momentous character of their loss. Coming, as it did, in the climax of their rejoicing, in the fast-brightening dawn of peace and the meridian splendor of National triumph, it was like midnight rushing down upon noon.

"The sharp, sudden transition from the almost giddy height of exultation to the blackness of darkness was like a plunge from some high pinnacle into a fathomless abyss. Had this terrible event come in the dark days of our struggle, it would simply have deepened shadows already so thick and murky as to make heaven's light seem lurid, and charged with portents of retribution rather than of life and love. But the clouds were breaking; great rifts already appeared, through which the white light of eternal goodness was pouring in floods of promise and joy. Sorrowing hearts were warmed by it; dying hopes were kindled to newness of life; souls waiting and yearning, like Simeon of old, for the consolation, were filled with thanksgiving and the assurance that their eyes had seen their country's salvation. Swift as a thunderbolt, all this brightness passed into eclipse."

The feelings of the people may be ascertained by the following incidents: In a Massachusetts town a visiting clergyman preached a sermon on the Sunday after Mr. Lincoln's death, and made no mention of the calamity which had befallen the American people by his death. At the close of the service, a committee representing the indignant congregation waited upon the minister, and ordered him to leave the town at once.

At another church it was discovered that no signs of mourning were visible, whereupon the ladies of the congregation stripped off their black veils and ribbons, and with these draped the pulpit.

In the city of New Haven an old admirer of Mr. Lincoln brooded over his assassination all day, and in the evening was found dead in his room.

It was reported that the house of a certain Ex-President of the United States displayed no signs of mourning, while all the neighboring houses were draped in black; and, to express their indignation, a crowd gathered about the mansion and covered the front of it with ink!

As suddenly as had been Mr. Lincoln's transition from the active scenes of life to the quiet slumbers of death had he become immortalized and almost deified. Those who but yesterday were his antagonistic critics now vied with his friends in paying him honor.

This was the man whom Andrew Johnson succeeded, and this is a glimpse of the scenes amid which he began his Administration. Immediately upon the death of Mr. Lincoln on the morning of the 15th, the Cabinet dispatched to Vice-President Johnson an official notice thereof in the following note:

“WASHINGTON CITY, April 15, 1865.

“SIR,—Abraham Lincoln, President of the United States, was shot by an assassin last evening at Ford's

Theater, in this city, and died at the hour of twenty-two minutes after seven o'clock. About the same time at which the President was shot an assassin entered the sick-chamber of Hon. W. H. Seward, Secretary of State, and stabbed him in several places in the throat, neck, and face, severely, if not mortally, wounding him. Other members of the Secretary's family were dangerously wounded by the assassin while making his escape. By the death of President Lincoln, the office of President has devolved, under the Constitution, upon you. The emergency of the Government demands that you should immediately qualify according to the requirements of the Constitution, and enter upon the duties of the President of the United States.

"If you will please make known your pleasure, such arrangement as you may deem proper will be made.

"Your obedient servants,

"HUGH McCULLOCH, *Secretary of Treasury.*

"EDWIN M. STANTON, *Secretary of War.*

"GIDEON WELLES, *Secretary of Navy.*

"WILLIAM DENNISON, *Postmaster-General.*

"J. P. USHER, *Secretary of the Interior.*

"JAMES SPEED, *Attorney-General.*

"To Andrew Johnson, Vice-President of the United States."

Accordingly, Mr. Johnson expressed the wish that the ceremonies incident to the inauguration be held at his rooms at the Kirkwood House at ten o'clock that morning. Never in the history of the country was there such an inauguration given a President of the United States; so simple, so sad, and yet so fraught with important issues!

With his hand resting upon the Bible, opened at chapters twenty and twenty-one of Proverbs, one passage of which reads, "To do justice and judgment is more accept-

able to the Lord than sacrifice," Mr. Johnson took the following oath, administered by Chief-Justice Chase: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

There were present, to witness the inaugural ceremonies, all the members of the Cabinet, except Mr. Seward, who was supposed to be at death's door, a number of United States senators, and a few other prominent gentlemen. After having taken the oath of office, President Johnson delivered a brief impromptu address, which has been termed his Inaugural Address, and yet which was so informal as to be but little more than an expression of his personal feelings on the assumption of such grave duties. In this address he outlined no policy relating to his future course as the Chief Executive, further than to say, "This must be left to develop as the Administration progresses."

Congress had adjourned on the 5th of March, and thus the entire administration of the Government was solely in the hands of the newly-inaugurated President and the various heads of the departments. The Cabinet of Mr. Lincoln was left intact, except that John P. Usher, Secretary of the Interior, retired, and James Harland, of Iowa, was appointed in his stead.

Among the first official acts of Mr. Johnson were those relating to the recognition of the death and funeral obsequies of the late President. A proclamation was issued setting apart the 1st day of June as "a day for special humiliation and prayer in consequence of the assassination of Abraham Lincoln, late President of the United States, in order that the bereavement might be sanctified to the Nation." This proclamation recommended that, "In order to mitigate that grief on earth which can only

be assuaged by communion with the Father in Heaven, the people of the United States assemble in their various places of worship, there to unite in the solemn service to Almighty God in memory of the good man who has been removed, so that all shall be occupied at the same time in contemplation of his virtues and in sorrow for his sudden and violent end."

On the morning of his death, Mr. Lincoln's remains were removed from the house where he died to the White House, and embalmed, and later laid in state in the East Room, where many thousands of spectators reviewed them. On Wednesday funeral services were held in the same room. Later the body was removed to the rotunda, in the Capitol, where again great public demonstrations of grief were manifested. On the 21st of April the funeral train started from Washington for Springfield, Illinois, reaching its destination on the 4th of May.

Mr. Blaine thus describes the funeral obsequies of Mr. Lincoln: "The splendors of the ceremonials which aggrandize living royalty as much as they glorify dead heroism were wholly wanting in the obsequies of Mr. Lincoln. No part was taken by the Government except the provision of a suitable military escort. All beyond was the spontaneous movement of the people. For seventeen hundred miles, through eight great States of the Union, whose population was not less than fifteen millions, an almost continuous procession of mourners attended the remains of the beloved President. There was no pageantry save their presence; there was no tribute but their tears. They bowed before the bier of him who had been prophet, priest, and king to his people, who had struck the shackles from the slaves; who had taught a higher sense of duty to the freedmen; who had raised the Nation to a loftier conception of faith and hope and charity."



The final obsequies were held in Springfield, where the body of Mr. Lincoln, and that of his son Willie, who had died two years before, were placed in a vault. The funeral services were conducted by the Rev. Dr. Gurley, of Washington, whose church President Lincoln attended, and a great funeral oration was delivered by Bishop Matthew Simpson, of the Methodist Episcopal Church.

That he, who had declared as the leading principle of his policy, "Malice toward none, and charity for all," should have fallen a victim to the mad infatuation of a Southern sympathizer, was not only indescribably wicked as to the deed, but exceedingly unfortunate for the South. Much more light is now shed upon the assassination of Mr. Lincoln than was obtainable during the excitement which prevailed both at the time and immediately after the perpetration of the horrible crime. It was then believed that the assassin, John Wilkes Booth, and his accomplices were in the employ of the authorities of the Southern Confederacy. So well founded did this theory seem to be that President Johnson offered a reward of \$100,000 for the arrest of Jefferson Davis, and smaller sums for the arrest of others supposed to be associated with Mr. Davis in this conspiracy to take the lives of the leaders of the Administration at Washington. It is now received as a fact, well substantiated, that, whatever encouragement Booth may have received from unimportant sources in the South, the scheme was his own, and no representative of the Southern Confederacy had any part either in its conception or its execution. Much evidence, however, both circumstantial and that which purported to be direct and positive, was offered at the time to show that it was a movement authorized by the Confederate Government out of revenge and in the interest of secession.

The concerted action, by which Mr. Seward was attacked in his house at the same time that the President was shot in the theater, prepared the minds of the people for any theory of conspiracy of whatever proportion, the more widespread the easier to believe. Besides, there were not a few who offered to prove that the assassination of the President and his Cabinet had been a matter of correspondence between Jefferson Davis and John Wilkes Booth and his accomplices. Among these was Sanford Conover, a correspondent for the *New York Times*. The following letter, addressed by him to Judge-Advocate Holt, is given in evidence thereof:

*“Brigadier-General Holt:*

“DEAR SIR,—Believing that I can procure witnesses and documentary evidence sufficient to convict Jeff. Davis and C. C. Clay of complicity in the assassination of the President, and that I can also find and secure John H. Surratt, I beg leave to tender the Government, through you, my services for these purposes. Since my appearance as witness before the Commission [which had tried Mrs. Surratt and others] I have been engaged, to some extent, on my own account, in seeking further evidence to implicate Davis, Clay, and others; and I feel warranted in saying that my efforts have not been without some success.

“I can promise to find at least three witnesses, men of unimpeachable character, who will testify that they submitted to Davis’s propositions, which he approved, to destroy the President, Vice-President, and Cabinet, and that they received indirectly from the rebel Government money to enable them to execute the proposed scheme. Letters, I am assured by one of the parties, can be adduced to corroborate a part of their statements. Two of these persons can testify that they were present with Sur-

ratt at an interview with Davis and Benjamin last spring, in which the plot under which Mr. Lincoln was assassinated was discussed and approved by both functionaries.

“SANFORD CONOVER.”

This man, and others like him, were furnished with money by the representatives of the Government to aid them in their search for this proposed evidence. But they proved to be slick schemers, who duped Judge-Advocate General Holt and those associated with him out of much money, and involved them in inextricable difficulties. So apparent did this worked-up case against Mr. Davis become that Advocate General Holt called upon the President for a court of inquiry that he might vindicate himself against the charge of fraud.

From the confessions of Arnold and Atzerodt, two of the accomplices of Booth, and from the diary of Booth taken from his body after his death, it was ascertained that the original plan had been to seize Mr. Lincoln as he was driving in some one of the parks of Washington, and take him, by force, to Richmond, where he should be held as a hostage to be released only in exchange for a large number of Confederate prisoners. But the plan failed again and again. And at last the plan of assassination was determined upon by Booth, who assigned the different tasks to his several confederates. He was to kill the President; Atzerodt, the Vice-President; Payne, Secretary Seward. Much interest was taken in the Booth diary. It became a part of the testimony in the trial of his accomplices. The most important entries are here given:

“April 15th.—Until to-day nothing was ever thought of sacrificing to our country’s wrongs. For six months we have worked to capture; but our cause being almost lost, something decisive and great must be done. But its

failure was owing to others, who did not strike for their country with a heart. I struck boldly, and not as the papers say. I walked with a firm step through a thousand of his friends, and was stopped, but pushed on. I shouted '*sic semper*' before I fired; in jumping I broke my leg; I passed all his pickets; rode sixty miles that night with the bone of my leg tearing the flesh at every jump. I can never repent it, though I hated to kill. Our country owed all her troubles to him, and God simply made me the instrument for his punishment.

"April 21st.—I hoped for no gain; I knew no private wrong. I struck for my country, and that alone—a country that groaned beneath this tyranny, and prayed for this end, and yet now behold the cold hand they extend to me! God can not pardon me if I have done wrong; yet I can not see my wrong except in serving a degenerate people. For my country I have given up all that makes life sweet and holy; brought misery upon my family; and I am sure there is no pardon in heaven for me since man condemns me so. I have not heard what was done, except what I did myself, and it fills me with horror. God try and forgive me, and bless my mother."

The arrest and trial of the others implicated in the assassination plot form such an important incident in the Administration of President Johnson that a separate chapter is devoted thereto.

Upon the surrender of General Lee, on the 9th of April, the closing of the great Civil War was consummated at a rate both astonishing and gratifying. On the 26th of April, General Joseph E. Johnston surrendered to General Sherman at Raleigh, North Carolina. Wilson's raid in Georgia resulted in the capture of Jefferson Davis, at Irwinsville, on the night of May 11th, while May 26th brought the surrender of General Kirby Smith's Trans-

Mississippi Department of the Confederate army, and with this ended the four years of conflict.

On the 23d and 24th of May, by order of the President, a grand military review of the armies of Generals Grant and Sherman was held at Washington, a scene transcending in grandeur anything ever witnessed before in this country. This was followed by the disbanding of the great body of the Union soldiers and the melting away of the greatest volunteer army the world ever saw. On the 17th of April, two days after his inauguration, President Johnson was waited upon by a delegation from Illinois, led by Governor Oglesby, to express to him their good wishes and pledge to him the support of their State in the administration in the duties of his office.

To these Mr. Johnson spoke at length, saying: "I have listened with profound emotion to the kind words you have addressed to me. The visit of this large delegation to speak to me, through you, sir, these words of encouragement, I had not anticipated in the midst of the saddening circumstances which surround us and the immense responsibility thrown upon me. An expression of the confidence of individuals, and still more of an influential body like this before me, representing a great commonwealth, cheers and strengthens my heavily-burdened mind. I am at a loss for words to respond. In an hour like this, of deepest sorrow, were it possible to embody in words the feelings of my bosom, I could not command my lips to utter them. Perhaps the best reply I could make, and the one most appropriate to your kind assurance of confidence, would be to receive them in silence. The throbings of my heart since the sad catastrophe which has appalled us can not be reduced to words; and oppressed as I am with the new and great responsibility which has devolved upon and saddened me with grief, I can with difficulty respond to you at all.



“But I can not permit such expressions of confidence reposed in me by the people to pass without acknowledgment. To an individual like myself, who has never claimed much, but who has, it is true, received from a generous people many marks of trust and honor for a long time, an occasion like this, and a manifestation of public feeling so well timed, are peculiarly acceptable. Having sprung from the people myself, every pulsation of the popular heart finds an immediate answer in my own. By many men in public life such occasions are considered merely formal. To me they are real. Your words of countenance and encouragement sink deep into my heart, and were I even a coward I could not but gather from them strength to carry out my convictions of right. Thus feeling, I shall enter upon the discharge of my great duty firmly, steadfastly, if not with the singular ability exhibited by my predecessor, which is still fresh in our sorrowing minds.

“Need I repeat that no heart feels more sensibly than mine this great affliction. In what I say on this occasion I shall indulge in no petty spirit of anger, no feeling of revenge. But we have beheld a notable event in the history of mankind. In the midst of the American people, where every citizen is taught to obey the law and observe the rules of Christian conduct, our Chief Magistrate, the beloved of all our hearts, has been assassinated; and when we trace this crime to its cause, when we remember the source whence the assassin drew his inspiration, and then look at the result, we stand yet more astounded at this barbarous and most diabolical assassination. Such a crime as the murder of a great and good man, honored and revered, the beloved and the hope of the people, springs not alone from a solitary individual ever so desperate in wickedness. We can trace its cause through successive steps, without my enumerating them here, back to that



source which is the spring of all our woes. No one can say that, if the perpetrator of this fiendish deed be arrested, he should not undergo the extremist penalty the law knows for crime; none will say that mercy should interpose. But is he alone guilty? Here, gentlemen, you perhaps expect me to present some indication of my future policy. One thing I will say: every era teaches its lesson. The times we live in are not without instruction. The American people must be taught, if they do not already feel, that treason is a crime, and must be punished; and that the Government will not always bear with its enemies; that it is strong, not only to protect, but to punish. When we turn to the criminal code and examine the catalogue of crimes, we find there arson laid down as a crime with its appropriate penalty; we find there theft and robbery and murder given as crimes; and there, too, we find the last and highest of crimes. With other and inferior offenses our people are familiar; but in our peaceful history treason has been almost unknown. The people must understand that this is the blackest of crimes, and will be surely punished. . . . I speak in no spirit of unkindness. I leave the events of the future to be disposed of as they arise, regarding myself as the humble instrument of the American people. In this, as in all things, justice and judgment shall be determined by them. I do not harbor bitter or revengeful feelings toward any. When the question of exercising mercy comes before me, it will be considered calmly, judicially, remembering that I am the Executive of the Nation. . . . Be assured I shall never forget that I am not to consult my own feelings alone, but to give an account to the whole people. . . . I shall not attempt to anticipate the whole future. As events occur and it becomes necessary for me to act, I shall dispose of each duty as it arises, deferring any

declaration or message until it can be written, paragraph by paragraph, in the light of events as they transpire."

Many deputations representing State Governments, municipalities, civic and military organizations, as well as religious bodies, called upon the President early after his inauguration to express their loyalty to the Government of which he was the head. In presenting the good wishes of the Christian Commission, a large delegation declared through their spokesman, the Rev. Mr. Borden, of Albany, New York, that "God had sent President Lincoln as Moses to lead the people through the wilderness, and his successor as Joshua, to give them the land of promise."

To all of these President Johnson replied, expressing the same sentiments uttered in his speech to the Illinois delegation, and from all of them received like expressions of approval.

Thus did Andrew Johnson enter upon his duties as President with the good wishes and loyal support of the vast majority of the citizens of the United States. What his policy would be with reference to the restoration of the seceded States and the treatment of their citizens he had declared in his Inaugural Address "must be left for development as the Administration progressed," and he had indicated that the leaders of the secession should be punished as the laws of the Government prescribed. He would not "anticipate the future," but would deal with these questions, remembering that he was the "Executive of the Nation," and that he was not "to consult his own feelings alone, but to give an account to the whole people." These statements of reserve become very important when they are read in connection with the events that did arise, one by one, demanding action on the part of the whole people.

## CHAPTER X.

### THE KILLING OF BOOTH—THE ARREST AND EXECUTION OF THE "CONSPIRATORS"—CAPTURE OF JOHN H. SURREATT—CAPTURE OF JEFFERSON DAVIS.

**T**HE hunting down and killing of John Wilkes Booth, the assassin of President Lincoln, together with the trial and execution of those charged with complicity with him in his horrible plot, forms one of the most interesting chapters in the history of criminal proceedings.

From evidence which accumulated early and rapidly it was believed at the War Department that the assassination of the President and the assault made upon Secretary Seward was but a part of a deep-laid plot by a number of persons in sympathy with the South, and perhaps in the employ of the Confederate Government, to destroy the lives of Mr. Lincoln, Mr. Johnson, Mr. Seward, Mr. Stanton, and General Grant.

With this theory of the case, Secretary Stanton ordered General L. C. Baker, chief of the detective force, to arrest all suspects and to gather evidence for their conviction. On the night when the President lay dying, Mrs. Mary Surratt, at whose house Booth had often been seen, and whose son was known to be an associate of Booth, was arrested on the charge of complicity in the assassination of Mr. Lincoln. About the same time Edward Spangler, a scene-shifter in Ford's Theater, and a menial attendant

of Booth, was also arrested; while a little later a room in the Kirkwood House, which had been occupied by George A. Atzerodt, was broken open. Among his possessions were found a pistol and a bowie-knife, and also a bank-book bearing the name of John Wilkes Booth. Two days later, Michael O'Laughlin was arrested as a friend of Booth, and on suspicion of being the man who was thought to have been assigned the task of taking the life of General Grant. On the same day Samuel Arnold was apprehended at Fort Monroe as a "suspect."

One of the most singular incidents connected with these arrests occurred in the apprehension of Lewis Payne, the man who came near taking the life of Secretary Seward, and who seriously wounded his son.

Officers of the Government had just taken possession of Mrs. Surratt, when a man disguised as a laborer, with the sleeve of a knit undershirt stretched over his head for a covering, and a pickax on his shoulder, himself covered with mud from the sewer where he had been in hiding, came to Mrs. Surratt's house, and announced that he was to dig a drain for her on the following morning. On her disclaimer of having ever seen him before or having hired any one for such a purpose, the man was taken into custody, and proved to be Mr. Seward's would-be assassin.

On the 20th of April the Secretary of War issued a proclamation, by order of President Johnson, that fifty thousand dollars reward would be paid by that department for the apprehension of the murderers of the late President. Twenty-five thousand dollars reward was also offered for the apprehension of John H. Surratt, supposed to be one of Booth's accomplices; and twenty-five thousand dollars reward for the capture of Herold, another accomplice. The proclamation stated further that liberal rewards would be paid for any information that might conduce to the

arrest of either of the above-named parties or their accomplices. All persons were warned against harboring or secreting them, or assisting in their escape, on pain of being treated by the Government as an accomplice in the plot of murdering the President.

These rewards and the provisions of this proclamation put a great stimulus upon the efforts which were already being put forth by soldiers and civilians for the apprehension of the wanted criminals; and within a few days many suspected persons were arrested. Among these were Atzerodt and Herold, associates of Booth, and Dr. Samuel Mudd, at whose house, some thirty miles out from Washington, Booth had stopped in his flight and had his broken leg set. On the morning of the 26th, Booth himself was located at the place of Richard H. Garrett, of Caroline County, Virginia. According to Mr. Garrett's statement, three strangers stopped at his house on the afternoon of the 24th of April, announcing themselves as rebel soldiers. Booth was introduced as Mr. Boyd, of A. P. Hill's Corps, having been badly wounded a few days before the surrender. Permission was asked to let Boyd remain until the other two could scout the road toward Richmond. Consent being given, Boyd was removed from his horse to the house, and the other two galloped away. That night he slept in the house of Mr. Garrett. While at dinner the next day, some one remarked at the table that a reward of one hundred and fifty thousand dollars had been offered for the capture of Booth. Boyd coolly remarked that he was surprised that so large a reward had been offered, and that he had heard the day before that the murderers had been arrested between Baltimore and Philadelphia. Mr. Garrett asked him if he had ever seen Booth. Boyd replied that he had seen him once, he thought. In the afternoon a horseman came to the house (he afterward proved to be

Herold), and had a long talk with Booth. Later two other men came and announced the approach of the Union cavalry. The three remained at Mr. Garrett's that day, but made arrangements to leave the next. Becoming apprehensive for the safety of his family, but never once suspecting the important character of his guests, Mr. Garrett suggested that they should not sleep in the house, but in the tobacco barn. The next morning at two o'clock, by the aid of information given by some Negroes and a rebel paroled prisoner, the searching party came upon Booth and Herold in this barn. The latter at once surrendered, but Booth resisted and was shot by Sergeant Corbett.

Booth's body, sewed up in an army blanket, was conveyed secretly to Washington, where it was identified; and after an autopsy was held it was buried in a cellar in the old penitentiary; the door was locked, and the key delivered to Secretary Stanton. For years only four persons knew where the body of Booth was buried. It was the purpose of Mr. Stanton to thus prevent any demonstration over the body of the assassin of the beloved President. Later the body was removed from this spot, and buried beside those of his accomplices in the Arsenal grounds. Years afterward, however, Edwin Booth, the great actor, who had always been loyal to the Union Government, obtained permission to remove the body of his brother to the family lot in the cemetery in Baltimore. The Government stipulated that no mound should be raised over the grave, nor should anything indicate the spot where the body of the assassin lies. In the autopsy which was held over Booth, a piece of bone shattered by the soldier's bullet was taken from his neck, and was for years preserved in the Medical Museum, into which Ford's Theater was converted after the tragedy of the assassination.

As the prisoners suspected of complicity in the murder



of the President were brought to Washington, they were delivered into the custody of the Navy Department, and confined on board the monitor *Saugus*, which, on the morning of the President's death had been anchored in the middle of the river to receive any who might be arrested. How should these persons be tried? By a civil court, or by a military commission? This question President Johnson submitted to the Attorney-General, who decided that it was legal to try them before a military commission.

In compliance with this advice, the President issued the following order:

“WAR DEPARTMENT,

“WASHINGTON, May 6, 1865.

“A military commission is hereby appointed to meet at Washington, D. C., on Monday, the 8th day of May, 1865, at nine o'clock A. M., or as soon thereafter as practicable, for the trial of David E. Herold, George A. Atzerodt, Lewis Payne, Michiel O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, Samuel A. Mudd, and such other prisoners as may be brought before it, implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, and in the alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors.”

The detail for this court consisted of the following names: Major-General David Hunter, Major-General Lew Wallace, Brevet Major-General August V. Kautz, Brigadier-General Albion P. Howe, Brigadier-General Robert S. Foster, Brevet Brigadier-General James A. Ekin, Brigadier-General T. M. Harris, Brevet Colonel C. H. Thomkins, Lieutenant-Colonel David R. Clendenin, Brigadier-General Joseph Holt, Judge Advocate and Recorder.

The charges and findings of this court are herewith given:

"I. Before a military commission, which convened at Washington, D. C., May 9, 1865, pursuant to paragraph 4 of Special Orders No. 211, dated May 6, 1865, and paragraph No. 191 of Special Orders No. 216, dated May 9, 1865, War Department, Adjutant-General's Office, Washington, and of which Major-General David Hunter, United States Volunteers, is president, were arraigned and tried David E. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd.

"Charge 1. For maliciously, unlawfully, and traitorously, and in aid of the existing armed rebellion against the United States of America, on or before the 6th day of March, A. D. 1865, and on divers other days between that date and the 15th day of April, A. D. 1865, combining, confederating, and conspiring together with one John H. Surratt, John Wilkes Booth, Jefferson Davis, George N. Saunders, Beverly Tucker, Jacob Thomson, William C. Cleary, Clement C. Clay, George Harper, George Young, and others unknown, to kill and murder, within the Military Department at Washington, and within the fortified and intrenched lines thereof, Abraham Lincoln, at the time of said combining, confederating, and conspiring, late President of the United States of America, and Commander-in-Chief of the army and navy thereof; and lying in wait with intent maliciously, unlawfully, and traitorously assaulting with intent to kill and murder the said William H. Seward, then Secretary of State of the United States as aforesaid; and lying in wait, with intent maliciously, unlawfully, and traitorously to kill and murder the said Andrew Johnson, then being Vice-President of the United States, and the said Ulysses S. Grant,

then being Lieutenant-General and in command of the Armies of the United States aforesaid.

“Specification First. In this, that they, said David E. Herold, Edward Spangler, Lewis Payne, Michael O’Laughlin, Samuel Arnold, Mary E. Surratt, George A. Atzerodt, and Samuel A. Mudd, together with the said John H. Surratt and John Wilkes Booth, incited and encouraged thereunto by Jefferson Davis, George N. Saunders, Beverly Tucker, Jacob Thomson, William C. Cleary, Clement C. Clay, George Harper, George Young, and others unknown, citizens of the United States aforesaid, who were then engaged in armed rebellion against the United States of America, within the limits thereof, did, in aid of said armed rebellion, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, confederate, and conspire together at Washington City, within the Military Department of Washington, and within the intrenched fortification and military lines of the said United States there being, unlawfully, maliciously, and traitorously to kill and to murder Abraham Lincoln, then President of the United States aforesaid and Commander-in-Chief of the army and navy thereof; and unlawfully, maliciously, and traitorously to kill and murder Andrew Johnson, then Vice-President of the said United States, upon whom, on the death of said Abraham Lincoln after the 4th day of March, A. D. 1865, the office of the President of the said United States and Commander-in-Chief of the army and navy thereof would devolve; and to unlawfully, maliciously, and traitorously kill and murder Ulysses S. Grant, then Lieutenant-General, and, under the direction of the said Abraham Lincoln, in command of the armies of the United States aforesaid; and unlawfully, maliciously, and traitorously to kill and murder William H. Seward,

then Secretary of State of the United States aforesaid, whose duty it was by law, upon the death of said President and Vice-President of the United States aforesaid, to cause an election to be held for election of President of the United States—the conspirators aforesaid designing and intending by the killing and the murder of the said Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, and William H. Seward, as aforesaid, to deprive the army and navy of the said United States of the Constitutional Commander-in-Chief, and to deprive the armies of the United States of their lawful commander, and to prevent a lawful election of President and Vice-President of the United States aforesaid, and by the means aforesaid to aid and comfort the insurgents engaged in armed rebellion against the said United States aforesaid, and thereby to aid in the subversion and overthrow of the Constitution and laws of the said United States.

“And being so combined, confederated, and conspiring together in the prosecution of said unlawful and traitorous conspiracy on the night of the 14th day of April, A. D. 1865, at the hour of about ten o'clock and fifteen minutes P. M., at Ford's Theater on Tenth Street, in the City of Washington, and within the Military Department and military lines aforesaid, John Wilkes Booth, one of the conspirators aforesaid, in pursuance of said unlawful and traitorous conspiracy, did then and there, unlawfully, maliciously, and traitorously, and with intent to kill and murder the said Abraham Lincoln, discharge a pistol then held in the hands of him, the said Booth, the same being then loaded with powder and leaden ball, against and upon the left and posterior side of the head of the said Abraham Lincoln, and did thereby then and there inflict upon him, the said Abraham Lincoln, then President of the said United States and Commander-in-Chief of the army and

navy thereof, a mortal wound, whereof afterwards, to wit, on the 15th day of April, A. D. 1865, at Washington City aforesaid, the said Abraham Lincoln died: And thereby then and there, in pursuance of said consipracy, the said defendants of the said John Wilkes Booth and John H. Surratt did unlawfully, traitorously, and maliciously, and with intent to aid the rebellion as aforesaid, kill and murder the said Abraham Lincoln, President of the United States as aforesaid.

“And in further prosecution of the unlawful and traitorous conspiracy aforesaid and of the murderous and traitorous intent of said conspiracy, the said Edward Spangler on said 14th day of April, A. D. 1865, and about the same hour of that day as aforesaid, within said Military Department and the military lines aforesaid, did aid and assist the said John Wilkes Booth to obtain entrance to the box in said theater in which said Abraham Lincoln was sitting at the time he was assaulted and shot as aforesaid by John Wilkes Booth; and also did then and there aid said Booth in barring and obstructing the door of the box of said theater so as to hinder and prevent any assistance to the rescue of the said Abraham Lincoln against the murderous assault of the said John Wilkes Booth, and did aid and abet him in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid.

“And in further prosecution of said unlawful, murderous, and traitorous conspiracy, and in pursuance thereof, and with the intent as aforesaid, the said David E. Herold did, on the night of the 14th of April, A. D. 1865, within the Military Department and military lines aforesaid, aid, abet, and assist the said John Wilkes Booth in the killing and murder of said Abraham Lincoln, and did then and there aid and abet within the military lines aforesaid, and did accompany and assist the said John Wilkes Booth in at-



tempting to conceal himself and escape from justice after killing and murdering Abraham Lincoln as aforesaid.

“And in further prosecution of said unlawful and traitorous conspiracy, and of the intent thereof as aforesaid, the said Lewis Payne did, on the same night of April 14, A. D. 1865, about the same hour of ten o'clock and fifteen minutes, at the City of Washington, and within the Military Department and military lines aforesaid, unlawfully and maliciously make an assault upon the said William H. Seward, and the said Payne did then and there, with a large knife held in his hand, unlawfully, traitorously, and in pursuance of said conspiracy, strike, stab, cut, and attempt to kill and murder the said William H. Seward, and did thereby then and there, and with the intent aforesaid, with said knife, inflict upon the face and throat of the said William H. Seward divers grievous wounds; and the said Lewis Payne, in further prosecution of said conspiracy, at the same time and place last aforesaid, did attempt, with the knife aforesaid and a pistol held in his hand, to kill and murder Frederick W. Seward, Augustus H. Seward, Emrick W. Hansell, and George F. Robinson, who were then striving to protect and rescue the said William H. Seward from murder by the said Lewis Payne, and did then and there, with said knife and pistol held in his hand, inflict upon the head of Frederick W. Seward and upon the persons of said Augustus H. Seward, Emrick W. Hansell, and George F. Robinson divers grievous and dangerous wounds, with intent then and there to kill and murder the said Frederick W. Seward, Augustus H. Seward, Emrick W. Hansell, and George F. Robinson.

“And in further prosecution of said conspiracy and its traitorous and murderous design, the said George A. Atzerodt did, on the night of the 14th of April, A. D. 1865, and about the same hour of the night aforesaid within



the Military Department and military lines aforesaid, lie in wait for Andrew Johnson, then Vice-President of the United States aforesaid, with the intent unlawfully and maliciously to kill and murder the said Andrew Johnson.

“And in further prosecution of the conspiracy aforesaid and its murderous and treasonable purposes aforesaid on the nights of the 13th and 14th of April, A. D. 1865, at Washington City, and within the Military Department and military lines aforesaid, the said Michael O’Laughlin did then and there lie in wait for said Ulysses S. Grant, then lieutenant-general and commander of the armies of the United States, as aforesaid, with intent then and there to kill and murder Ulysses S. Grant.

“And in further prosecution of said conspiracy, the said Samuel Arnold did, within the Military Department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, conspire with, and aid, counsel, abet, comfort, and support the said John Wilkes Booth, Lewis Payne, George A. Atzerodt, Michael O’Laughlin, and their confederates and said unlawful, murderous, and traitorous conspiracy and in the execution thereof as aforesaid.

“And in further prosecution of the said conspiracy, Mary E. Surratt did, at Washington city, and within the Military Department and military lines, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 20th day of April, A. D. 1865, receive, entertain, harbor, conceal, aid, and assist said John Wilkes Booth, David E. Herold, Lewis Payne, John Surratt, Michael O’Laughlin, George A. Atzerodt, Samuel Arnold, and their confederates, with the knowledge of the murderous and traitorous con-

spiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof and escaping from justice after the murder of the said Abraham Lincoln, as aforesaid.

“And in further prosecution of said conspiracy, the said Samuel A. Mudd did, at Washington city, and within the Military Department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and at times between that day and the 20th day of April, A. D. 1865, advise, encourage, receive, entertain, harbor, conceal, aid, and assist the said John Wilkes Booth, David E. Herold, Lewis Payne, John Surratt, Michael O’Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof in escaping justice after the murder of the said Abraham Lincoln, in pursuance of said conspiracy, in manner aforesaid.

“To which charge and specification the accused, David D. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O’Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd, pleaded ‘Not guilty.’

#### “FINDINGS AND SENTENCES.

“1. In the case of David E. Herold, the Commission, having maturely considered the evidence adduced, finds the accused as follows:

“Of the specification, ‘Guilty, except combining, confederating, and conspiring with Edward Spangler: as to which part thereof, not guilty.’ Of the charge, ‘Guilty, except the words of the charge that he combined, con-

federated, and conspired with Edward Spangler: as to which part thereof, not guilty.' And the Commission does therefore sentence him, the said David E. Herold, 'to be hanged by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the Commission concurring therein.'

"2. In the case of George A. Atzerodt, the Commission having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Guilty, except combining, confederating, and conspiring with Edward Spangler: of this, not guilty.' Of the charge, 'Guilty, except combining, confederating, and conspiring with Edward Spangler: of this, not guilty.'

"And the Commission does therefore sentence him, the said George A. Atzerodt, 'to be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the Commission concurring therein.'

"3. In the case of Lewis Payne, the Commission having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Guilty, except combining, confederating, and conspiring with Edward Spangler: of this, not guilty.' Of the charge, 'Guilty, except combining, confederating, and conspiring with Edward Spangler: of this, not guilty.'

"And the Commission does therefore sentence him, the said Lewis Payne, 'to be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the Commission concurring therein.'

"4. In the case of Mary E. Surratt, the Commission having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Guilty, except as to receiving, entertaining, harboring, and concealing Samuel Arnold and Michael O'Laughlin, and except as to combining, confederating, and conspiring with Edward Spangler: of this, not guilty.' Of the charge, 'Guilty, except as to combining, confederating, and conspiring with Edward Spangler: of this, not guilty.'

"And the Commission does therefore sentence her, the said Mary E. Surratt, 'to be hung by the neck until she be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the Commission concurring therein.'

"5. In the case of Michael O'Laughlin, the Commission, having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Guilty, except the words thereof as follows: 'And in the further prosecution of the conspiracy aforesaid, and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and 14th of April, A. D. 1865, at Washington city, and within the Military Department and military lines aforesaid, the said Michael O'Laughlin did then and there lie in wait for Ulysses S. Grant, then lieutenant-general and commander of the armies of the United States, with intent then and there to kill and murder the said Ulysses S. Grant; of said words, not guilty; and except combining, confederating, and conspiring with Edward Spangler: of this, not guilty.'

"And the Commission does therefore sentence him,

the said Michael O'Laughlin, 'to be imprisoned at hard labor for life, at such penitentiary as the President of the United States shall designate.'

"6. In the case of Edward Spangler, the Commission, having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Not guilty, except to the words, "the said Edward Spangler, on the 14th day of April, A. D. 1865, at about the same hour of that day as aforesaid, within said Military Department and the military lines aforesaid, did aid and abet him [meaning John Wilkes Booth] in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid;" and of these words, guilty.' Of the charge, 'Not guilty, but guilty of having feloniously and traitorously aided and abetted John Wilkes Booth in making his escape after having killed and murdered Abraham Lincoln, President of the United States, he, the said Edward Spangler, at the time of aiding and abetting, as aforesaid, well knowing that the said Abraham Lincoln, President as aforesaid, had been murdered by the said John Wilkes Booth, as aforesaid.'

"And the Commission does therefore sentence him, the said Edward Spangler, 'to be confined at hard labor for the period of six years at such penitentiary as the President of the United States shall designate.'

"7. In the case of Samuel Arnold, the Commission having maturely considered the evidence adduced, finds the accused as follows:

"Of the specification, 'Guilty, except combining, confederating, and conspiring with Edward Spangler; of this,

not guilty.' Of the charge, 'Guilty, excepting combining, confederating, and conspiring with Edward Spangler; of this, not guilty.'

"And the Commission does therefore sentence him, the said Samuel Arnold, 'to be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate.'

"8. In the case of Samuel A. Mudd, the Commission having maturely considered the evidence adduced, find the accused as follows:

"Of the specification, 'Guilty, except combining and conspiring with Edward Spangler; of this, not guilty; and except receiving, entertaining, harboring, and concealing Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold; of this, not guilty.' Of the charge, 'Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty.'

"And the Commission does therefore sentence him, the said Samuel A. Mudd, 'to be imprisoned at hard work for life at such penitentiary as the President of the United States shall designate.'

"II. The proceeding, findings, and sentences in the foregoing cases having been submitted to the President of the United States, the following are his orders:

"EXECUTIVE MANSION, July 5, 1865.

"The foregoing sentences, in the cases of David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, and Samuel A. Mudd, are hereby approved, and it is ordered that the sentence in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Sur-



ratt be carried into execution by the proper military authority, under the direction of the Secretary of War, on the 7th day of July, 1865, between the hours of ten o'clock A. M. and two o'clock P. M. of that day. It is further ordered that the prisoners, Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael O'Laughlin, be confined at hard labor in the penitentiary at Albany, N. Y., during the period designated by their respective sentences.

“‘ANDREW JOHNSON, *President.*’”

These orders were duly executed, and in their execution one of the saddest incidents of all our history occurred. That a woman should have been arrested as a conspirator against the Government, simply on suspicion, and should have been condemned to be hanged and executed on purely circumstantial evidence, and that evidence afterward discovered to have been wholly untrustworthy, is a blot upon our National honor.

It was developed, in a bitter newspaper controversy as to the responsibility of this unjust and inhuman execution, that the Commission could not be brought to give its vote finding Mrs. Surratt guilty unless it was agreed by a majority of the members of the court to recommend her to the clemency of the President.

The following recommendation was prepared and signed and put into the hands of the recorder to be transmitted to the President with the findings of the Court:

“The undersigned members of the Military Commission detailed to try Mary E. Surratt and others for conspiracy and the murder of Abraham Lincoln, late President of the United States, respectfully pray the President, in consideration of the sex and age of Mary E.

Surratt, if he can, upon all the facts of the case, find it consistent with his sense of duty to the country, to commute the sentence of death, which the Court has been constrained to pronounce, to imprisonment in the penitentiary for life."

This petition was signed by all the members of the Commission except Generals Lew Wallace, A. P. Howe, T. M. Harris, and Colonel R. Clendenin.

Andrew Johnson declared that this petition never reached him, and the inference is that it lodged in the War Department as the findings of the Court and the papers relative thereto passed through Secretary Stanton's office on their way to the Executive.

In a newspaper controversy between President Johnson and Judge-Advocate General Holt in 1873, Mr. Johnson says: "The record of the Court was submitted to me by Judge Holt on the afternoon of the 5th of July, 1865. Instead of entering the Executive Mansion by the usual way, he gained admission by the private, or family, entrance to the Executive's office. The examination of the papers took place in the library, and he and I alone were present. The sentences of the Court in the cases of Herold, Atzerodt, and Payne were considered in the order named, and then the sentence in the case of Mrs. Surratt. In acting upon her case, no recommendation for a commutation of her punishment was mentioned or submitted to me. But the question of her sex, which had already been adverted to and discussed in the newspaper columns, presented itself, and was commented upon by both Judge Holt and myself.

"With peculiar force and solemnity he urged that the fact that the criminal was a woman was in itself no excuse or palliation; that when a woman 'unsexed her-

self,' and entered the arena of crime, it was rather an aggravation than a mitigation of the offense; that the law was not made to punish men only, but all, without regard to sex, who violated its provisions; that to discriminate in favor of Mrs. Surratt, and against Herold, Atzerodt, and Payne, who were sentenced by the same Court and at the same time to suffer the penalty of death, would be to offer a premium to the female sex to engage in crime and become the principal actors in its commission; that since the Rebellion began, in some portions of the country females had been prominent and abetting traitors, and he thought the time had come when it was absolutely necessary, in a case so clearly and conclusively established, to set an example which would have a salutary influence. He was not only in favor of the approval of the sentence, but of its execution at the earliest date practicable.

“Upon the termination of our consultation, Judge Holt wrote the order approving the sentence of the Court, I affixed my name to it, and, rolling up the papers, he took his leave, carrying the record with him.”

President Johnson atoned, as far as possible, for the harshness shown the daughter of Mrs. Surratt, when he refused to see her or any one asking clemency for her mother, by allowing her, later, to take her mother's body from the place where it had been buried, alongside of Herold, Atzerodt, and the others who shared her fate, and to remove it to a place of burial by the side of her relatives.

John H. Surratt, whose intimate association with Booth led to his mother's being suspected of complicity with the assassin, and thus led to her death, made good his escape from this country to Canada, and thence to

England, and afterward to Alexandria, in Egypt, where, as a soldier in the army of the pope of Rome, he was apprehended by the agents of the United States. Nearly two years elapsed between his flight and his return to this country to be tried.

It was developed, in the apprehension of Surratt, that the United States had no extradition treaty with the Papal Government, and some difficulty was expected in securing the person of Surratt, who was known to be a Roman Catholic. The pope, however, promptly gave an order for his arrest on application of our Government. Surratt was delivered to the authorities at Washington; but so changed were the sentiments and opinions of the people, as well as of the Executive, that, instead of being committed to a Military Commission to be tried, he was arraigned before a civil court on the charge of being an accomplice with Booth in the assassination of Lincoln.

The trial dragged along for many days, and became the scene of much bitter controversy over the trial and execution of Mary E. Surratt. It seemed, in fact, more like a trial of the Military Court which had sentenced her than that of her son.

The jury failed to agree, and after another abortive attempt at conviction under a new indictment, Surratt was finally released.

In the meantime, another notable trial had been arranged for, but never finally materialized. It will be remembered that, in the proceeding of the trial of Payne, Atzerodt, and others as accomplices in the plot to take the lives of the heads of the Departments, evidence was offered which implicated Jefferson Davis and other members of the Southern Confederacy in the same plot. The President, upon the advice of the Secretary of War,

had offered large rewards for the apprehension of these parties.

On the night of May 10, 1865, Mr. Davis and some members of his official family were captured at Irwinsville, Wilkinson County, Georgia. Davis was sent to Fortress Monroe, where he was held to answer the charge of treason and assassination.

His confinement was not close, and his treatment far from being harsh. He was finally indicted for treason against the United States in the Federal Court for the District of Virginia, and several dates were appointed for the trial; but for various reasons it never actually occurred. He was admitted to bail, and among his bondsmen was Horace Greeley, the great leader among the Abolitionists of the North. On the 25th of December, 1868, President Johnson issued his last amnesty proclamation, which was universal in its application, and under this Mr. Davis was released from bond and his case dismissed from court.

The attempt at his trial was looked upon by the country generally as a farce, and no one ever expected him to be convicted.

In the provisions of this last amnesty proclamation, John H. Surratt was also included, and thus ended the aftermath of the assassination of President Lincoln.

## CHAPTER XI.

### THE OPENING OF THE THIRTY-NINTH CONGRESS—PRESIDENT JOHNSON'S FIRST MESSAGE.

**F**EW sessions of our National Congress have been looked forward to with more interest than that of the Thirty-ninth, which opened December 4, 1865. Between the inauguration of President Johnson, April 15th, and the opening of Congress in the winter of 1865, his Executive orders and proclamations relating to the South had definitely outlined the policy which he intended to pursue in regard to reconstruction. On the 9th of May, the President had issued an order declaring that all acts and proceedings of the political, military, and civil organizations which had been in a state of rebellion within the State of Virginia, against the authority of the United States, were null and void, and that the various heads of the Federal Government should proceed to reorganize civil authority within the State, and also appointing Francis H. Pierpont governor, with power to re-establish civil government.

From May 29th to July 13th he had issued proclamations appointing provisional governors for North Carolina, Mississippi, Georgia, Texas, Alabama, South Carolina, and Florida, whose duty it was to reorganize State Governments within their respective territories.

These State Governments had been in a measure re-



organized, and to their Legislatures had been submitted the Thirteenth Amendment to the Constitution of the United States, prohibiting slavery, and had, by them, been ratified when Congress assembled.

It has been often said that the policy of reconstruction, or restoration, outlined by Mr. Lincoln, was more satisfactory to the North, and, at the same time, more generous toward the South, than that of Mr. Johnson. No one would think of regarding Mr. Wade as biased in favor of President Johnson in regard to his policy concerning the South. When the question of reconstruction was being considered in the Senate, January, 1866, he said: "I think Mr. Johnson has made great improvement on this subject over his predecessor. Mr. Lincoln advised us to admit Louisiana into the United States while probably more than half her territory was trampled beneath the hostile feet of the enemy, and our flag did not cover half the territory nor half the population of the State. Mr. Johnson has made a great improvement in this: that he requires that they shall abolish slavery, repudiate the rebel debt, renounce the right of secession, and agree to the Constitutional Amendment abolishing slavery forever."

If the reader would know how the people of the South received the efforts of President Johnson to restore civil authority in the States lately in insurrection, and to win their people back to loyalty to the Union, let him read the reports of the conventions and mass-meetings held in such interest throughout the South during the early period of reconstruction.

A partial report of such a meeting, held in Richmond, the erstwhile Capital of the Confederate States, August 29, 1865, is here given. The reporter of this mass-meeting, after describing the multitude assembled on the pub-

lic square, speaks of the stirring music of the bands as they discoursed "Yankee Doodle" and "The Star-spangled Banner," tunes long unheard in that city.

The principal speakers at this meeting were men who, six months before, had been in sympathy with the movement of secession. The resolutions adopted were written by Judge Meredith, of Richmond. There is no ambiguity in the terms used:

*Resolved*, That we have witnessed, with just indignation, the persistent and wicked efforts of a portion of the press and people of the Northern States to brand the people of the South with perfidy and insincerity in the honest attempts they have made, and are making, to resume their former relations with the Union, by questioning their fidelity and truth in the oath of allegiance which they have taken, and by vague and unsupportable charges that they desire, if they do not contemplate, further resistance to its authority.

*Resolved*, That the general temper and disposition of the Southern people, including our own, is to accept and acquiesce in the results of the late sanguinary struggle, and to resume the duties of citizenship in the Union. That the men of character and ability who have hitherto influenced public sentiment, neither advise nor intend anything different from the discharge of their duties as citizens of the United States, and are setting an example of full and ready submission to the authority of the Government, and counsel a full recognition of the facts of the actual situation, including the acceptable and irreversible abolition of slavery.

*Resolved*, That we earnestly recommend to our fellow-citizens throughout the State to hold meetings, as soon as practicable, in their respective counties and towns, and adopt suitable resolutions expressive of their entire sym-

pathy in the motives, purposes, and objects herein declared; that no cloud of doubt, no shadow of suspicion, may rest on the integrity, honor, and good faith of their expressed desire and honest attempts to resume the duties of allegiance to the United States.

*“Resolved,* That it is no less a pleasure than a duty, on our part, to give expression to the esteem and respect which we feel for the present Chief Magistrate of our State, whose conciliatory bearing, frank and manly manners, and firm and well-considered statesmanship have enabled him to grapple successfully with the unusual difficulties of his position.”

A North Carolina editor declared, a little later, that “the unanimity with which the Southern States have adopted the policy of President Johnson is the best sign of future peace and welfare.”

After the Emancipation Proclamation of President Lincoln had gone into effect, and the slaves of the South were made free, Congress passed an act establishing, in the War Department, a “Bureau of Refugees, Freedmen, and Abandoned Lands,” and committed to its supervision and control all abandoned lands in the South and all subjects relating to refugees and freedmen in the Southern States. To care for the great number of colored people now freed from the bondage of their former white masters, but still enthralled by the slavery of ignorance, was a task of no little import. President Johnson had given his sanction to this act of Congress as a temporary measure to relieve the situation growing out of the broken industrial condition of the South. Various orders had been issued by him facilitating the work of the Freedmen’s Bureau up to the time when Congress met.

His first message to this Congress is one of the ablest State papers to be found among our National records,

and no message ever sent to Congress created more widespread comment. It is too lengthy to be given in full here, comprising, as it does, some ten thousand words. In this message he referred tenderly to Mr. Lincoln's death and the calamity which had befallen the Nation by reason thereof. Heavier responsibilities now devolved upon himself than upon his predecessors, in that he had by this sad event been thrust into the office of Chief Executive amid so many perplexities and important duties. He craved the support and confidence of all who were associated with him in the conduct of the Government. But, to have this, he was persuaded that he must be frank in the declaration of his policy. He discussed the question of the Union of the States as provided for in the Federal Constitution and as recognized by the laws both of the States and the Nation. So long as the Constitution should exist, the perpetuity of the Union exists, and, with these, the perpetuity of each individual State. An attempt had been made at revolution, and had failed, and, by its failure, these States, in their relation to the general Government, had not been changed. He had found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and their armies were in the occupation of every State which had attempted to secede.

Whether the territories within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the army, was the first question that presented itself for decision. "Military government," he declared, "for an indefinite period, would have offered no security for the suppression of discontent, would have divided the peo-

ple into the vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule?

“The chief persons who would have followed in the train of the army would have been dependents on the General Government or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast populace and naturally wealthy region, are greater than, unless under extreme necessity, I should be willing to intrust in any one man. They are such, as for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such power, if continued through a period of years, would endanger the purity of the General Administration and the liberties of the States which remained loyal.

“Besides, the policy of military rule over a conquered territory would have implied that the States, whose inhabitants may have taken part in the Rebellion, had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were, from the beginning, null and void. The States can not commit treason, nor screen the individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign Power. The States attempting to secede placed themselves in a condition where their vitality was



impaired, but not extinguished; their functions suspended, but not destroyed.

“But, if any State neglects or refuses to perform its offices, there is the more need that the General Government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and have, gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end provisional governors have been appointed for these States, Conventions called, governors elected, Legislatures assembled, and senators and representatives chosen to the Congress of the United States. At the same time, the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency.

“The blockade has been removed, and the custom houses re-established in the ports of entry, so that the revenue of the United States may be collected. The Post-office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the port invites the restoration of industry and commerce; the post-office renews the facilities of social intercourse and of business. And is it not happy for us all that the restoration of each one of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that, after all that has happened, the return of the General Government is known only as a beneficence?

“I know very well that this policy is attended with



some risk; that, for its success, it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken. In the choice of difficulties, it is the smallest risk; and to diminish, and, if possible, to remove all danger, I have felt it incumbent on me to assert one other power of the General Government—the power of pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the Executive Government of the United States. In exercising that power, I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

“The next step which I have taken to restore the Constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion, and that on the other the evidence of sincerity in the future maintenance of the Union shall be put, beyond any doubt, by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country.

“So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States, which are now resuming their places in the family of the Union, to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

“The amendment to the Constitution being adopted, it would remain for these States, whose powers have been so long in abeyance, to resume their places in the two branches of the National Legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members.

“The full assertion of the powers of the General Government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding those courts in any of the States where the Rebellion has existed; and it was ascertained, by inquiry, that the Circuit Court of the United States would not be held

within the District of Virginia during the autumn or early winter, nor until Congress should have 'an opportunity to consider and act on the whole subject.' To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily referred, with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated, the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense made infamous, and, at the same time, that the question may be judicially settled, finally and forever, that no State, of its own will, has the right to renounce its place in the Union.

"The relations of the General Government toward the four million inhabitants which the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive, I took for my counsel the Constitution itself, the interpretations of that instrument by its orders and their contemporaries, and recent legislation by Congress. When, at the first movement toward independence, the Congress of the United States instructed these several States to institute Governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise.

"During the period of the Confederacy there continued to exist a very great diversity in the qualifications of electors in the several States, and even within a State

a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States recognizes these diversities when it enjoins that, in the choice of members of the House of Representatives of the United States, 'the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.'

"After the formation of the Constitution it remained, as before, the uniform usage of each State to enlarge the body of its electors according to its own judgment, and under this system one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near like it, is the general rule.

"So fixed was this reservation of power in the habits of the people, and so unquestioned has been the interpretation of the Constitution, that, during the Civil War, the late President never harbored the purpose—certainly never the avowed purpose—of disregarding it; and in the acts of Congress during that period nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen by the act of the President of the United States, must have been extended to all colored men, wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, not less than in the Southern and Southwestern. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

“On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once, and absolutely, or introduced gradually, and with conditions. In my judgment the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the State than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

“But while I have no doubt that now, after the close of the war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and property, their right to labor, and their right to claim the just return of their labor. I can not too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on, and make the experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us, rather, encourage them to honorable and useful industry, where it may be beneficial to



themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The change in their condition is the substitution of labor by contract for the status of slavery.

“The freedmen can not fairly be accused of unwillingness to work so long as a doubt remains about his freedom of choice in his pursuits and the certainty of his recovering his stipulated wages. In this the interests of the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so ought the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished there is no chance for the advantageous use of their labor, and the blame of ill success will not rest on them.

“I know that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform. It is one of the greatest acts on record to have brought four million people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of the freedmen we need not be too anxious to read the future; many incidents which, from a speculative view might raise alarm, will quietly settle themselves. Now that slavery is at an end, or near its end, the greatness of its evil in the point of view of public economy becomes more and more apparent.



Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry.

“Where labor was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreigner turned away from the region where his condition would be so precarious. With the destruction of the monopoly, free labor will hasten from all parts of the civilized world to assist in developing the various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found in any part of our country. And the future influx of population to them will be mainly from the North, or from the most cultivated nations of Europe. From the sufferings that have attended them during our late struggle let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known.

“The removal of the monopoly of slave-labor is a pledge that these regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry.”

The press comments on this message constitute an interesting chapter in political journalism, the more radical of the Radicals denouncing it as a piece of Executive effrontery to suggest the restoration of the seceded States on the short method proposed in the message. To admit these States without compelling them to adopt Negro suffrage was, in their opinion, to forfeit the results of the war by leaving the Negro without any means of protecting himself from unjust legislation on the part of the

State. Conservative Republicans, however, as well as the Democrats, received the message with good grace, and regarded it as a presage of an Administration of liberality and breadth worthy of their support. It was, of course, pleasing to the entire South, whose people had really feared that severe measures would be adopted toward them by President Johnson. The favorable consideration it received at the hands of the press of Great Britain indicated their appreciation both of the statesmanlike character of the new President, as well as the difficult tasks which devolved upon the Government of the United States in the new era upon which the country had entered.

But in spite of the favor with which this first message was received by the majority of the people of the country and by foreign countries, it was considered by the radical element in Congress as a challenge to them from the President, and thus constituted a declaration of principles on which the greatest departmental struggle ever witnessed by any Government was fought.

## CHAPTER XII.

### THE PRESIDENT'S BREAK WITH CONGRESS—RECONSTRUCTION—EXECUTIVE PLAN—CONGRESSIONAL PLAN—PRESIDENT VETOES FREEDMEN'S BUREAU ACT.

THE political complexion of the Thirty-ninth Congress was overwhelmingly Republican. Out of fifty members in the Senate, thirty-nine were Republicans, while in the House the disparity was even greater. Twenty-two senators-elect from the late insurrectionary States, and a full quota of congressmen-elect from the same States, were in waiting; but by resolution both Houses of Congress at the opening sessions refused to recognize their right to seats, notwithstanding the States they represented had restored civil government and had adopted the Thirteenth Amendment to the Constitution of the United States.

The senators-elect from Tennessee were David T. Patterson and Joseph S. Fowler; and the congressmen-elect were Nathaniel G. Taylor, Horace Maynard, William D. Stokes, Edmund Cooper, William B. Campbell, Samuel M. Arnell, Isaac R. Hawkins, and John W. Leftwich.

Without waiting even for the President's message, both the House of Representatives and the Senate pro-

ceeded to formulate a policy for the reconstruction of the Southern States. This movement was led in the House by Thaddeus Stevens of Pennsylvania and Samuel Shellabarger of Ohio, while in the Senate Charles Sumner of Massachusetts became its announced champion. When the message of the President was received, the conciliatory spirit in which it had been written was disregarded by the majority in both Houses, because of the unmistakable policy which it outlined and the arguments of the President in defense thereof.

A joint committee was appointed, to whom was committed the whole question of reconstruction. Great care was exercised in the selection of these committeemen, that none should be chosen except such as were known to be in harmony with the radical plans as outlined by Mr. Sumner and Mr. Stevens. The debate on the subject of Reconstruction is said by Mr. Blaine to have been the longest in the history of National legislation. The assault of Mr. Stevens upon the Administration was both able and furious, and stirred both Congress and the country as few speeches have ever done. It was the purpose of the friends of the Administration, and especially of Mr. Seward, that this speech should be answered by a conservative Republican, in order that party lines might not be sharply drawn. Mr. Henry J. Raymond, of New York, a pronounced Union man and a Republican, was selected to refute the arguments of the congressman from Pennsylvania. "But while he was coming, another stepped down before him," and instead of healing virtue coming from the troubled waters, matters were made worse.

Mr. Fink, a pronounced Democrat from Ohio, and one who had been antagonistic to Mr. Lincoln's Administration, secured the floor, and with vindictiveness returned the fire upon the Republican side of the House. Thus it

was that when Mr. Raymond came to speak he directed his attention as much to Mr. Fink's speech as to Mr. Stevens's. The lines of party prejudice were drawn, and from that day all hope of a peaceful Administration departed. The only concession made by the Executive or Legislative Department was in regard to the recognition of Tennessee as a State of the Union, and the seating of her representatives in Congress. Even then Congress said, "This must not be taken as a precedent." And the President, in signing the bill readmitting his own State, protested against the act of Congress as an assumption of authority, and signed it only because he was unwilling to have the representatives of his own State shut out of Congress any longer.

The cause which led to the impeachment trial of Mr. Johnson lay in this vital disagreement between the policy of Congress and that of the President relating to the restoration or reconstruction of the States which had lately been in insurrection. All things else, the violent denunciations of Congress by the President in his public addresses in the fall of 1866, the passage of the "Tenure-of-office Bill," and the President's disregard therefor, and the removal of Mr. Stanton, were all but incidents growing out of this disagreement.

By the death of Mr. Lincoln, Mr. Johnson had inherited a task which, in the wisdom and courage necessary to its accomplishment, was as great as that which had taxed the powers of his illustrious predecessor in the conduct of the war. To bind together again the people of the two great sections which for four years had been engaged in a fratricidal war, was a feat of statesmanship which none but a hand of skill might perform. Many conditions, both inherent and related, tended to make the immediate accomplishment of this almost impossible. Of

the situation, Mr. Bancroft, in his life of Seward, says: "It is hardly conceivable that any leader except Mr. Lincoln could have conquered the difficulties of reconstruction: and it is possible that all the prestige and confidence he had earned by his tact, philanthropy, and perseverance might not have enabled him to direct a system of thorough reconstruction. The relations between those who had been enemies in battle, and even between ex-master and ex-slave, were less difficult to adjust than the antagonisms between radicals and conservatives, between scheming and unscrupulous politicians and sullen, brutal men who live to obstruct progress and to satisfy old prejudices."

A few suggestive questions are sufficient to bring to the mind of the reader some of the maze of difficulties attending the subject. What was the status of the Southern States in regard to the Union Government from which they had seceded or attempted to secede? Did the action of their civil authorities in the enactment of laws of secession, and authorizing resistance to the Federal power, sever their connection with the Union? Congress now said "yes." And that they now sustained the same relation to the General Government that the Territories do. They could therefore be readmitted only by legislative enactment on the part of Congress. The President said "no." The Union could not be dissolved. "Certain persons in these States had rebelled against the authority of the Federal Government; but this did not affect the status of the States in their relation to the Union. All that was necessary to be done, was for the President, by constitutional authority, to appoint provisional governors over these several States, and authorize them to reorganize civil government within their respective limits. It would then devolve upon Congress to seat, or refuse to seat, the



representatives coming from these States as senators and congressmen."

Again: Who should participate in the reorganization of civil government in these States? Should those who had so lately been in arms against the Union? Or should only those who had remained loyal to the General Government be permitted to engage in the reorganization of State Government? Not least among these questions, and that which is a bone of contention even to this very day, was, Should the Negro, now made free by the war, be given the elective franchise? The intimations here made are enough to lead us to see that the nicest adjustment possible was necessary to save the Administration from violent conflicts. But with these must be coupled the fact that the President and his Congress were not of the same political faith. He was a Democrat, while Congress, as we have seen, was overwhelmingly Republican; and not only so, but the radical element of the Republican party was dominant. It is therefore not a matter of wonder that with so many discordant elements there should have been terrible gales and stormy seas, and that the Ship of State, tossed heavily upon these, should have had her strength tested to the utmost.

The policy of reconstruction adopted by Mr. Johnson was precisely that which Mr. Lincoln inaugurated in the reconstruction of Tennessee, when, in September, 1863, he gave Andrew Johnson, military governor, authority "To exercise such powers as may be necessary and proper to enable the loyal people of Tennessee to present such a State Government as will entitle the State to the guarantee of the United States therefor, and to be protected under such State Government by the United States against invasion and domestic violence." Congress denied Mr. Lincoln this authority; but he carried his point, and Tennes-

see, under Mr. Johnson's leadership, was reorganized under Executive rather than legislative act, and was thus saved from much of the disgrace and political hardship which attended the reconstruction of those States which came in under the plan of Congress. However, when her senators and congressmen-elect presented themselves at the doors of the National Congress, they were compelled to await legislation on the readmission of Tennessee. As stated above, Congress compelled President Johnson to give partial indorsement to the denial of authority to Mr. Lincoln, by refusing to seat these representatives until he signed their joint act. Many believe that if President Lincoln had lived to serve out his second term, he would have had the same conflict with Congress which Mr. Johnson's conduct evoked. Be this as it may, never foemen more worthy of each other's steel ever met in mighty conflict than the men who composed the majority of the Thirty-ninth and Fortieth sessions of Congress and Andrew Johnson, President of the United States.

In keeping with his views on reconstruction, President Johnson on the 9th of May issued an order restoring the authority of the United States in Virginia, and appointed Francis H. Pierpont provisional governor, with power to call a Convention and to proceed to reorganize civil government within the limits of the State. On the 29th of May he did likewise with reference to North Carolina, appointing William W. Holden provisional governor of that State. On the same day he issued his first amnesty proclamation, which contained exceptions to apply to fourteen classes. June 13th he proclaimed William L. Sharkey provisional governor of Mississippi; while two days later he issued proclamations appointing James Johnson provisional governor of Georgia, and Andrew J. Hamilton provisional governor of Texas. Like-

wise was Lewis Parsons appointed provisional governor of Alabama on June 21st; while on June 30th Benjamin Perry was appointed to a like position in South Carolina, and on July 13th William Marvin thus became provisional governor of Florida.

That the reconstruction plan of President Johnson may be understood by the reader, the full text of his proclamation relating to the restoration of civil government in North Carolina is given. The proclamations relating to the several States above named are uniform in their provisions.

“WHEREAS, The fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and

“WHEREAS, The President of the United States is by the Constitution made Commander-in-chief of the army and navy, as well as chief civil Executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

“WHEREAS, The Rebellion which has been waged by a portion of the people of the United States against the properly-constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and

“WHEREAS, It becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the enjoyment of a republican form of government;

“Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State Government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint William W. Holden provisional governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a Convention composed of delegates to be chosen by that portion of the people of the State who are loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government, and to present such a republican form of State Government as will entitle the State to the guaranty of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence: Provided, That in any election that may be hereafter held for choosing delegates for any State Convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such Convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President’s Proclamation of May 20, 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of North Carolina in force immediately before the 20th day of May, 1861, the date of the

so-called ordinance of secession; and the said Convention, when convened, or the Legislature that may be thereafter assembled, will prescribe the qualification of electors and eligibility of persons to hold office under the Constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

“And I do hereby direct: First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of State Government as herein authorized.

“Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

“Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing in the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

“Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State,







proclamation, in order that the reader may for himself compare the two plans for the settlement of the great issue involved in this memorable contest:

“WHEREAS, No legal State Governments or adequate protection of life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and

“WHEREAS, It is necessary that peace and good order should be enforced in said States until loyal and republican State Governments can be legally established; therefore,

“Be it enacted, That said rebel States shall be divided into military districts and be made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose, Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

“Sec. 2. That it shall be the duty of the President to assign to the command of each of said districts an officer of the army not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

“Sec. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or when in his judgment it may be necessary for the trial of offenders he shall have power

to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

“Sec. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of a military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: Provided, That no sentence of death under the provisions of this Act shall be carried into effect without the approval of the President.

“Sec. 5. That when the people of any one of said rebel States shall have formed a Constitution and government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of the State twenty-one years old and upwards, of whatever race, color, or previous condition, who have been residents in said State one year previous to day of such election, except such as may be disfranchised for participation in the Rebellion; and when such Constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such Constitution shall be ratified by a majority of the persons voting on the question of the ratification who are qualified as electors for delegates, and when such Constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by vote of its Legislature elected under

said Constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as Article XIV, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding section of this Act shall be inoperative in said State: Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the Convention for any of said rebel States, nor shall any such person vote for members of such Convention.

“Sec. 6. That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under said provisional Government, all persons shall be entitled to vote who are entitled to vote under the provisions of the fifth section of this Act; and no person shall be eligible to any office, under such provisional Governments, who would be disqualified from holding office under the provisions of the third article of the said Constitutional Amendment.”

This Act President Johnson vetoed, but Congress passed it over his veto. It will be seen, by a comparative study of these two plans of reconstruction here presented, that there were irreconcilable differences between the views of President Johnson, as set forth in his proclama-

tion, and those of Congress, as declared in this Act. It is also noteworthy that the same differences had existed between the proclamations of President Lincoln and the declaration of Congress on the same subject. As a rebuke to Mr. Lincoln's plan for the restoration of Arkansas and her readmission into the Union, Congress passed an act on July 4, 1864, in which it was declared that the President might recognize the State Government of the rebel States only "after obtaining the consent of Congress." This bill, Mr. Blaine tells us, Mr. Lincoln did not veto, but he quietly withheld it and let it die.

From the beginning, Mr. Johnson had taken the position that the States could not secede; that the Union could not be broken; and that, therefore, no act of Congress was necessary for the readmission of those States which had been in insurrection. By reference to his speech made at the time of his inauguration as Vice-President this is clearly determined, as well as by reference to numerous other addresses in which he referred to this subject. In the course of his Inaugural Address he unconsciously foreshadowed the policy which, later, as President, he was destined to inaugurate. Vice-President Johnson said: "Before the Supreme Court, the representatives of foreign countries, senators, and the people, I desire to proclaim that Tennessee, whose representative I am, is free. She has bent the tyrant's rod, she has broken the yoke of slavery, and to-day she stands redeemed. She waited not for the exercise of power by Congress; it was her own act, and she is now as loyal, Mr. Attorney-General, as the State from which you come. It is the doctrine of the Federal Constitution that no State can go out of the Union; and, moreover, Congress can not reject a State from the Union. Thank God, Tennessee has never been out of the Union! It is true that

the operations of her Government were for a time interrupted; but she is still in the Union, and I am her representative.

"This day she elects her governor and her Legislature, which will be convened on the first Monday in April; and, again, her senators and representatives will soon mingle with those of her sister States.

"And who shall gainsay it? for the Constitution requires that to every State shall be guaranteed a republican form of government."

Another vital disagreement between these two documents is as to who should constitute the electors in these States whose Governments were about to be reorganized. The proclamation of the President gave no intimation that elective franchise would be given to the Negroes of the South, while the act of Congress provided definitely that they should be given the ballot without restriction. We are not left in doubt as to what Mr. Johnson's views on this subject of Negro suffrage were at this time, for in October, 1865, he submitted to a newspaper interview, in which he said: "If I interfere with the vote of the rebel States, and dictate that the Negro shall vote, I might do the same thing for my own purposes in Pennsylvania. Our only safety lies in allowing each State to control the right of voting by its own laws."

And again, in the same interview, he said: "My position here is different from what it would be if I were in Tennessee. There I should try to introduce Negro suffrage gradually, allowing, first, those to vote who had been in the army, those who could read and write, and perhaps have, also, a property qualification for others. It will not do to let the Negroes have universal suffrage now. It would breed a war of races."

That his was a wise policy is now substantially agreed

to by the leaders of all parties. That this was, in the main, the view of Mr. Lincoln also, is seen in his letter to Governor Hahn, of Louisiana, March, 1864, when, after congratulating him on being the first free State governor of Louisiana, he said: "Now, you are about to have a Convention, which, among other things, will probably define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may be not let in; as, for instance, the very intelligent, and especially those who have fought in our ranks." That Mr. Johnson suffered a great deal of annoyance on the part of those who were enthusiastic in their advocacy of Negro suffrage is a matter of history, and that much of the opposition to his Administration was worked up by this class of his political enemies is easily substantiated. When the question of admitting the Negroes of the District of Columbia to the right of suffrage was being agitated, and the act of Congress providing for their enfranchisement was before the President for his signature, he was waited upon by a delegation of Negroes led by Frederick Douglass. The interview, which the President sought to make as pleasant as possible, was rendered very disagreeable by the boldness and threatening manner of Mr. Douglass. When the President indicated to them, with all frankness and yet with kindness, that he did not believe the measure which they sought to be for the advantage of their people, Mr. Douglass at once threatened Mr. Johnson with an appeal to the people. From that day the violence of the Abolitionists in their attitude toward the President was pronounced.

This, then, was the battle-ground, every inch of which was stubbornly contested by the President and Congress. The results of this struggle were as far-reaching and important as were those of any decisive battle in the great



Civil War. The measures resorted to by Congress were without parallel in the annals of Congressional legislation. And some of the official and personal acts of the President knew no precedents. Congress was finally triumphant in defeating the plan of the President, and the South was divided into military districts and governed by military authority with a brigadier-general in command of each. The ballot was, in some sections, long denied the citizens of the States which had seceded, no matter how intelligent and patriotic they were, while the Negro was given unrestricted suffrage. By this plan the reign of the carpetbagger was, in some sections, supreme, and as hateful to the South as it was hurtful to the whole country. The history of this period is too melancholy for these pages.

Coupled with the disagreement in the matter of reconstructing the Southern States was the veto of the Freedmen's Bureau Act, which led to a wider separation of Congress and the President. Before the close of the preceding Congress an act had been passed by both Houses, and approved by Mr. Lincoln, which had as its purpose the care of the freedmen and refugees of the South. A Bureau was established, and large appropriations of money were made to meet the requirements of this act. During the war many of the lands of the South had been abandoned by their owners when the Union arms were successful in the several States. Upon these lands Negroes had been temporarily settled by the provisions of this act. Now Congress proposed to enlarge these provisions, and to extend the time during which they should obtain. The new bill provided for military supervision over the whole South. It made white men amenable to military commissions on the charge of depriving Negroes of any civil right. It also provided for

the universal oversight of the freedmen of the South by agents appointed for that purpose. In returning the bill without his approval, Mr. Johnson declared it both unconstitutional and unwise. To place the white people of the South at the mercy of military commissions on the caprice of Negro accusers he asserted to be unjust. While, to assume paternal relations to any class of people in the country was both without the pale of our Constitutional rights, and was not for the highest interest of the Negro himself, who should be taught the spirit of self-reliance. He asserted that the execution of this system at the hands of designing men was likely to prove as great a curse to the Negroes as had their former bondage. In fact, he declared that, for agents appointed by the Government to take charge of these freedmen, and farm out their labor to contractors, was but another system of slavery. The practical working of the provisions of this act he believed to be fraught with disturbances for the South and with no good for the Nation.

He showed, also, the great expense which was already attending the policy, the appropriation for that year having been over \$11,000,000, and must be doubled the next year if the bill became a law. The vials of party wrath were many which were poured upon Andrew Johnson's head because of this veto. He was accused of heartlessness toward the race of people who had been set free by the war and left in a helpless condition. The bill was passed over his veto, and the strife in the South continued many years thereby. Andrew Johnson believed that, if left to themselves, the Negroes would sell their labor to the planters of the South, who were as much dependent upon them as the Negroes were upon them. In the working of the Freedmen's Bureau Act the deluded Negro was made to believe, by the demagogues who ruled him

both as to his labor and his vote, that the Government was going to care for him indefinitely, and that every man was to receive "forty acres and a mule." In January, 1867, the President also vetoed a bill giving the Negroes of the District of Columbia the right to vote. In retaliation for this, and to embarrass him in his Administration, Congress passed an act depriving him of his authority as Commander-in-chief of the army.

### CHAPTER XIII.

#### THE PROGRESS OF THE BATTLE—THE PRESIDENT “SWINGS AROUND THE CIRCLE.”

THE battle between the President and Congress was now fairly on, and as to which would be successful in the final outcome depended largely upon the political complexion of the next Congress. If the people at the polls should give indorsement to the Congressional policy by electing to the Fortieth Congress men pledged thereto, then victory would perch upon the banner of the radicals. But if, on the other hand, the conservative element of the Republican party, of which Mr. Seward was a recognized leader, should be so re-enforced as to enable them to elect representatives to Congress favorable to the Administration, then their votes, combined with the votes of the Democrats, would give the day to the President.

It was no doubt partly to give this needed re-enforcement that the friends of the Administration arranged for a Presidential tour covering the principal cities of Maryland, Pennsylvania, New York, Ohio, Indiana, Illinois, and Missouri. The ostensible purpose of this journey was that the President and his Cabinet might attend the ceremonies incident to the laying of the cornerstone of a

monument erected in Chicago to the memory of Stephen A. Douglas. The date set for this event was the 6th of September, 1866, and on the 28th of August the President and his party began what proved to be the most remarkable, and in some respects the most brilliant, tour ever made by any President of the United States. The party accompanying the President were his daughter, Mrs. Patterson, and her husband, Senator David T. Patterson, Secretaries Seward and Welles and Mrs. Welles, Postmaster-General Randall, General Grant, Admiral Farragut, and a number of other prominent officials, numbering in all sixty persons. The intense interest in the issues then pending, as well as the desire to honor the Chief Magistrate and those accompanying him, made this tour one continual ovation.

From the time they left Washington until their return some three weeks later, their every stop was a signal for enthusiastic popular demonstration; while in all the principal cities along their route receptions and banquets were the order of the day. The first stop of importance was at Baltimore, where the party were met at the Annapolis Junction by the governor of the State and his staff and the military authorities who acted as a committee for the city of Baltimore, and an escort to the northern boundary of the State. At the Washington depot the President and his party, accompanied by the committee, took carriages in waiting and drove through the city, passing along Eutaw, Baltimore, and Exeter Streets to the Philadelphia depot. A great procession of citizens in carriages and civil organizations took up the line of march; while the whole city seemed to participate in the enthusiastic welcome to the President. All business was suspended, and the streets were thronged with interested spectators. Thus the city in which had been shed the first blood in the late

Rebellion was first to welcome and honor the President whose policy meant peace and restoration to all the benefits of the Union. As the party made their way from Baltimore to Philadelphia, a delegation representing the State of Delaware boarded the train, and extended every possible courtesy. When the Pennsylvania line was reached a committee led by Dr. W. C. Swann came aboard the train, and announced to the President that they had been appointed by the merchants, business men, and citizens generally to escort him to the city; and added, "Thousands of your fellow-citizens are waiting with much anxiety to welcome you to Philadelphia." To quote from one who was an eye-witness to the scenes which transpired when the city of Philadelphia was reached: "On the arrival of the President the view from the depot was extremely impressive. The military, the firemen, and other organizations with their various insignia, and as far as the eye could reach, the unbroken stream of spectators formed a scene at once picturesque and imposing. When the party alighted, it was a signal for an uncontrollable outburst of cheering, accompanied by the waving of handkerchiefs and all other demonstrations of enthusiasm known to men." Replying to the address of welcome, President Johnson spoke very briefly, and among other things said: "I trust peace has come; not only peace, but permanent peace; and that in the future we shall learn war no more. . . . In allusion to what you have said about the Constitution and my past conduct, I will merely say: that every effort and all my influence, either as Chief Magistrate or as a private citizen, shall be exerted to bring about peace and to restore a distracted country."

From Philadelphia, President Johnson's party proceeded to New York, stopping for a short time at Trenton and Jersey City. The reception at New York, with its



naval and land pageantry, its military and civic demonstrations, its banqueting and speech-making, beggars all description. These popular expressions of good-will came to the President as balm to a wound, for his life had been one of turmoil now for a number of years. He had escaped the dangers of war only to find himself amid conditions equally stormy as the Head of the Nation. Since he had come to the Presidency he had been roundly abused, both by a hostile press and in the halls of Congress, because of his attitude toward the now conquered South. These popular demonstrations now came to him as an indorsement of his policy; and he would have been less than human if he had not been affected by them. The scenes which transpired at Baltimore, Philadelphia, and New York were repeated at every stop that was made along the route, varying only as the population varied. At many places banners, floats, etc., were exhibited bearing mottoes taken from President Johnson's speeches, or epitomizing his policy. A few of these are given as samples of that which met the eye everywhere the Presidential party went: "Thrice Welcome, Andrew Johnson, the Sword and Buckler of the Constitution, the Union's Hope and People's Champion;" "Welcome to the President of our *Whole Country*;" "The Constitution—Washington Established It, Lincoln Defended It, Johnson Preserved It;" "We are Able and Willing to Support *My Policy*."

In every address of welcome or response to a toast the President was complimented on the stanch stand he had taken with reference to the restoration of the South. His responses to these soon partook of the nature of campaign speeches; and while such conduct was forbidden by the niceties of Presidential etiquette, Andrew Johnson knew no precedents by which he was willing to be gov-

erned when there was, as he believed, a principle involved. Furthermore, his was a nature to resist attacks, and when the opposition attempted to get up counter demonstrations for the purpose of "wiping out the moccasin tracks of Andy Johnson," he usually made his tracks deeper.

Neither the Acts of Congress nor the course of President Johnson can be judged by the spirit of our times. This is an era of good feeling. But not such was the time of Mr. Johnson's Administration. The spirit of war was still in the land. One needed to go back only two years to find more than two millions of the men of this country on the fields of battle. While at every turn one was met by new conditions incident to the throes and pangs of the great Civil War, it was a time of the breaking up of systems industrial and political; a time when new party alignment was in order, and when men of military record were in the lead in local and national politics. We need, therefore, to be calm in our judgment, either with reference to the acts of Congress or the utterances and the policies of the President. At the outbreak of the war and during its course, and even after he came to the Presidency, Mr. Johnson had bitterly denounced the men who had led in the movement of secession. They were "traitors" he declared, and should be dealt with as such. It was therefore charged when he adopted a policy of leniency toward the South that he had forsaken the platform on which he had been elected and the party to whom he owed his position as President. There is even now a widespread opinion that Mr. Johnson did change his attitude toward the South after he became President. But the close student of the history of the time and of Andrew Johnson's course discovers that he was consistent. It is true that he softened in his expressions toward those who had been the leaders of secession. But the war was now over, the South had

now laid down her arms, and thus the conditions had changed. His position relating to the Union of the States never changed. And it is not true that he forsook the party which elected him to power.

What was that party which came down into Tennessee, a State which Congress afterward declared to be out of the Union at that time, and selected a man as its candidate for Vice-President, whose record as a Democrat had been established by a political career of thirty years, and who was chosen because he was a Democrat? By whatever name it may now be called, it was then known as the "National Union party." The opinions of Mr. Johnson relating to the Union of the States and the power of a State to secede were as well known to the members of the Convention which nominated him, as to the members of the Thirty-ninth Congress, many of whom were the same men. His claim was that the Democratic party in the South had left its moorings on the most vital question involved in the political issues of the time. Between him and them there existed a gulf impassable to him; namely, the dissolution of the Union. Thus there was more affinity between him and the National Union party during the war, and especially at the time of his election as Vice-President, than between him and the old Democratic party. The issue which led him to affiliate with the National Union party, and which gave success to that party in 1864, was its position on the question of the indissoluble union of the States and the abolition of slavery.

In his letter accepting the nomination as Vice-President on the ticket with Mr. Lincoln, Mr. Johnson said:

"By recurring to the resolutions so unanimously adopted by the Convention, I find that they substantially agree with my public acts and opinions heretofore made known and expressed, and are therefore most cordially

indorsed and approved; and the nomination having been conferred without any solicitation on my part is with great pleasure accepted. . . . I can not forego the opportunity of saying to my old friends of the Democratic party, proper, with whom I have so long and pleasantly been associated, that the hour has now come when that great party can justly vindicate its devotion to true Democratic policy and measures of expediency. The war is a war of great principles. It involves the supremacy and life of the Government itself. . . . If the Rebellion triumphs, free government North and South fails. . . . In a great contest like this for the existence of free government, the path of duty is patriotism and principle. Minor considerations and questions of administrative policy should give way to the higher duty of first preserving the Union."

The principles of the platform of the National Union Convention which Andrew Johnson declared accorded with his public acts and opinions, and which he most cordially indorsed, were these:

*"Resolved, That it is the highest duty of every American citizen to maintain against all their enemies the integrity of the Union and the paramount authority of the Constitution and laws of the United States; and that laying aside all differences of political opinions we pledge ourselves as Union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling by force of arms the Rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it."*

As to the question what caused the seeming revulsion on the part of Andrew Johnson toward the people of the South many answers have been given, some of them involving even his personal integrity. But it would seem

that those who are familiar with the character of the man and the conditions of the time ought to have no difficulty in finding the proper answer. The war had been fought mainly upon the issue of States' rights, involving the question of human slavery, and with the surrender of the Confederate army the issue had been settled. According to Andrew Johnson's views, it only remained for the people of the South to accept the situation, modify their State Constitutions, take the oath of allegiance, and be restored to their rights as citizens of the United States. As to the punishment of those who had been the leaders in the movement of secession, he had said much in his public speeches before he became President. "Treason is a crime, and must be made odious," was his oft-repeated expression, so much so, that many expected when he became President that he would use all the powers of the Executive to punish those who had been prominent in the secession. But, in fact, his effort was to have the question of the right of secession determined by the courts of the country.

The trial of Jefferson Davis, the President of the now defunct Confederacy, had been put off from time to time for frivolous reasons, with Horace Greeley and other Abolitionists as his bondsmen. It was therefore developed by this procedure that there was no purpose on the part of the Judicial Department to pass upon the question of the right of secession. Chief-Justice Chase, in whose district Mr. Davis's case was to be tried, was between two fires. If the original Constitution of the United States was in the nature of a compact of confederacy binding these States together into a Federal Government, but leaving the individual State free for cause to break that compact, then Jefferson Davis and those associated with him in the conduct of the Southern Confederacy were



not guilty of treason. But if, on the other hand, this were held to be not true, and these parties adjudged guilty of treason, then the feelings of the major part of the North must be antagonized if they were punished therefor. For the large majority of the country were in favor of peace absolute. As to the trial of these parties by a Military Commission, which was the effort of Mr. Stanton and those who with him believed in stern measures, this was early determined to be impracticable.

The whole country had been outraged by the execution of Mrs. Surratt, who had been arrested by a Military Commission on suspicion of complicity with Mr. Booth in the murder of President Lincoln. The act was everywhere denounced as judicial murder. And besides, the Supreme Court had recently decided, in the case of L. P. Milligan of Indiana, that such persons were not subject to trial by Military Commissions. Moreover, there is little doubt that had not this been true, Mr. Johnson would not have issued orders for the trial of these persons by Military Commissions, after his experiences with Mr. Stanton and Mr. Holt in the Surratt case. Their procedure in this trial, and the evident withholding of papers from the President at the time when the findings of this Commission were submitted to him for his approval, caused him to lose confidence in that department of the Government.

As to how the South had received the results of the war, reference is had both to official reports of those representing the Government and the statement of delegated committees from the South. In response to the resolution adopted by the Senate on the 12th of December, 1865, asking for information concerning the condition of the late insurrectionary States, the President responded in a special message, saying: "The United States are in possession of every State in which the insurrection existed;



and so far as could be done the courts of the United States have been restored, post-offices re-established, and steps taken to put into operation the revenue laws of the country." That in that portion of the Union lately in rebellion, "the aspect of affairs was more promising than, in view of all the circumstances, could well have been expected. The people throughout the entire South evince a laudable desire to renew their allegiance to the Government, and to recover from the devastations of war by prompt and cheerful return to peaceful pursuits." The proposed amendment to the Constitution, he said, "providing for the abolition of slavery forever within the limits of the country had been ratified by all these States except Mississippi."

General Grant in his report to the President, submitted at the same time, on the investigations made by him on his tour of inspection through the South, said:

"I saw much and conversed freely with the people of these States, as well as the officers of the army stationed among them. I am satisfied that the mass of the thinking men of the South accept the situation of affairs in good faith. My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; and that while reconstructing they need and require protection from the Government; and that they are in earnest in wishing to do what they think is required by the Government, not humiliating to them as citizens, and that if such a course were pointed out they would pursue it in good faith."

As early as the 11th of September, 1865, a delegation of Southern gentlemen representing nine States called upon the President. In reply to the address of their chairman, Mr. Johnson reminded them of his position on the

question of secession when he was in the Senate: how he had pleaded with Southern senators not to withdraw from the United States, but to remain in Congress and fight out their battles under the laws and Constitution. But he had not been heeded. The South had made the issue; but now said he: "I know the nature of the Southern people well enough to know that when they have become convinced of an error they frankly acknowledge it in a manly, open, and direct manner: and now in the performance of that duty, or indeed in any act they undertake to perform, they do it heartily and frankly; and now that they come to me, I understand them as saying that: 'We made the issue, we set up the Union of the States as against the institution of slavery; we selected as arbitrator the God of Battles; the arbitrament was the sword. The issue was fair and honorably met. Both the questions presented have been settled against us, and we are prepared to accept the issue.' . . . The institution of slavery is gone, the status of the Negro is changed, and now, as wise men, we must recognize so patent a fact, and adapt ourselves to circumstances as they surround us."

To these utterances these gentlemen responded that they were both willing and ready to accept the conditions which prevailed about them. Continuing his remarks, the President uttered words which were not only conciliatory, but indeed prophetic:

"Deep wounds have been inflicted; our country has been scarred all over. Then why can not we approach each other upon principles which are right in themselves, and which will be productive of good to all? The day is not distant when we shall feel like some family that has a deep and desperate feud, the various members of which have come together and compared the evils and sufferings they have inflicted upon each other. They have seen their

error and its results, and, governed by a generous spirit of reconciliation, they have become mutually forbearing and forgiving, and have returned to their old habits of fraternal kindness, and become better friends than ever."

This incident occurred, it will be remembered, nearly six months before Mr. Johnson's break with Congress on his vetoing the Freedman's Bureau Bill, and indicates the attitude of the leading men of the South at that time, as well as the tone of his spirit in response. Following these came many other delegations from Southern States praying for relief from what they regarded as military despotism, and for the privilege of returning to civil government and their place in the Union of States. To all these the President's answer was uniform. Let them renounce their former attitude toward the Union, not only by taking the oath of allegiance thereto as citizens, but by adopting State Constitutions abolishing slavery, and in every way bringing their State Governments to conform to the Government of the United States; and they should have the protection and guarantees of the Constitution of the Federal Government.

This then was the "hobnobbing with the leaders of the South," of which the radical press and members of Congress accused Mr. Johnson, and was one of the causes which, leading to his alienation, constituted a final separation by the time of his tour to Chicago in the fall of 1866.

It was on this tour that the President made his speeches at Cleveland and St. Louis which became one of the grounds of one of the impeachment charges made against him. His utterances on these occasions certainly were violent, as reference to those speeches will show. But they were strongly provoked, for on the other hand his opponents were at the same time denouncing him as a

traitor who ought to be hanged, and were even then preparing for his impeachment trial. ||

That the general tone of Mr. Johnson's addresses at this time may be known, an extract from his New York speech of August 29, 1866, is here given. This speech was made at the banquet given by Mayor Hoffman and the business men of the city at Delmonico's in honor of the President. It was made to an orderly assemblage of people, while those made at Cleveland and St. Louis were made impromptu to crowds who were little better than mobs. In the course of his New York speech, Mr. Johnson said:

"I was going to call your attention to a point. The Southern States or their leaders proposed a separation. Now, what was the reason they offered for that separation? Your attention. The time has come to think; the time has come to consult our brain, and not the impulses and passions of the heart. The time has come when reason should bear sway, and feeling and impulse should be subdued. (Cheers.) What was the reason, or one of the reasons, that the South gave for separation? It was that the Constitution was encroached upon, and they were not secured in their rights under it. That was one of the reasons; whether it was true or false, that was the reason assumed. We will separate from this Government, they said, because we can not have the Constitution executed; and therefore we will separate and set up the same Constitution, and enforce it under a Government of our own. But it was separation. I fought then against those who proposed this. I took my position in the Senate of the United States, and assumed then, as I have since, that this Union was perpetual, that it was a great magic circle never to be broken.

"But the reason that the South gave was that the Con-

stitution could not be enforced in the present condition of the country, and hence they would separate. They attempted to separate; but they failed. But while the question was pending, they established a form of Government; and what form of Government was it? What kind of a Constitution did they adopt? Was it not the same, with a few variations, as the Constitution of the United States, under which they had lived from the origin of the Government up to the time of separation?

“They made the experiment of an attempted separation under the plea that they desired to live under that Constitution in a Government where it would be enforced. We said: ‘You shall not separate, you shall remain with us, and the Constitution shall be preserved and enforced.’ The Rebellion has ceased, and when their arms were put down by the army and navy of the United States they accepted the terms of the Government. We said to them before the termination of the Rebellion: ‘Disband your armies, return to your original position in the Government, and we will receive you with open arms.’

“The time came when their armies were disbanded under the leadership of my distinguished friend on the right [General Grant]. The army and the navy dispersed their forces. What were the terms of capitulation? They accepted the proposition of the Government, and said: ‘We have been mistaken; we selected the arbitrament of the sword, and the arbitrator has decided against us; and that being so, as honorable and manly men, we accept the terms you offer us.’ The inquiry comes up, Will they be accepted? Do you want to humiliate them, and degrade them, and tread them in the dust? (‘No! No!’ Cheers.) I say this, and I repeat it here to-night, I do not want them to come back into this Union a degraded and debased people. (Loud cheers.)



“They are not fit to be a part of this great American family if they are degraded and treated with ignominy and contempt. I want them when they come back to become a part of this great country, an honored portion of the American people. I want them to come back with all their manhood; then they are fit, and not without that, to be a part of these United States. I have not, however, approached the point that I intended to mention.

“Why do we mistrust the Southern people, and say they are not to be believed? I have just called your attention to the Constitution under which they were desirous to live, and that was the Constitution of their fathers; yet they wanted it in a separate condition. Having been defeated in bringing about that separation, and having lost the institution of slavery, the great apple of discord, they now, in returning, take up that Constitution, under which they always lived, and which they established for themselves even in a separate Government. Where, then, is the cause for distrust? Where, then, is the cause for the want of confidence? Is there any? (‘No! No!’) I do not come here to-night to apologize for persons who have tried to destroy this Government; and if every act of my life, either in speeches or in practice, does not disprove the charge that I want to apologize for them, then there is no use in a man’s having a public record. But I am one of those who take the Southern people, with all their heresies and errors, admitting that in the Rebellion they did wrong. The leaders caused thousands and thousands of men to go into the Rebellion who saw the old flag float in the breeze for the last time with unfeigned sorrow, and welcomed it again with joy and thanksgiving. The leaders betrayed and led the Southern people astray upon the great doctrine of secession. We have in the West a game called ‘Hammer and Anvil’ and ‘Anvil and



Hammer,' and while Davis and others were talking about *separation* in the South, there was another class—Phillips, Garrison, and men of that kind—who were talking about *dissolution* in the North; and of these extremes one was the hammer and the other was the anvil; and when the Rebellion came one extreme was carrying it out, and now that it is suppressed the other class are still trying to give it life and effect. I fought those in the South who commenced the Rebellion, and now I oppose those in the North who are trying to break up the Union. I am for the Union. I am against all those who are opposed to the Union. I am for the Union, and for the whole Union, and nothing but the Union. I have helped my distinguished friend on my right, General Grant, to fight the rebel South, and I must not forget a peculiar phrase, that he was 'going to fight it out on that line.' I was with him, and did all that I could; and when we whipped them at one end of the line, I want to say to you that I am for whipping them at the other end of the line." (Laughter and applause.)

The President and his party reached Chicago safely on the date of the laying of the corner-stone, and after participating in the imposing ceremonies attendant upon this occasion, they renewed their journey to St. Louis, where all the courtesies possible to be exercised by the American people to their Chief Magistrate were shown. Chief among the displays there presented was a grand naval procession with over thirty vessels in line. This procession was led by the steamer *Andy Johnson*, on which the President was received, and which was so named by its enthusiastic owner in his honor. In order that the greatest number of people possible might have the privilege of meeting and hearing the President, several recep-

tions were held in different parts of the city, at all of which he made addresses.

Nothing occurred to mar the pleasure of the party on their homeward journey until Johnstown, Pennsylvania, was reached. At this place a frightful accident happened; which, while it did not involve any of the excursionists, nevertheless cast a gloom over the rest of the trip. At the depot at Johnstown an immense throng of people were crowded upon a large bridge spanning a canal. Just as the train was moving off, and the people were shouting their good will after the President, the pillars of this bridge gave way, and precipitated the great crowd into the canal, some twenty feet below. Fifteen persons were killed outright, and ninety others were seriously injured. The train returned, and the Presidential party assisted in the work of rescue and in administering to the needs of the injured.

The homecoming of the President was attended with great rejoicing. We are assured by a correspondent of Washington, that never before had the people gathered in such crowds to welcome a returning President as gathered at the Baltimore & Ohio depot to welcome President Johnson; and as gathered *about* the City Hall to receive him. The welcome expressed in the speech of the mayor gives us an insight to the royal reception which the people of the Capital gave to their Chief Magistrate on his return:

“Every street has sent forth its resident; every alley its inhabitant; and almost under the very dome of the Capitol, hallowed by memories of noble men and great events, the people of Washington are gathered to tender to you, sir, and the distinguished associates of your journey, an earnest and heartfelt welcome to the home fixed by the Constitution, for which you evince so much rever-

ence, as your official residence. How lively a satisfaction this event of your return to their midst occasions your fellow-citizens and neighbors of the Metropolis of the Union, this multitude of upturned countenances, moved by one impulse of regard for you, more readily portrays than any language of mine. . . . The whole population has come out to greet you, eager to attest their appreciation of your unimpeachable integrity as a man and public functionary, and that reverence which, on every principle of national pride, honor, and patriotism, is due to your elevated position. It is an occasion which, uniting in common feeling, carries with it its own gratification in the thoughts which at this moment arise in every heart and hang on every tongue. Indeed, the people of Washington, comprehending them in all their magnitude, and feeling all their importance, deeply sympathize with you and your efforts to inculcate a spirit of harmony throughout the land for the reconstruction and restoration of the Union, under the solemn conviction that the thirty-six States are now, as before the Rebellion, but one country. It was needless in me, as the organ of our city and representative of its people, to have said what I have. The people of Washington are here for themselves in masses from all professions and occupations as individuals and associations, to testify the respect in which they hold you, and the pleasure your safe return to their midst affords them."

Following the President's reply to this address came many other ceremonies and expressions of respect and honor, extending far into the night, and closing a scene as brilliant as it was enthusiastic.

Thus ended one of the most remarkable tours ever made by any official in this country.

Andrew Johnson had in the series of addresses delivered on this tour made his appeal to the people on the subject of his restoration policy, and had everywhere received the assurance that the majority of the people were with him. His hope, therefore, and the hope of Secretary Seward and the entire conservative element of the country, was that at the ensuing election the people would elect a Congress in sympathy with the Presidential policy relating to the South. But the weapons of the President were turned against him, and a more intensely radical Congress never assembled in Washington than the Fortieth.

## CHAPTER XIV.

SECOND SESSION OF THE THIRTY-NINTH CONGRESS—THE  
PRESIDENT'S SECOND ANNUAL MESSAGE—HIS VETOES—THE REMOVAL OF SECRETARY STANTON.

THE second session of the Thirty-Ninth Congress convened December 3, 1866, and was devoted mainly to the consideration of the question of the reconstruction of the Southern States. In his annual message President Johnson set forth in a comprehensive manner the progress made in this matter under the workings of the plan which he had inaugurated; and he asked that specific legislation which he outlined be enacted in order that the work might be pushed to completion.

As showing the President's policy in its practical workings this message is indispensable as a public document. Large space is therefore here given to extracts therefrom:

He said: "Peace, order, tranquillity, and civil authority have been formally declared to exist throughout the whole of the United States. In all of these States civil authority has superseded the coercion of arms, and the people, by their voluntary action, are maintaining their Governments in full activity and complete operation. The enforcement of the laws is no longer obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, and the animosities en-

gendered by the war are rapidly yielding to the beneficent influences of our free institutions and the kindly effects of unrestricted social and commercial intercourse. An entire restoration of fraternal feeling must be the earnest wish of every patriotic heart; and we will have accomplished our grandest national achievement when, forgetting the sad events of the past and remembering only their instructive lessons, we resume our onward career as a free, prosperous, and united people.

“In my message of December 4, 1865, Congress was informed of the measures which had been instituted by the Executive with a view to the gradual restoration of the States in which the insurrection had occurred to their relations with the General Government. Provisional governors had been appointed, Conventions called, governors elected, Legislatures assembled, senators and representatives chosen to the Congress of the United States. Courts had been opened for the re-enforcement of laws long in abeyance. The blockade had been removed, custom-houses re-established, and the internal revenue laws put in force, in order that the people might contribute to the national income. Postal operations had been renewed, and efforts had been made to restore them to their former condition of efficiency. The States themselves had been asked to take part in the high function of amending the Constitution, and of thus sanctioning the extinction of African slavery as one of the legitimate results of our internecine struggle.

“Having progressed thus far, the Executive Department found that it had accomplished nearly all that was within the scope of its Constitutional authority. One thing, however, yet remained to be done before the work of restoration could be completed, and that was the admission to Congress of loyal senators and representatives



from the States whose people had rebelled against the lawful authority of the General Government. This question devolved upon the respective Houses, which, by the Constitution, are made the judges of the elections, returns, and qualifications of their own members, and its consideration at once engaged the attention of Congress.

“In the meantime the Executive Department—no other plan having been proposed by Congress—continued its efforts to perfect, as far as was practicable, the restoration of the proper relations between the citizens of the respective States, the States and the Federal Government extending, from time to time, as the public interest seemed to require, the judicial, revenue, and postal system of the country. With the advice and consent of the Senate, the necessary officers were appointed and appropriations made by Congress for the payment of their salaries. The proposition to amend the Federal Constitution, so as to prevent the existence of slavery within the United States or any place subject to their jurisdiction, was ratified by the requisite number of States, and on the 18th day of December, 1865, it was officially declared to have become valid, as a part of the Constitution of the United States. All of the States in which the insurrection had existed promptly amended their Constitutions so as to make them conform to the great change thus effected in the organic law of the land; declared null and void all ordinances and laws of secession; repudiated all pretended debts and obligations created for the revolutionary purposes of the insurrection, and proceeded, in good faith, to the enactment of measures for the protection and amelioration of the condition of the colored race. Congress, however, yet hesitated to admit any of these States to representation, and it was not until toward the close of the eighth month of the session that an exception was made

in favor of Tennessee by the admission of her senators and representatives.

“I deem it a subject of profound regret that Congress has thus far failed to admit to seats loyal senators and representatives from the other States, whose inhabitants, with those from Tennessee, had engaged in the Rebellion. Ten States—more than one-fourth of the whole number—remain without representation; the seats of fifty members in the House of Representatives and of twenty members in the Senate are yet vacant, not by their own consent, not by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much toward the renewal and strengthening of our relations as one people, and removed serious cause for discontent on the part of the inhabitants of those States. It would have accorded with the great principle enunciated in the Declaration of American Independence that no people ought to bear the burden of taxation and yet be denied the right of representation. It would have been in consonance with the expressed provisions of the Constitution that ‘each State shall have at least one representative,’ and ‘that no State, without its consent, shall be deprived of its equal suffrage in the Senate.’ These provisions were intended to secure to every State and to the people of every State the right of representation in each House of Congress, and so important was it deemed by the framers of the Constitution, that the equality of the States in the Senate should be preserved, that not even by an amendment of the Constitution can any State, without its consent, be denied a voice in that branch of that Legislature.

“It is true it has been assumed that the existence of the States was terminated by the rebellious acts of

their inhabitants, and that, the insurrection having been suppressed, they were thenceforward to be considered merely as conquered territories. The Legislative, the Executive, and Judicial Departments have, however, with great distinctness and uniform consistency, refused to sanction an assumption so incompatible with the nature of our republican system and the professed objects of the war. Throughout the recent legislation of Congress the undeniable fact makes itself apparent that these ten political communities are nothing less than States of this Union. At the very commencement of the Rebellion each House declared, with a unanimity as remarkable as it was significant, that the war was not 'waged upon our part in any spirit of oppression, not for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or supremacy of the Constitution and all laws made in pursuance thereof; and that, as soon as these objects were accomplished, the war ought to cease.' In some instances senators were permitted to continue their legislative functions, while in other instances representatives were elected and admitted to seats after their States had formally declared their right to withdraw from the Union, and were endeavoring to maintain that right by force of arms. All of these States whose people were in insurrection, as States, were included in the apportionment of the direct tax of \$20,000,000 annually, laid upon the United States by the act approved March 4, 1862, and, by the apportionment of representation thereunder, also recognized their presence as States in the Union; and they have, for judicial purposes, been divided into districts, as States alone can be divided. The same recognition appears in the legislation in reference to Tennessee, which, evidently, rests upon the fact that the functions of the State were not destroyed

by the Rebellion, but merely suspended; and that principle is, of course, applicable to those States which, like Tennessee, attempted to renounce their places in the Union.

“The action of the Executive Department upon this subject has been equally definite and uniform, and the purpose of the war was specifically stated in the proclamation issued by my predecessor on the 22d day of September, 1862. It was then solemnly proclaimed and declared ‘that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the Constitutional relation between the United States and each of the States and the people thereof in which States that relation is or may be suspended or disturbed.’ ”

This message gives us a bird’s-eye view of the state of the country and the problems confronting Congress at the close of the year 1866. But her members were in no mood to receive instruction from the President on matters concerning questions on which they so widely differed with him. During the preceding session he had vetoed the bill providing for the continuance of the Freedmen’s Bureau. At this same session the President also vetoed the “Civil Rights Bill,” whose import was to place the Negroes of the South upon the same footing with the whites. Congress passed these measures over the President’s veto, but the Constitutionality of the latter was so prominently questioned that its provisions were embodied in the Fourteenth Amendment to the Constitution. At this session Congress brought forth two acts which, in their approval or rejection by President Johnson, would put him on record with reference to Negro suffrage.

The first of these was an act granting the right of franchise to Negroes living within the District of Co-

lumbia, while the second provided for the admission of Nebraska to Statehood. This latter act contained a clause to the effect that no law should ever be passed in that State denying the right of suffrage to any person because of color or race. Both of these acts were promptly vetoed and as promptly passed by a two-thirds majority in both Houses, and thus became effective. In assigning his reasons to Congress for vetoing the act giving the elective franchise to the Negroes of the District of Columbia, President Johnson said: "I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a Nation; but there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it, indiscriminately, to a new class, wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and, finally, to destroy its power."

Thus it is seen that President Johnson fearlessly opposed the giving of the ballot unrestrictedly into the hands of the colored man. To what length he might finally have gone with his gradual and restrictive policy, which has already been noticed in these pages, we can not know, for Congress defeated his purposes, overthrew his plans, and universal suffrage, with all its train of woes, was thrust upon the country. The aftermath of these Congressional acts is seen in the State Constitutional Conventions, with their restrictive franchise amendments galore, by which the Federal acts of thirty-five years ago are being annulled.

Determined that the President should neither put his restoration policy into effect nor carry out the provision of his general amnesty proclamation, Congress passed a



bill in January, 1867, depriving him of his powers as Commander-in-Chief of the army, by providing that all orders relating to the army should be given through General Grant.

The method by which this was done was worthy of the spirit of the times.

This measure, so far-reaching and so important and so unconstitutional, was not made the subject of a distinct act, but was tacked on as a rider to the General Appropriation Bill. If the President should refuse to approve this bill there would be no money with which to meet the expenses of the Government, and a hue and cry would be raised against him throughout the land. If he did approve it, he would then meekly resign all Constitutional power by which to enforce his orders as Chief Executive.

Mr. Johnson signed the act with the written protest that he did it only in the interest of the appropriations, and that the rider depriving him of his power was unconstitutional.

In speaking of these acts of Congress after he himself had spent eight years as President, General Grant says: "The story of the legislation enacted during the reconstruction period to stay the hands of the President is too fresh in the minds of the people to be told now. *Much of it, no doubt, was unconstitutional;* but it was hoped that the laws enacted would serve their purpose before the question of Constitutionality could be submitted to the judiciary and a decision obtained." } ac

This is certainly a very bad admission, looking at it from the standpoint of Congress, for one so high in authority to make, who, by his influence at least, had contributed to this legislation. The claim of President Johnson could not have been better stated by himself. He



knew that Congress was enacting laws in direct violation of the Constitution, and, as the representative of the whole people and the defender of their Constitutional rights, he was in duty bound to oppose all such measures with his veto power. Before vetoing the acts of Congress relating to reconstruction, he submitted these acts to the Attorney-General, who pronounced them unconstitutional, and his opinion was, in turn, submitted to the entire Cabinet, all of whom concurred in this opinion except Mr. Stanton.

No Executive of any Government ever knew the Constitution under which he served better than Andrew Johnson knew the Constitution of the United States. He was truly a man of one book—and that book the Constitution. A well-worn copy of it, with markings and annotations, was in his constant keeping, and it has been said that he never made a public address in which he did not in some way refer to this document. He often expressed his devotion to the Constitution and flag of his country by saying that, when he died, he wanted no better winding-sheet than the Stars and Stripes and no softer pillow than the Constitution. His wish was fulfilled, for when he was laid to rest they did wind his body in the flag of his country, and his head was pillowed upon the Constitution which he revered and the provisions of which he sought to defend.

Two days before the Thirty-ninth Congress adjourned a bill was passed which had a logical connection with the one by which the President had been shorn of his military power. It is known as the "Tenure of Office Bill," and was designed to take from the President the power of patronage and the control of his Cabinet. It provided that the President should not remove from their positions any of the civil officers whose term of service

was not limited by law, nor any Cabinet officer, during the term of the President by whom he was appointed, except by consent of the Senate. This last provision was designed specifically to keep Mr. Stanton at the head of the War Department during Mr. Johnson's Presidency.

This measure was liberally discussed, at the time of its passage, by Mr. Johnson and his Cabinet, and all agreed, even to Mr. Stanton, that the act was plainly a violation of the Constitution, and ought not to become a law. When the act was returned with Mr. Johnson's veto, he accompanied it with an able argument setting forth its unconstitutionality. This, however, Congress did not heed, and the necessary two-thirds being forthcoming, the measure was at once passed over his veto.

This "Tenure of Office Bill" would never have originated, doubtless, but for the fact that Congress realized that the strained relations between the President and the Secretary of War must eventually result in the removal of the latter. This event would deprive Congress of the only radical in the Cabinet; for, while the other members were mostly Republicans, they were of the conservative type.

By August 5, 1867, the relations between the President and Mr. Stanton had become so unpleasant that Mr. Johnson suggested to him in a note that "public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted."

Whether or not the President was prepared for the blunt reply he received to this note, Mr. Stanton at once communicated the following: "Public considerations of a high character, which alone have induced me to remain at the head of this Department, constrain me not

to resign the office of Secretary of War before the next meeting of Congress."

Several days elapsed, during which time President Johnson consulted his advisors, and also General Grant, to whom he offered the Cabinet position of Secretary of War. General Grant consented to serve as Secretary *ad interim* until the meeting of Congress. Thereupon the President issued an order, dated the 12th of August, removing Mr. Stanton from the office of Secretary of War, and directing him to turn over all the records, books, papers, and all other property belonging to the War Department to General Grant, whom he empowered to act as Secretary of War *ad interim*.

There is a newspaper cartoon still preserved in the Johnson library, which appeared at this time, which reveals to us the situation as it appeared to many. In this cartoon, President Johnson is represented as gunning. Mr. Stanton is represented as a bear, and has fallen before Mr. Johnson's gun. General Grant appears in the background, with his accustomed cigar and complacent expression, quietly putting on Mr. Stanton's shoes, which are marked "War Department."

Mr. Stanton, on receipt of the President's order removing him from office, denied his right so to do without the consent of the Senate; but submitted, as he said, under protest, to superior force. General Grant, therefore, became a temporary member of Mr. Johnson's Cabinet, remaining from August 12, 1867, until January, 1868, at which time the Senate, by resolution, refused to concur in Mr. Stanton's suspension. Upon the passage of this resolution by the Senate, General Grant retired from the office, and Mr. Stanton reinstated himself therein.

It had been President Johnson's purpose to hold the

office of Secretary of War under his own control, and compel Mr. Stanton to appeal to the courts for redress; but in this he was forestalled by the action of General Grant in turning over the office to Mr. Stanton.

A bitter controversy ensued between the President and General Grant as to what the President considered a betrayal of trust by General Grant. In this controversy the other members of the Cabinet gave testimony against General Grant, and concurred with the President in the statement that General Grant, on accepting the position, and afterward, agreed to hold it subject to the President's order. The matter was important, for there was now no way open by which the President might relieve himself of an unacceptable Cabinet member. He made the attempt, a few days later, by appointing General Lorenzo Thomas Secretary of War, and authorizing him to proceed to take charge of the office. The effort, however, proved not only a failure, but was so miserably weak as to be contemptible. Mr. Stanton held on to the office until the "Tenure of Office Act" met with its death in the failure to impeach the President. He did not attend the Cabinet meetings, nor did he receive orders from the President.

What were the reasons assigned by President Johnson for his removal of Mr. Stanton as Secretary of War? It has often been asserted that he was moved by a personal dislike for the man; but the statement of the matter to Congress, on its demand for the grounds for the suspension of the Secretary of War, made by the President, reveals the fact that his antipathy was not personal, but judicial. He believed that Mr. Stanton's management of that Department was inimical to the best interests of the Government. Before the reader is called upon to pass judgment upon this act of the President,

so offensive to the radical members of Congress, he is invited to consider the estimate of General Grant, in his "Memoirs," of the official character of Mr. Stanton.

He says: "While I was in pursuit of General Lee, President Lincoln went to Richmond, in company with Admiral Porter, and on board his flagship. He found the people in great consternation. The leading citizens among the people who had remained at home surrounded him, anxious that something should be done to relieve them from suspense. The President sent for General Weitzell, and, on his arrival, a short interview was held on board the vessel, Admiral Porter and a leading citizen of Virginia being also present. After this interview, the President wrote an order which I quote from memory: 'General Weitzell is authorized to permit the body calling itself the Legislature of Virginia to meet for the purpose of recalling the Virginia troops.' Mr. Stanton saw this call published in the Northern papers the very next issue, and took the liberty of countermanding the order authorizing the meeting of the Legislature or any other body, and this, notwithstanding the fact that the President was nearer the spot than was he.

"This was characteristic of Mr. Stanton. He was a man who never questioned his own authority, and who always did, in the time of war, what he wanted to do. He was an able Constitutional lawyer; but the Constitution was not an impediment to him while the war lasted."

Mr. Stanton had been a member of Mr. Lincoln's war Cabinet, and he, with Mr. Seward, Secretary of State, Mr. McCulloch, Secretary of the Treasury, and Mr. Welles, Secretary of the Navy, alone remained in Mr. Johnson's Cabinet. They had retained their positions, after the death of Mr. Lincoln, not by formal official appointment, but a desire expressed

by Mr. Johnson that they should remain. That Mr. Stanton should have remained after his confidential relations with the President were broken off is not easily explained. As to whether the President of the United States should be accorded the privilege of having a Cabinet personally acceptable to him, we will let Mr. Sherman, then a senator, and afterwards Secretary of State, answer. When the "Tenure of Office Bill" was being discussed in the Senate prior to its passage, Senator Sherman said: "If a Cabinet officer should attempt to hold his office for one moment beyond the time when he retains the entire confidence of the President, I would not vote to retain him; nor would I compel the President to have about him, in these high positions, a man whom he did not entirely trust, both personally and politically. It would be unwise to require him to administer the Government without agents of his own choosing."

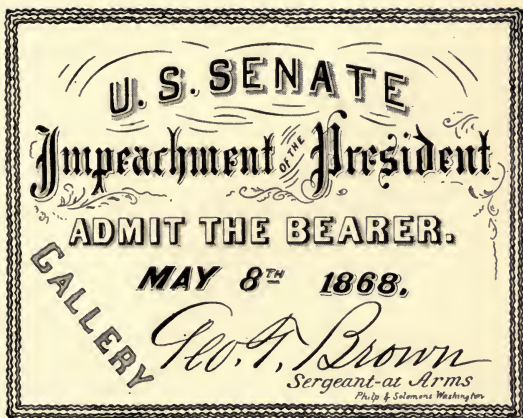


## CHAPTER XV.

### IMPEACHMENT TRIAL—THE GREAT NATIONAL DRAMA.

**I**F the assassination of President Lincoln may be considered as a great National tragedy, then the attempted impeachment of President Johnson may be thought of as a great National drama. The plot of the play, the scenes, the characters, all are of intense interest.

From the time that Mr. Cavode, of Pennsylvania, rose in the House of Representatives, and for the last time offered the resolution "that Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors," until the final adjournment of the Senate sitting as a Court of Impeachment, the Capitol at Washington was one vast stage, while the entire Nation was resolved into a spellbound audience. Describing the scene, Mr. Blaine says: "The city of Washington was a seething caldron. Thousands of people had been drawn thither from all parts of the country: many by their anxious interest in its results; many in the hope of having the opportunity to aid in some way the side on which their sympathies were enlisted; others from curiosity, or for the enjoyment of the excitement of the occasion; but many more by the expectation of the political preferment on the anticipated removal of the Presi-



TICKET OF ADMISSION.



dent and the resulting changes of partisan dominancy in the Executive office."

That the interest of the people should have thus been aroused is but little wonder, for this was the first time in the history of our country when the Chief Magistrate stood at her bar charged with high crimes and misdemeanors. From the very beginning of our Government there had been threatenings of this grave event, but never, until Andrew Johnson's day, did they find their fulfillment. The political opponents of George Washington, in 1795, made an assault upon him as President, which, had it proven successful, would have culminated in his formal impeachment. The parties combining to accomplish this, we are told, were the opponents of the Funding Scheme of Alexander Hamilton, the partisans of the French Directory, and the opponents of the Excise Law.

The vigor and bitterness with which this coalition attacked the President has never been surpassed in the annals of political history. The vials of party wrath were poured out upon him by a malignant press. We are told by Chief-Justice Marshall that "his political and military character was attacked with equal violence, and it was averred that he was destitute of merit, either as a soldier or a statesman. The calumnies with which he was assailed were not confined to his public conduct; even his qualities as a man were made the subjects of detraction.

"That he had violated the Constitution in negotiating a treaty without the previous advice of the Senate, and embracing within that treaty subjects belonging exclusively to the Legislature, was openly maintained, for which impeachment was publicly suggested; and that he had drawn from the treasury, for his private use, more

than the salary annexed to his office, was asserted without a blush. This last allegation was said to be supported by extracts from the Treasury accounts, which had been laid before the Legislature, and was maintained with the most persevering effrontery."

We are further told that at this time President Washington was also embarrassed because of his refusal to comply with a resolution of the House requesting the President to lay before it the instructions, correspondence, and other documents relative to the treaty with Great Britain negotiated by Mr. Jay. It will thus be seen that even the "Father of Our Country" was not immune from the shafts of party prejudice, and that the first President narrowly escaped the fate which befell the seventeenth.

Furthermore, President Tyler had run the same gamut in 1842, when the Hon. John Minor Botts, of Virginia, presented the following charges against him in the House of Representatives: "I charge John Tyler, President of the United States, with a gross usurpation of power and with violation of the law. I charge him with the high crime and misdemeanor of endeavoring to excite a disorganizing and revolutionary spirit in the country by inviting a disregard of and disobedience to a law of Congress which he has sworn to see faithfully executed. I charge him with an arbitrary and despotic abuse of the veto power to gratify his personal and political resentment. I charge him with the high misdemeanor of arraying himself in open hostility to the Legislative Department of the Government, by the publication of slanderous and libelous letters, over his own signature, with a view of creating a false and unmerited sympathy for himself and bringing Congress into disrepute and odium with the people."

These historic instances have been cited for the

double purpose of showing that the difficulties involving President Johnson, when called to co-operate with a Congress of oposite political faith, were by no means peculiar to his Administration, and that the ground of his attempted impeachment is an exact reproduction of the charges made against Presidents Washington and Tyler.

Never since the trial of Warren Hastings by the British Parliament has so much interest centered in any judicial proceeding as gathered about the impeachment trial of President Johnson. The distinction of both the accused and his accusers, and the gravity of the indictment, lent zest to the proceedings, while the jury, composed of fifty-four of the ablest statesmen of the age, presided over by a chief-justice distinguished alike for his learning and judicial ability, commanded at once the attention and the respect of the world. Of these proceedings, Mr. Blaine says: "The trial of President Johnson is the most memorable attempt made by any English-speaking people to depose a sovereign ruler in strict accordance with all the forms of law. The order, dignity, and solemnity which marked the proceedings may be recalled with pride by every American citizen." The official report of the trial covers several volumes, every page of which is as fascinating as fiction. The press reports of the times, full files of which the writer has examined, present a perfect Babel of opinions and sentiments concerning the proposed impeachment.

It is easy to see that the character of a man's opinion was affected by his political complexion. Every one appears to have been an aggressive partisan. Never, perhaps, was more political capital made of an event than was made of this. Everything was charged against the President by a hostile press, from complicity with the assassination of President Lincoln to an alliance with the



pope of Rome. While, on the other hand, it was asserted that the attempted impeachment was a scheme of the radicals to displace the President, whom they could not control for party ends, and put in his stead Mr. Wade, the radical Speaker of the Senate.

Crimination and recrimination of the gravest sort filled the printed page and the public speech. Editors wrote of little else, while every campaign orator was an intense patriot, either of the "Andy Johnson" and the Constitution type, or the type of the radicals as exhibited in Messrs. Bingham, Stevens, and Logan. From North, South, East, and West, from State officials and legislative bodies, from citizens' mass-meetings and civic organizations, from clergymen and laymen, came floods of telegrams and letters pouring into the halls of Congress and into the White House, indorsing Congress or the President, respectively, and urging them to fight it out to the bitter end and save the country.

In the meanwhile, the South, bleeding at every pore, lay under the feet of these mighty antagonists, wondering whether she was to be trampled to death in the struggle or executed by legislative act. For two years impeachment had been threatened by the most radical members of the Republican Congress, such as Mr. Stevens, of Pennsylvania; and Mr. Ashley, of Ohio; but not until the session of 1867-68 did these gathering clouds break upon Mr. Johnson's head.

The following communication, read to the Cabinet on the 30th of November, 1867, gives us the President's mind on the subject of his official situation better than any statement made by another person possibly could do:

"GENTLEMEN OF THE CABINET,—You no doubt are aware that certain evil-disposed persons have formed a con-

spiracy to depose the President of the United States, and to supply his place by an individual of their own selection. Their plan of operations seems to contemplate certain accusations against the President, which are to take the form of Articles of Impeachment, and that hereupon, before hearing or trial, he is, under color of law, to be placed under arrest, and suspended or removed from office.

“The first intention, apparently, was to proceed by regular impeachment, in the mode prescribed by the Constitution. This, however, requires some credible evidence of an official act, criminal in its nature, and of a grade high enough to justify such proceeding before an enlightened and impartial public. Failing to obtain, after efforts of the most extraordinary and unscrupulous character, any plausible grounds for such an accusation, the persons engaged in this scheme discover that, to accomplish their purpose, they must now resort to a revolution changing the whole organic system of our Government.

“Such a design has been openly and publicly avowed, in language unambiguous in meaning, by persons of great notoriety and much influence. While it is hoped that their declarations may be the mere ebullitions of intense party excitement, it must be remembered that at the present time the temper of many political leaders is desperate and extremely reckless, and that the most prominent among them have admitted and proclaimed that the Constitution has been set aside and repudiated by Congress.

“The temptation to join in a revolutionary enterprise for the overthrow of our institutions is extremely strong at the present moment. A combination of men directing the operations of Government without regard to law, or under a Constitution which they hold themselves authorized to repudiate at pleasure, would be abso-

lute masters of all the wealth of the country, the richest in the world, and they could hold at their mercy the life and liberty of every individual within our territorial limits. Supreme and irresponsible power is always dangerous and seductive; but here, in the present condition of American affairs, with our large army and powerful navy and our vast resources, it is a prize so dazzling that we can not wonder that the desire to grasp it should overcome the public virtue of some ambitious men. The coveted power, once usurped, would easily find means to make itself perpetual.

“It can not be doubted that nine-tenths of the American people are true to the Constitution and the free institutions established by their fathers. So, in 1861, were the people of the South; yet they were misled by a few designing men, and forced into a disastrous revolution. A revolutionary party, once in full possession of the Government, with the entire control of the monetary affairs of the country and the immense revenue now paid annually into the Treasury, with universal suffrage and military supervision of elections, might even maintain some external show of popular approbation for its worst excesses.

“Without attempting to set forth all the facts and circumstances which tend to establish the existence of a formidable conspiracy for the overthrow of the Government by the deposition of the Chief Executive Magistrate, it is clear that those who are engaged in it regard the present Executive as the main obstacle to the assumption and exercise by them of unwarranted and arbitrary authority over the people. It is believed that if the Executive had united with the majority of Congress in the passage of measures which he deemed subversive of the fundamental principles of free government, he would

have had their approbation. Their unqualified animosity has been excited by the effort he has made faithfully to fulfill his solemn obligation.

“It has never once occurred to him, however, that upon the mere demands of illegal and revolutionary violence he could surrender his office to a usurper, and thus yield the high duty imposed upon him by his oath ‘to preserve, protect, and defend the Constitution.’ To do so would be to betray the most sacred trust committed to human hands. I can not deliver the great charter of our Nation’s liberty to men who, by the very act of usurping it, would show their determination to disregard and trample it under foot. The strong probability that such a demand will be made, and the certainty that if made, it must, from a high sense of official obligation on my part, be resisted with all the legal and Constitutional means at the disposal of the President, thus bringing on a conflict between the co-ordinate branches of the Government, makes it absolutely necessary that the Executive and the heads of the several Departments should, upon a question so momentous, understand one another without any reserve whatever.

“To that end, I request your separate opinions, in writing, on the following questions:

“First. Can the President be removed from office in any other mode than that prescribed in the Constitution; viz., ‘on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors?’

“Second. Pending impeachment, and before conviction and judgment, can the President, by an act of Congress and otherwise, be suspended from office, and the president *pro tempore* of the Senate, or other officer provided by law, be authorized to act as President during such suspension?

“Third. If a law providing for such suspension and such exercise of the office by any officer other than the President should be passed, would it be the duty of the President to surrender his office and withdraw from the exercise of his official duties, or continue to exercise them and to maintain his authority?

“Fourth. Whether such deposition or arrest of the President, and the transfer of his official functions to another person, would be less a violation of the organic law, if attempted or done by members of Congress, or at their instigation, than if attempted or effected by private parties?

“(Signed,)

ANDREW JOHNSON.

“November 30, 1867.”

As early as autumn, 1866, the matter of the impeachment of the President was seriously advocated by some of the more radical members of the Republican party, and when Congress assembled in the following December there was a move made in that direction by Mr. Ashley, of Ohio, who, on the 7th of January, offered a resolution to that effect. Mr. Ashley's resolution was referred to the Judiciary Committee, which, while it endeavored to gather proof for investigation, failed to report anything definite. Thus the matter rested at the close of the Thirty-ninth Congress.

At the opening of the Fortieth Congress, Mr. Ashley renewed his resolution, and the Judiciary Committee was instructed to renew its investigations, and, if necessary, to continue them during the recess, and to report at the following session. This committee did proceed with its work, and on November 25, 1867, Mr. Boutwell reporting for the Judiciary Committee of the House of Representatives on the subject of the impeachment of the Presi-

dent, read the findings of a majority of the committee, closing with these words: "In accordance with the testimony herewith submitted, and the view of the law herewith presented, the committee is of the opinion that Andrew Johnson, President of the United States, is guilty of high crimes and misdemeanors requiring the interposition of the Constitutional power of the House, etc. Therefore,

*"Resolved, That Andrew Johnson, President of the United States, be impeached for high crimes and misdemeanors."*

The press report says: "The reading of this resolution was greeted with an outburst of applause from certain parts of the galleries and clapping of hands on the floor, while counter demonstrations of hissings were also made on the floor and in the galleries."

These expressions of approval and disapproval in the House of Representatives were but a picture in miniature of the way by which the news of this resolution was received by the whole country. While this was a definite step, and the House really favored the movement, nevertheless final action was not taken until the 21st of February, 1868, when the whole matter was referred to the Committee on Reconstruction. This committee reported the next day, through its chairman, Mr. Thaddeus Stevens, of Pennsylvania, and the Senate was notified through Mr. Stevens and Mr. Bingham that, "in the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will, in due time, exhibit particular Articles of Impeachment against him, and make good the same; and in their name we demand that the



Senate take order for the appearance of the said Andrew Johnson to answer said impeachment.”

The Senate acceded to this demand, and prepared at once to resolve itself into a Court of Impeachment by postponing all other business and appointing a committee whose duty it was to prepare rules for the government of the Senate while sitting as a Court of Impeachment. The articles of impeachment were presented to the Senate by the following representatives, who appeared as managers for the House: Mr. John A. Bingham, Mr. George S. Boutwell, Mr. James F. Wilson, Mr. Benjamin F. Butler, Mr. Thomas Williams, Mr. John A. Logan, and Mr. Thaddeus Stevens.

The Court of Impeachment was organized on March 5th, the oath being administered to Chief-Justice Chase by Associate-Justice Nelson, and then by the Chief-Justice to all the senators except Mr. Wade, whose right to sit upon the trial was at first questioned; but the objection was finally withdrawn, and he was sworn in. The trial proper began on the 13th of March. The Articles of Impeachment to which the President was required to answer were eleven, but a final vote was taken upon only three of these; viz., the second, third, and eleventh, which embodied the most important features of the charges.

The necessary papers having been served upon the President, he appeared by counsel, consisting of Henry Stanbery, who resigned as Attorney-General in the Cabinet of President Johnson to act as one of his counsel; B. R. Curtis, Jeremiah Black, William M. Evarts, and T. A. R. Nelson. The President, through his counsel, asked for forty days in which to prepare his answer; but his request was met by a demand on the part of the managers for the House that the trial should proceed at once. An agreement was finally reached according to

which ten days were allowed the President in which to prepare his defense. The charge was made by the friends of Mr. Johnson that there was an unseemly effort on the part of the managers to "railroad" the trial through to the damage of the President. The Senate adjourned until the 23d of March, on which date Mr. Evarts, representing the counsel for the President, made reply to the Articles of Impeachment *seriatim*.

During the course of the trial, Judge Black withdrew as one of the counsel, and declined to serve the President further in the case. The prosecution sought to make capital of this action on the part of Mr. Black, and the impression was given out that he had become convinced that the President's doom was sealed, and that, desiring not to hazard his reputation as a lawyer and a politician in a hopeless case, he had withdrawn and left Mr. Johnson to his fate.

This charge, however, proved a boomerang in the hand of those who sought to use it against the President, for Mr. Black addressed a letter to Mr. Johnson in which he set forth his reasons for retiring from the case. Judge Black had, at the time of the beginning of the impeachment trial, and for some years before, been the legal advisor for Patterson & Murgniando, of Baltimore, who were large producers and exporters of guano, their company being incorporated under the laws of Maryland and doing business chiefly in the West India Islands. This company had become involved in a vital difficulty with the Government of St. Domingo concerning the right to guano on the island of Alta Vela, to which the Government of St. Domingo laid claim. These clients of Mr. Black had sought to have the President send a war vessel to the island of Alta Vela and take forcible possession thereof; but Mr. Johnson had not consented to do so

when the impeachment trial began, doubting his authority in the matter. He was also advised by Mr. Seward to postpone action until the revolution then going on in St. Domingo had been quelled.

He would not take this step even for his friend and counsel, because he was not certain as to his right to do so. Hence, Mr. Black determined to appeal to Congress, and a sense of propriety led him to withdraw from the impeachment case, because, as he said, it would be unseemly for him to defend the President in one case and antagonize him in another. Furthermore, it was shown in the investigations relative to the *Alta Vela* claims, that nearly all the leaders of the impeachment movement had given their indorsement to the justice of the claims of this guano company. This appears to have been a business move on the President to get him to do that, the rightfulness of which he doubted. Andrew Johnson was incorruptible in his official character, and, while it does not appear that Judge Black made it a condition of his remaining as one of the President's counsel, certain it is that, if he had given the relief Mr. Black sought for this guano company, he would not have lost this able advocate. The presentation of the indorsement of the President's enemies to this claim appears to have been offered to him as an opportunity to placate them. So much for *Alta Vela*, the little, barren, and uninhabited island lying about sixteen miles off the southern coast of St. Domingo. Judge Black, on retiring from the impeachment case, expressed his faith in the law and justice of the President's defense and his confidence in his vindication.

## CHAPTER XVI.

### CHARGES OF THE HOUSE OF REPRESENTATIVES AGAINST ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

**A**RTICLE 1. That said Andrew Johnson, President of the United States, on the 21st day of February, 1868, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully and in violation of the Constitution and laws of the United States issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been heretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary; and said Andrew Johnson, President of the United States, on the 12th day of August, A. D. 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate—that is to say, on the 12th day of December, in the year last aforesaid—having reported to Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person designated to perform the duties of such office temporarily until the next

meeting of the Senate; and said Senate thereafterwards, on the 13th day of January, A. D. 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An Act regulating the tenure of certain civil offices," passed March 2, 1867, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice; and said Edwin M. Stanton, by reason of the premises, on said 21st day of February, being lawfully entitled to hold said office of Secretary for the Department of War; which said order for the removal of said Edwin M. Stanton is in substance as follows; that is to say:

"EXECUTIVE MANSION,

"WASHINGTON, D. C., February 21, 1868.

"HON EDWIN M. STANTON, Washington, D. C.:

"*Sir*,—By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

"You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

"Respectfully yours,                      ANDREW JOHNSON."

Which order was unlawfully issued with intent then and there to violate the act entitled "An Act regulating the tenure of certain civil offices," passed March 2, 1867, and

with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

Article 2. That on said 21st day of February, A. D. 1868, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An Act regulating the tenure of certain civil offices," passed March 2, 1867, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows; that is to say:

"EXECUTIVE MANSION,

"WASHINGTON, D. C., February 21, 1868.

"BREVET MAJOR-GENERAL LORENZO THOMAS,

Adjutant-General United States Army, Washington, D. C.:

"Sir,—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately







civil offices," passed March 2, 1867, by unlawfully devising and contriving, and attempting to devise and contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension heretofore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War, and also by further devising and contriving, and attempting to devise and contrive, means then and there to prevent the execution of an act entitled "An Act making appropriations for the support of the army for the fiscal year ending June 30, 1868, and for other purposes," approved March 2, 1867, whereby the said Andrew Johnson, President of the United States, did then, to wit, on the 21st day of February, A. D. 1868, at the City of Washington, commit, and was guilty of a high misdemeanor in office.

"SCHUYLER COLFAX,

*"Speaker of the House of Representatives.*

"Attest:

"EDWARD MCPHERSON,

*"Clerk of the House of Representatives."*

## CHAPTER XVII.

THE ANSWER OF THE SAID ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

ANSWER to Article 1.—For answer to the first article he says that Edwin M. Stanton was appointed Secretary for the Department of War on the 15th day of January, A. D. 1862, by Abraham Lincoln, then President of the United States, during the first term of his Presidency, and was commissioned, according to the Constitution and laws of the United States, to hold the said office during the pleasure of the President; that the office of Secretary for the Department of War was created by an act of the First Congress in its first session, passed on the 7th day of August, A. D. 1789, and in and by that act it was provided and enacted that the said Secretary for the Department of War shall perform and execute such duties as shall from time to time be enjoined upon and intrusted to him by the President of the United States, agreeable to the Constitution, relative to the subjects within the scope of the said Department; and, furthermore, that the said Secretary shall conduct the business of the said Department in such a manner as the President of the United States shall from time to time order and instruct.

And this respondent, further answering, says that by

force of the act aforesaid and by reason of his appointment aforesaid the said Stanton became the principal officer in one of the Executive Departments of the Government within the true intent and meaning of the second section of the Second Article of the Constitution of the United States and according to the true intent and meaning of that provision of the Constitution of the United States; and, in accordance with the settled and uniform practice of each and every President of the United States, the said Stanton then became, and so long as he should continue to hold the said office of Secretary for the Department of War must continue to be one of the advisers of the President of the United States, as well as the person intrusted to act for and represent the President in matters enjoined upon him or intrusted to him by the President touching the Department aforesaid, and for whose conduct in such capacity, subordinate to the President, the President is by the Constitution and laws of the United States made responsible.

And this respondent, further answering, says he succeeded to the office of President of the United States upon and by reason of the death of Abraham Lincoln, then President of the United States, on the 15th day of April, 1865, and the said Stanton was then holding the said office of Secretary for the Department of War under and by reason of the appointment and commission aforesaid; and not having been removed from the said office by this respondent, the said Stanton continued to hold the same under the appointment and commission aforesaid, at the pleasure of the President, until the time hereinafter particularly mentioned, and at no time received any appointment or commission save as above detailed.

And this respondent, further answering, says that on and prior to the 5th day of August, A. D. 1867, this re-

spondent, the President of the United States, responsible for the conduct of the Secretary for the Department of War, and having the Constitutional right to resort to and rely upon the person holding that office for advice concerning the great and difficult public duties enjoined on the President by the Constitution and laws of the United States, became satisfied that he could not allow the said Stanton to continue to hold the office of Secretary for the Department of War without hazard of the public interest; that the relation between the said Stanton and the President no longer permitted the President to resort to him for advice, or to be, in the judgment of the President, safely responsible for his conduct of the affairs of the Department of War, as by law required, in accordance with the orders and instructions of the President; and thereupon, by force of the Constitution and laws of the United States, which devolve on the President the power and the duty to control the conduct of the business of that Executive Department of the Government, and by reason of the Constitutional duty of the President to take care that the laws be faithfully executed, this respondent did necessarily consider and did determine that the said Stanton ought no longer to hold the said office of Secretary for the Department of War. And this respondent, by virtue of the power and authority vested in him as President of the United States by the Constitution and laws of the United States, to give effect to such his decision and determination, did, on the 5th day of August, A. D. 1867, address to the said Stanton a note, of which the following is a true copy:

“*Sir*,—Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.”



To which note the said Stanton made the following reply:

“WAR DEPARTMENT,  
“WASHINGTON, August 5, 1867.

“*Sir*,—Your note of this day has been received, stating that ‘public considerations of a high character constrain’ you ‘to say that’ my ‘resignation as Secretary of War will be accepted.’

“In reply, I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress. Very respectfully yours,

“EDWIN M. STANTON.”

This respondent, as President of the United States, was thereon of opinion that, having regard to the necessary official relations and duties of the Secretary for the Department of War to the President of the United States, and having regard to the responsibility of the President for the conduct of the said Secretary, and having regard to the permanent Executive authority of the office which the respondent holds under the Constitution and laws of the United States, it was impossible, consistently with the public interests, to allow the said Stanton to continue to hold the said office of Secretary for the Department of War; and it then became the official duty of the respondent, as President of the United States, to consider and decide what act or acts should and might lawfully be done by him, as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was informed, and verily believed that it was practically settled by the First Congress of the United States, and had been so considered and uniformly

and in great numbers of instances acted on by each Congress and President of the United States, in succession, from President Washington to and including President Lincoln, and from the First Congress to the Thirty-ninth Congress, that the Constitution of the United States conferred on the President, as part of the executive power and is one of the necessary means and instruments of performing the executive duty expressly imposed upon him by the Constitution of taking care that the laws be faithfully executed, the power at any and all times of removing from office all executive officers for cause to be judged of by the President alone. This respondent had, in pursuance of the Constitution, required the opinion of each principal officer of the Executive Departments upon this question of Constitutional executive power and duty, and had been advised by each of them, including the said Stanton, Secretary for the Department of War, that under the Constitution of the United States this power was lodged by the Constitution in the President of the United States, and that, consequently, it could be lawfully exercised by him. and that Congress could not deprive him thereof; and this respondent, in his capacity as President of the United States, and because in that capacity he was both enabled and bound to use his best judgment upon this question, did, in good faith and with an earnest desire to arrive at the truth, come to the conclusion and opinion, and did make the same known to the Honorable Senate of the United States by a message dated on the 2d day of March, 1867 (a true copy whereof is hereunto annexed and marked A), that the power last mentioned was conferred and the duty of exercising it in fit cases was imposed on the President by the Constitution of the United States, and that the President could not be deprived of this power or relieved of this duty, nor could the same be vested by

law in the President and the Senate jointly, either in part or in whole; and this has ever since remained and was the opinion of this respondent at the time he was forced as aforesaid to consider and decide what act or acts should and might lawfully be done by this respondent as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was also then aware that by the first section of "An Act regulating the tenure of certain civil offices, passed March 2, 1867, by Constitutional majority of both Houses of Congress, it was enacted as follows:

"That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: Provided, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and one month thereafter, subject to removal by and with the advice and consent of the Senate."

This respondent was also aware that this act was understood and intended to be an expression of the opinion of the Congress by which that act was passed that the power to remove executive officers for cause might by law be taken from the President and vested in him and the Senate jointly; and although this respondent had arrived at and still retained the opinion above expressed, and verily believed, as he still believes, that the said first section of the last-mentioned act was and is wholly inoperative and void

by reason of its conflict with the Constitution of the United States, yet, inasmuch as the same had been enacted by the Constitutional majority in each of the two Houses of that Congress, this respondent considered it to be proper to examine and decide whether the particular case of the said Stanton, on which it was this respondent's duty to act, was within or without returns of that first section of the act, or if within it, whether the President had not the power, according to the terms of the act, to remove the said Stanton from the office of Secretary for the Department of War; and having, in his capacity of President of the United States, so examined and considered, did form the opinion that the case of the said Stanton and his tenure of office were not affected by the first section of the last-named act.

And this respondent, further answering, says that although a case thus existed which, in his judgment as President of the United States, called for the exercise of the executive power to remove the said Stanton from the office of Secretary for the Department of War; and although this respondent was of opinion, as is above shown, that under the Constitution of the United States the power to remove the said Stanton from the said office was vested in the President of the United States; and although this respondent was also of the opinion, as is above shown, that the case of the said Stanton was not affected by the first section of the last-named act; and although each of the said opinions had been formed by this respondent upon an actual case, requiring him, in his capacity of President of the United States, to come to some judgment and determination thereon, yet this respondent, as President of the United States, desired and determined to avoid, if possible, any question of the construction and effect of the said first section of the last-named act, and

also the broader question of the executive power conferred upon the President of the United States by the Constitution of the United States to remove one of the principal officers of one of the Executive Departments for cause seeming to him sufficient; and this respondent also desired and determined that if, from causes over which he could exert no control, it should become absolutely necessary to raise and have in some way determined either or both of the said last-named questions, it was in accordance with the Constitution of the United States, and was required of the President thereby, that questions of so much gravity and importance, upon which the Legislative and Executive Departments of the Government had disagreed, which involved powers considered by all branches of the Government, during its entire history down to the year 1867, to have been confided by the Constitution of the United States to the President, and to be necessary for the complete and proper execution of his Constitutional duties, should be in some proper way submitted to that judicial department of the Government intrusted by the Constitution with the power, and subjected by it to the duty, not only of determining finally the construction and effect of all acts of Congress, but by comparing them with the Constitution of the United States and pronouncing them inoperative when found in conflict with that fundamental law which the people have enacted for the government of all their servants. And to these ends, first, that through the action of the Senate of the United States the absolute duty of the President to substitute some fit person in place of Mr. Stanton as one of his advisers, and as a principal subordinate officer whose official conduct he was responsible for and had lawful right to control, might, if possible, be accomplished without necessity of raising any one of the questions aforesaid; and, second, if this duty could not



be so performed, then that these questions, or such of them as might necessarily arise, should be judicially determined in manner aforesaid, and for no other end or purpose, this respondent, as President of the United States, on the 12th day of August, 1867, seven days after the reception of the letter of the said Stanton on the 5th of August, hereinbefore stated, did issue to the said Stanton the order following, namely:

“EXECUTIVE MANSION,

“WASHINGTON, August 12, 1867.

“HON. EDWIN M. STANTON, Secretary of War:

“*Sir*,—By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

“You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.”

To which said order the said Stanton made the following reply:

“WAR DEPARTMENT,

“WASHINGTON CITY, August 12, 1867.

“THE PRESIDENT:

“*Sir*,—Your note of this date has been received, informing me that by virtue of the powers vested in you as President by the Constitution and laws of the United States I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same; and also directing me at once to transfer to General Ulysses S. Grant, who has this day been author-



ized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other property now in my custody and charge.

“Under a sense of public duty, I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without legal cause, to suspend me from office as Secretary of War, or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.

“But inasmuch as the General commanding the armies of the United States has been appointed Secretary *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.”

And this respondent, further answering, says that it is provided in and by the second section of “An Act regulating the tenure of certain civil offices,” that the President may suspend an officer from the performance of the duties of the office held by him, for certain causes therein designated, until the next meeting of the Senate and until the case shall be acted on by the Senate; that this respondent, as President of the United States, was advised, and he verily believed, and still believes, that the executive power of removal from office confided to him by the Constitution as aforesaid includes the power of suspension from office at the pleasure of the President; and this respondent by the order aforesaid did suspend the said Stanton from office, not until the next meeting of the Senate or until the Senate should have acted upon the case, but by force of the power and authority vested in him by the Constitution and laws of the United States, indefinitely and at

the pleasure of the President; and the order, in form aforesaid, was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be more fully hereinafter stated.

And this respondent, further answering, says that in and by the act of February 13, 1795, it was among other things provided and enacted that in case of vacancy in the office of Secretary for the Department of War it shall be lawful for the President, in case he shall think it necessary, to authorize any person to perform the duties of that office until a successor be appointed or such vacancy filled, but not exceeding the term of six months; and this respondent, being advised and believing that such law was in full force and not repealed, by an order dated August 12, 1867, did authorize and empower Ulysses S. Grant, General of the armies of the United States, to act as Secretary for the Department of War *ad interim*, in the form in which similar authority had theretofore been given, not until the next meeting of the Senate and until the Senate should act on the case, but at the pleasure of the President, subject only to the limitation of six months in the said last-mentioned act contained; and a copy of the last named order was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be hereinafter more fully stated; and in pursuance of the design and intention aforesaid, if it should become necessary, to submit the said questions to a judicial determination, this respondent, at or near the date of the last-mentioned order, did make known such his purpose to obtain a judicial decision of the said questions, or such of them as might be necessary.

And this respondent, further answering, says that in further pursuance of his intention and design, if possible, to perform what he judged to be his imperative duty, to

prevent the said Stanton from longer holding the office of Secretary for the Department of War, and at the same time avoiding, if possible, any question respecting the extent of the power of removal from executive office confided to the President by the Constitution of the United States, and any question respecting their construction and effect the first section of the said "Act regulating the tenure of certain civil offices," while he should not by any act of his abandon and relinquish either a power which he believed the Constitution had conferred on the President of the United States to enable him to perform the duties of his office, or a power designedly left to him by the first section of the act of Congress last aforesaid, this respondent did, on the 12th day of December, 1867, transmit to the Senate of the United States a message, a copy whereof is hereunto annexed and marked B, wherein he made known the orders aforesaid and the reasons which had induced the same, so far as this respondent then considered it material and necessary that the same should be set forth, and reiterated his views concerning the Constitutional power of removal vested in the President, and also expressed his views concerning the construction of the said first section of the last-mentioned act, as respected the power of the President to remove the said Stanton from the said office of Secretary for the Department of War, well hoping that this respondent could thus perform what he then believed, and still believes, to be his imperative duty in reference to the said Stanton without derogating from the powers which this respondent believed were confided to the President by the Constitution and laws, and without the necessity of raising judicially any questions respecting the same.

And this respondent, further answering, says that this hope not having been realized, the President was com-

pelled either to allow the said Stanton to resume the said office and remain therein contrary to the settled convictions of the President, formed as aforesaid, respecting the powers confided to him and the duties required of him by the Constitution of the United States, and contrary to the opinion formed as aforesaid that the first section of the last-mentioned act did not affect the case of the said Stanton, and contrary to the fixed belief of the President that he could no longer advise with or trust or be responsible for the said Stanton in the said office of Secretary for the Department of War, or else he was compelled to take such steps as might in the judgment of the President be lawful and necessary to raise for judicial decision the questions affecting the lawful right of the said Stanton to resume the said office, or the power of the said Stanton to persist in refusing to quit the said office if he should persist in actually refusing to quit the same; and to this end, and to this end only, this respondent did, on the 21st day of February, 1868, issue the order for the removal of the said Stanton, in the said first article mentioned and set forth, and the order authorizing the said Lorenzo Thomas to act as Secretary of War *ad interim*, in the said article set forth.

And this respondent, proceeding to answer specifically each substantial allegation in the said first article, says: He denies that the said Stanton, on the 21st day of February, 1868, was lawfully in possession of the said office of Secretary for the Department of War. He denies that said Stanton, on the day last-mentioned, was lawfully entitled to hold the said office against the will of the President of the United States. He denies that the said order for the removal of the said Stanton was unlawfully issued. He denies that the said order was issued with intent to violate the act entitled "An Act regulating the tenure of

certain civil offices." He denies that the said order was a violation of the last-mentioned act. He denies that the said order was a violation of the Constitution of the United States, or of any law thereof, or of his oath of office. He denies that the said order was issued with an intent to violate the Constitution of the United States, or any law thereof, or this respondent's oath of office; and he respectfully but earnestly insists that not only was it issued by him in the performance of what he believed to be an imperative official duty, but in the performance of what this honorable court will consider was, in point of fact, an imperative official duty. And he denies that any and all substantive matters in the said first article contained, in manner and form as the same are therein stated and set forth, do by law constitute a high misdemeanor in office within the true intent and meaning of the Constitution of the United States.

Answer to Article 2.—And for answer to the second article, this respondent says that he admits he did issue and deliver to said Lorenzo Thomas, as the said writing sets forth in said second article, bearing date at Washington, D. C., February 21, 1868, addressed to Brevet Major-General Lorenzo Thomas, Adjutant-General United States Army, Washington, D. C., and he further admits that the same was so issued without the advice and consent of the Senate of the United States, then in session; but he denies that he hereby violated the Constitution of the United States or any law thereof, or that he did thereby intend to violate the Constitution of the United States or the provisions of any act of Congress; and this respondent refers to his answer to said first article for a full statement of the purposes and intentions with which said order was issued, and adopts the same as part of his answer to this article; and he further denies that there was then and



there no vacancy in the said office of Secretary for the Department of War, or that he did then and there commit or was guilty of a high misdemeanor in office; and this respondent maintains and will insist—

1. That at the date and delivery of said writing there was a vacancy existing in the office of Secretary for the Department of War.

2. That notwithstanding the Senate of the United States was then in session, it was lawful and according to long and well-established usage to empower and authorize the said Thomas to act as Secretary of War *ad interim*.

3. That if the said act regulating the tenure of civil offices be held to be a valid law, no provision of the same was violated by the issuing of said order or by the designation of said Thomas to act as Secretary of War *ad interim*.

Answer to Article 3.—And for answer to said third article, this respondent says that he abides by his answer to said first and second articles in so far as the same are responsive to the allegations contained in the said third article, and, without here again repeating the same answer, prays the same be taken as an answer to this third article as fully as if here again set out at length; and as to the new allegation contained in said third article, that this respondent did appoint the said Thomas to be Secretary for the Department of War *ad interim*, this respondent denies that he gave any other authority to said Thomas than such as appears in said written authority, set out in said article, by which he authorized and empowered said Thomas to act as Secretary for the Department of War *ad interim*; and he denies that the same amounts to an appointment, and insists that it is only a designation of an officer of that Department to act temporarily as Secretary for the Department of War *ad interim* until an ap-



pointment should be made. But whether the said written authority amounts to an appointment, or to a temporary authority or designation, this respondent denies that in any sense he did thereby intend to violate the Constitution of the United States, or that he thereby intended to give the said order the character of effect of an appointment in the Constitutional or legal sense of that term. He further denies that there was no vacancy in said office of Secretary for the Department of War existing at the date of said written authority.

Answer to Article 11.—And in answer to the eleventh article, this respondent denies that on the 18th day of August, in the year 1866, at the city of Washington, in the District of Columbia, he did, by public speech or otherwise, declare or affirm, in substance or at all, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, or that he did then and there declare or affirm that the said Thirty-ninth Congress was a Congress of only part of the States in any sense or meaning other than that ten States of the Union were denied representation therein, or that he made any or either of the declarations or affirmations in this behalf in the said article alleged as denying or intending to deny that the legislation of the said Thirty-ninth Congress was valid or obligatory upon this respondent except so far as this respondent saw fit to approve the same; and as to the allegation in said article that he did thereby intend or mean to be understood that the said Congress had not power to propose amendments to the Constitution, this respondent says that in said address he said nothing in reference to the subject of amendments of the Constitution, nor was the question of the competency of the said Congress to propose such amendments, without

the participation of said excluded States, at the said address in any way mentioned or considered or referred to by this respondent, nor in what he did say had he any intent regarding the same; and he denies the allegations so made to the contrary thereof. But this respondent, in further answer to and in respect of the said allegation of the said eleventh article hereinbefore traversed and denied, claims and insists upon his personal and official right of freedom of opinion and freedom of speech, and his duty in his political relations as President of the United States to the people of the United States in the exercise of such freedom of opinion and freedom of speech, in the same manner, form, and effect as he has in this behalf stated the same in his answer to the said tenth article, and with the same effect as if he here repeated the same. And he further claims and insists, as in said answer to said tenth article he has claimed and insisted, that he is not subject to the question, inquisition, impeachment, or inculpation, in any form or manner, of or concerning such rights of freedom of opinion or freedom of speech, or his said alleged exercise thereof.

And this respondent further denies that on the 21st of February, in the year 1868, or at any other time, at the city of Washington, in the District of Columbia, in pursuance of any such declaration as in that behalf in said eleventh article alleged, or otherwise, he did unlawfully, and in disregard of the requirement of the Constitution that he should take care that the law should be faithfully executed, attempt to prevent the execution of an act entitled "An Act to regulate the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising or contriving, or attempting to devise or contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of Secretary for the Depart-

ment of War, or by unlawfully devising or contriving, or attempting to devise or contrive, means to prevent the execution of an act entitled "An Act making appropriations for the support of the army for the fiscal year ending June 30, 1868, and for other purposes," approved March 2, 1867, or to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867.

And this respondent, further answering the said eleventh article, says that he has in his answer to the first article set forth in detail the acts, steps, and proceedings done and taken by this respondent to and toward or in the matter of the suspension or removal of the said Edwin M. Stanton in or from the office of Secretary for the Department of War, with the times, modes, circumstances, intents, views, purposes, and opinions of official obligations and duty under and with which such acts, steps, and proceedings were done and taken; and he makes answer to this eleventh article of the matters in his answer to the first article pertaining to the suspension or removal of said Edwin M. Stanton, to the same intent and effect as if they were here repeated and set forth.

And this respondent, further answering the said eleventh article, denies that by means or reason of anything in said article alleged, this respondent, as President of the United States, did, on the 21st day of February, 1868, or any other day or time, commit or that he was guilty of a high misdemeanor in office.

And this respondent, further answering the said eleventh article, says that the same and the matters therein contained do not charge or allege the commission of any act whatever by this respondent in his office of President of the United States, nor the omission by this respondent of any act of official obligation or duty in his office of

President of the United States; nor does the said article nor the matters therein contained name, designate, describe, or define any act or mode or form of attempt, device, contrivance, or means, or of attempt at device, contrivance, or means, whereby this respondent can know or understand what act or mode or form of attempt, device, contrivance, or means, or of attempt of device, contrivance, or means, or imputed to or charged against this respondent in his office of President of the United States, or intended so to be, or whereby this respondent can more fully or definitely make answer unto the said article than he hereby does.

And this respondent, in submitting to this honorable court this, his answer to the articles of impeachment exhibited against him, respectfully reserves leave to amend and add to the same from time to time, as may become necessary or proper, and when such necessity and propriety shall appear.

ANDREW JOHNSON.

HENRY STANBERY,

B. R. CURTIS,

THOMAS A. R. NELSON,

WILLIAM M. EVARTS,

W. S. GROESBECK,

Of Counsel.

## CHAPTER XVIII.

THE IMPEACHMENT ATTEMPT A FAILURE—THE VOTE—  
SEVEN RECALCITRANT REPUBLICAN SENATORS—  
PRESIDENT JOHNSON'S FINAL ANNUAL  
MESSAGE TO CONGRESS.

IT will be seen, by reference to the dates of the opening and the adjournment of the Impeachment Court, that the trial lasted nearly three months. A great array of testimony, covering twelve hundred octavo pages, and a list of ninety witnesses, were introduced to substantiate or disprove the charges as set forth in the Articles of Impeachment. The discussions of the opposing advocates and the rulings of the Chief-Justice covered the whole scope of law and precedent relating to the subject. A review of the current press reports of the time shows that the popular impression prevailed that the President would be found guilty by the Senate, and would be removed from his office. "Who shall succeed to the vacancy?" was an oft-repeated question. Nor was this impression unreasonable, for in the political make-up of the Senate the Republicans had the necessary two-thirds required by the Constitution and six votes to spare. The first vote was taken on the eleventh article on the 16th of May.

It was a climax long approaching and a moment of supreme interest amounting almost to awe, when, as the

senators rose in their places one by one, the Chief-Justice addressed them with the personal question, "How say you, Mr. Senator —, is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in this article?"

The painful silence pervading the entire Senate chamber and its galleries was broken only by the voice of the Chief-Justice and the ominous reply of each individual senator as he responded, "Guilty," or "Not guilty." In spite of the solemn warning of the Chief-Justice against the expressions of favor or disfavor, a round of applause mingled with hissings greeted the result of the vote. Thirty-five senators had voted "Guilty," while nineteen responded "Not guilty." Immediately upon the announcement of the Chief-Justice that "two-thirds of the senators not having pronounced him guilty, the President is, therefore, acquitted upon this article, Mr. Cameron, who had voted "Guilty," moved that the Senate adjourn until the 26th instant. The purpose of this action was, no doubt, to give effect to the pressure which was to be brought to bear upon the seven Republican senators who had voted to exonerate the President. But when, after a recess of ten days, the Senate resumed the trial, and the vote was taken upon articles two and three, the result was the same—thirty-five for and nineteen against impeachment. The Senate then declined to vote upon the remaining articles, and a judgment of acquittal having been ordered, the Senate, sitting as a Court of Impeachment, adjourned *sine die*.

Even at a distance of thirty-five years the vision of the hair-breadth escape from impeachment on the part of President Johnson almost takes one's breath away. The change of opinion and of vote on the part of one senator voting in the negative would have not only wrecked an



Administration and thrown the whole country into greater confusion than then existed, but would have established a precedent by which a dominant political party in succeeding years might give vent to partisan wrath, either by coercing the Executive into line with its measures or by replacing him with one of its own members.

Of the fifty-four senators voting on this momentous issue, seven received more public notice than did all the rest. These were Senators Ross, of Kansas; Fowler, of Tennessee; Fessenden, of Maine; Trumbull, of Illinois; Grimes, of Iowa; Henderson, of Missouri; and Van Winkle, of West Virginia. These seven Republican senators were impaled upon the pens of a violent party and sectional press, and held up to the contempt of the opposers of the Administration. Insinuations and charges of every character were made against them, from that of lunacy to that of bribery. In the able opinions submitted by some of these gentlemen to the Senate on the Articles on Impeachment and the law and evidence relating thereto, the former charge is certainly removed; while their public and private characters exhibited both before and after the trial leave no doubt as to their incorruptibility. It seemed to have been forgotten that the appeal in so grave a matter must be made to the judgment rather than to party prejudice. In closing his opinion, filed in the Senate, Mr. Grimes, who, perchance, was the most roundly abused of any of them, said: "I can not suffer my judgment of law governing this case to be influenced by public considerations. I can not agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President. Whatever may be my opinion of the incumbent, I can not consent to trifle with the high office he holds. I can do nothing which may be construed into an approval of

impeachments as a part of future political machinery. However widely, therefore, I may and do differ with the President respecting his political views, and however deeply I have regretted and do regret the differences between himself and the Congress of the United States, I am unable to record my vote that he is guilty of high crimes and misdemeanors by reason of those differences. In my opinion the President has not been guilty of an impeachable offense by reason of anything alleged in either of the articles preferred against him at the bar of the Senate by the House of the Representatives."

It may be of interest to the reader to know what Mr. Johnson thought of the impeachment trial and how it affected his personal feelings as it progressed. One of his secretaries, in giving a pen-picture of Mr. Johnson, tells us that, during the early stages of the impeachment, the President evinced much anxiety as to the results, and much bitterness toward those whom he regarded as conspirators, not only against himself, but also against the Constitution of the United States, which he represented. But by the time he was arraigned before the Senate his passion had subsided, and he became quite philosophic, and seemed to think that nothing could save him from expulsion. He read Addison's "Cato" again and again, and committed large parts of it to memory, which, as occasion offered, he would fulminate with great vehemence against his conspirators. He believed firmly in the doctrine that, by a definite law of nature, right will, in the end, be rewarded, and wrong punished; and it was awful to hear him trace, with logical precision, the dire events which would come to the Nation and the calamities which would befall certain individuals as a result of the crime of his expulsion. He had his secretary prepare for him a tabulated statement of the individual fate of the signers

of the death-warrant of Charles the First. This, no doubt, he meant to embody in his address on retiring from the office of President if he should be deposed. He seemed rather disappointed, this secretary avers, when he was acquitted, so long had he pondered over the results that would follow his conviction, and so convinced was he that expulsion was the logical conclusion from the premises.

Whatever may have been President Johnson's personal feelings relating to the great ordeal through which he had just passed, there were a multitude of thoughtful people in all parts of the country who rejoiced in his acquittal. He was the recipient of many congratulations, not only from personal friends and political admirers, but from men of all political parties. These were received gratefully by him, who had been the target for party malice during all his Administration, and who now knew, better than ever before, how to appreciate tokens of good will. A few of the great volume of telegrams received at the White House on this occasion are here given as samples of the rest:

“WILMINGTON, DELAWARE.

“PRESIDENT JOHNSON,—Please accept my congratulations and those of Delaware.  
J. M. BARR.”

“NEW YORK.

“ANDREW JOHNSON,—Gold is steady. Government stock steady. People rejoicing. Butler's ‘apple-blossoms’ at discount.  
S. P. HANSCOM.”

“PHILADELPHIA.

“PRESIDENT OF THE UNITED STATES,—We are jubilant, and congratulate you. A glorious victory for the Constitution and its dauntless defender. Rejoicings everywhere.  
E. W. C. GREEN.”

“MEMPHIS.

“PRESIDENT JOHNSON,—I am authorized to say, to-day, by the Democratic party in Memphis, that we are proud of your triumph.  
W. F. STUART.”

“CINCINNATI.

“PRESIDENT JOHNSON,—We congratulate you on your victory.  
W. S. GROESBECK.”

A few months before it was Mr. Stanton who had, at his office in the War Department, received the congratulations of friends upon his victory in the Senate, while the President, at the White House, anxiously awaited his doom. Now it is Mr. Johnson's day, and Mr. Stanton, after a long and stormy battle to hold his position as Secretary of War, finds that his last appeal has been made in vain, and his hope for victory in the impeachment of the President has failed. Immediately upon receiving notice of the final vote of the Senate, May 26th, he turned over his office to General Townsend with the following note:

“GENERAL,—You will take charge of the War Department and the books, papers, archives, and public property belonging to the same, subject to the disposal of the President.”

To the President he dispatched the following communication:

“WAR DEPARTMENT, WASHINGTON CITY,  
“May 26, 1868.

“SIR,—The resolution of the Senate of the United States, of the 21st of February last, declaring that the President has no power to remove the Secretary of War and designate any other officer to perform the duties

of that office *ad interim*,’ having this day failed by two-thirds of the Senate present and voting on the Articles of Impeachment preferred against you by the House of Representatives, I have relinquished charge of the War Department, and left the same, and the books, archives, papers, and property in my custody as Secretary of War, in care of Brevet-Major-General Townsend, the senior assistant adjutant-general, subject to your direction.

“EDWIN M. STANTON.

“To the President.”

Mr. Stanton’s action in seeking to retain his position in the Cabinet of Mr. Johnson is one to be understood only after a thorough knowledge of the conditions which then prevailed and the character of man he was. During Mr. Lincoln’s Presidency he had largely had his own way, coming often into conflict with the opinions and desires of others, but usually carrying his point; and now, that his superior was a man whom he disliked and distrusted, as can easily be shown by the private papers of Mr. Johnson, and since he had consented to remain in the office of Secretary for the Department of War out of “public consideration of a high character,” he was not to be driven therefrom either by cold treatment or Executive order.

It must be remembered, too, that about him on every hand were men of high positions, socially and politically, who urged him to hold on, arguing that the weal of the country, and especially of the Republican party, demanded it.

It was a sad day for him, therefore, when, by failure on the part of the Senate to impeach the President on the charge of removing him from office, it was virtually declared that, not only had the President the right so to do, but that the office had been vacant since the date

of General Grant's retirement therefrom. Certainly no one would think of accusing James G. Blaine of being prejudiced in favor of President Johnson in this matter, and Mr. Blaine says: "He [the President] certainly exhibited to an impartial judge, uninfluenced by personal or party motives, strong proof of the utter impossibility of Mr. Stanton and himself working harmoniously in the administration of the Government. If the President of the United States has the right to Constitutional advisers who are personally agreeable to him, and who share his personal confidence, then surely Mr. Johnson gave unanswerable proof that Mr. Stanton should not remain a member of his Cabinet." The opinion of Senator John Sherman relating to this matter has already been cited.

In summing up the impeachment trial and its results, Mr. Blaine says: "The sober reflection of later years has persuaded many who favored impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions than Andrew Johnson, in his utmost endeavor, was able to inflict. No impartial reader can examine the records, pleadings, and arguments of the managers who appeared on behalf of the House without feeling that the President was impeached for one series of misdemeanors, and tried for another. Perhaps the best test as to whether the act of the President in removing Mr. Stanton was good ground for impeachment would be found in asking any candid man if he believes a precisely similar act by Mr. Lincoln, or General Grant, or any other President in harmony with his party in Congress, would have been followed by impeachment, or by censure, or even by dissent."

Five days after Mr. Stanton's retirement from the War Department the President nominated General John



M. Schofield as Secretary of War, and the Senate promptly confirmed the nomination. A species of political spite, however, was seen in their refusal to confirm the nomination of Mr. Henry Stanbery for the position of Attorney-General. Mr. Stanbery had occupied this position at the formal announcement of the impeachment trial, and had resigned his place in the Cabinet that he might appear as one of the counsel for his chief. After the trial the President named him for his old position, but the Senate declined to approve the nomination, largely, no doubt, for prejudicial reasons.

These last struggles ended one of the most stubborn contests ever recorded in the annals of any country. The victories achieved on both sides were dearly bought. Looking over the field at this remote distance, and seeking only truth, one is constrained to remark that the fault in the whole matter largely lay in the political disagreement between Congress and the President. As Mr. Blaine suggests, a Republican President would hardly have suffered at the hands of Congress what President Johnson, a Union Democrat, was compelled to endure.

Mutual distrust bolted the doors, both of the halls of Congress and those of the White House. Did not Andrew Johnson desire to rapidly restore the Southern States to their political relation to the Union in order that the Democratic party might as speedily come into power? Was not this the motive which prompted him in all his official acts in regard to the South? Was not this the meaning of the general amnesty proclamation and his reconstruction policy? With a solid South and the conservative element of the North, the Democrats could easily have their way in the General Government. This seems to have been the apprehension of the Republican party.

On the other hand, the President saw more of a desire to promote the interests of the Republican party than a love of humanity in the acts of Congress establishing the Freedmen's Bureau and giving the right of suffrage to the Negro, while his former master, the intelligent taxpayer, and more to be trusted than he, was denied the right to express himself at the polls. We shall never know, of course, what would have been the result if President Johnson had had his way with reference to the restoration of the Southern States; but those who lived in the South during the decade succeeding the war have seen the dire effects of the plan of Congress. With a mass of ignorant voters, corrupted by unscrupulous politicians, the ballot became debauched, and popular suffrage a travesty upon free institutions. The fruits of this evil remain with us until this day, and exert their influence upon all our political life.

An important development of the impeachment trial of President Johnson was the fact that no clear provision existed in the Constitution with reference to supplying the vacancy in the Presidency in case both the President and the Vice-President should be removed by death or otherwise. It will be remembered that one of the prominent questions raised at that time was, "Who shall succeed to the Presidency if Mr. Johnson is removed?" The prevailing opinion seemed to be that the Speaker *pro tempore* of the Senate would be the legitimate successor of the Vice-President to the Presidency, as the Vice-President, who was formally the president of the Senate, was the successor of the President. But many contended that the duties and powers of the President would legitimately devolve upon the Chief-Justice.

To obviate all ambiguity on this subject for the future, Mr. Johnson sent a special message to Congress, July

18, 1868, recommending that Article II, Section I, Paragraph 6 of the Constitution of the United States be amended so as to read: "In case of the removal of the President from office, or of the death, resignation, or inability both of the President and Vice-President, the powers and duties of said office shall devolve on the Secretary of State for the time being, and after this officer, in case of vacancy in that or other Department, and in the order in which they are named, on the Secretary of Treasury, on the Secretary of War, Navy, Interior, Postmaster-General; and such officers on whom the powers and duties of the President may devolve in accordance with the foregoing provisions, shall then act as President until the disability shall be removed or a President elected, as is or may be provided by law."

That, in case of such a vacancy as had been contemplated, Mr. Johnson thought the power and duties of the President should be devolved upon some member of the Executive Department rather than upon one from either the legislative or the judicial branch of the Government; and the arguments therefor he believed to be unanswerable.

On the 7th of December, 1868, the memorable Fortieth Congress assembled for its last session, and the President forwarded to them his final Annual Message. Their ways were soon to part. At the election in November preceding, General Grant, the Republican candidate, had been elected President over Mr. Seymour, the Democratic candidate. In this message, President Johnson again reminded Congress of the unconstitutional laws upon her statute books, and the unjust and inharmonious workings of these laws. He advised their repeal, and said, "The legislator or ruler who has the wisdom to re-

trace his steps when convinced of error will, sooner or later, be rewarded with the respect and gratitude of an intelligent and patriotic people."

He declared that the attempt to place the white population under the domination of persons of color in the South had impaired, if not wholly destroyed, the kindly relations that had previously existed between them; and mutual distrust had engendered a feeling of animosity which, leading in some instances to collision and bloodshed, had prevented that co-operation between the two races so essential to the success of industrial enterprise in the South; and that, by these occurrences, grave apprehension had been excited throughout the entire country with reference to troubles involving the peace and prosperity of the whole Nation. Great wrong, also, was still being done some of the Southern States, in that they were still denied the privilege of representation in the National Congress, notwithstanding the fact that these States had conformed to all the requirements of the Constitution and laws of the United States.

He gave much attention to the vast expenditures of the Government, and urged that measures of retrenchment be taken. He dwelt upon the important fact that Alaska had been purchased from Russia, and was now a part of the territory of the United States. The price paid for this vast area of more than one-half million square miles was \$7,200,000. The islands of St. Thomas and St. John had also been ceded to us by the King of Denmark for a money consideration, the people on these islands having voted almost unanimously in favor of the change in their Governmental allegiance. This cession the Senate refused to ratify.

He renewed his recommendation that the judgment

of the people be taken on the propriety of the following Amendments to the Constitution:

First. To provide for the election of the President and Vice-President by a direct vote of the people, instead of through the agency of electors, and making them ineligible for re-election for a second term.

Second. To designate distinctly the person who shall discharge the duties of the President in the event of the removal of both President and Vice-President by death and otherwise.

Third. To provide for the election of senators of the United States directly by the people, instead of by the Legislatures.

Fourth. To limit the term of Federal judges to a period of four years.

Little attention, however, did the Fortieth Congress pay to the messages of Andrew Johnson respecting legislation pertaining to the internal affairs of the Government. They legislated according to their own pleasure, and if the President declared their acts to be either inexpedient or unconstitutional, they passed them over his vetoes. Toward the close of his Administration, or, to be explicit, on July 4, 1868, the President issued a proclamation declaring unconditional amnesty and pardon to all who had directly or indirectly participated in the Rebellion, except such persons as might be under indictment in any court upon charge of treason or other felony. And he restored to them, by this proclamation, all their rights of property, except slaves or that of which they had been divested by the laws of the United States. When Congress demanded upon what authority he had done this, he referred them to the proclamation itself, which read, "By virtue of the authority vested in me by the Constitution." "That instrument," said he, "provides that



the President shall have power to grant reprieves and pardons for all offenses against the United States except in cases of impeachment.”

The inauguration of General Grant occurred March 4, 1868, and with this event closed the most remarkable Administration of any President from Washington down to the present day. The dramatic character of the impeachment trial and the issues associated with it have obscured much of the Administration of Andrew Johnson. Apart from his great conflict with Congress, his term of office was characterized by many important Executive acts relating to the extension of our country. His was the great duty of declaring the Civil War at an end, of disbanding the great volunteer army, and of seeking to restore civil government to all of the States which had been in insurrection. Alaska was added to our National domain; the difficulties with the French Government, begun during Mr. Lincoln's term of office, and growing out of the usurpation of Maximilian in Mexico, were terminated both peaceably and honorably; while many treaties, both with foreign countries and the Indians, were made, by which greater security at home and better commercial facilities abroad were obtained. His messages, proclamations, and vetoes fill many pages in Executive history, and constitute a volume not only readable, but highly instructive. His State papers are models in every particular, and cover the whole range of legal and Constitutional authority in republican government.

During his Presidency the foundations of our Republic were tried as never before, and rulers of monarchies and empires looked across seas to behold the fate of free government. But his was a steady hand, and his heart was bound up with the weal of his country, and his faith in her people never wavered. He had not sought the



nomination as Vice-President on the Union ticket, but, as has been shown, the Union party had sought him, as a representative of the War Democrats, whose fortunes were cast in with the Republicans in the Convention at Baltimore.

But he was President—if, by accident, as his opponents contemptuously insisted, President nevertheless—and Congress had not gone far in their efforts to drive him from his position on reconstruction until the whole country realized that a mighty hand held the reins of Executive Government at Washington.

Andrew Johnson's inauguration to the duties of President of the United States closed that circle of political trusts which had its beginning in the position of alderman in the little town of Greeneville thirty-six years before. From the tailor-shop to the White House he had gone almost without interruption, nor had any man ever laid the charge of corruption to his official actions. As he came, therefore, to the close of his term of office as President at the age of sixty years, nearly forty of which had been spent in the political service of his country, it was, no doubt, with a sense of relief, feeling that the fiercest of his struggles were over and his place in history secure.

## CHAPTER XIX.

OPINION OF HON. HENRY WILSON, SENATOR FROM MASSACHUSETTS, AND AFTERWARD VICE-PRESIDENT,  
WHO VOTED "GUILTY."

THE past seven years have been, to gentlemen occupying seats in this chamber, years of pressing duties and stern trials. In the trying times through which the Nation has passed and is passing it has sometimes happened that senators of large capacity, ripe experience, and eminent public service have widely differed in the interpretation of the Constitution and the construction of the laws. Whenever the high duties imposed upon senators by the exigencies of the country have pressed for action, and our deliberations have been distracted by the diverse opinions of senators learned in the law, I have striven to discharge my duty by giving whatever doubts clouded my judgment or embarrassed my action to patriotism, to liberty, and to justice—to the security of my country and the rights of all its citizens.

In glancing back over these years, I find few votes I would recall by following this rule of action. In this great trial, imposed upon the Senate by the Constitution of our country and the representatives of the people, I shall give whatever doubts have arisen to perplex or embarrass to my country, rather than to its Chief Magistrate,

now arraigned as a violator of the Constitution, a violator of the laws, a violator of his oath to faithfully execute the laws. By a too rigid adherence to forms and technicalities the substance is often lost. Discarding forms and technicalities, and looking only to the substance, I shall so vote as to secure the ends of justice.

I am not, I trust, unmindful of the gravity of the occasion, of the solemnity of my oath, nor the obligation ever resting upon me "to be just and fear not." I know that the vote I shall give in this great trial will be criticised sharply in our age and in ages to come. The President is on trial before the Senate; the Senate is on trial before the present age and before the coming ages. I intend to vote for the conviction of the President and for his removal from his high office, and to submit my motives and my action to the judgment of the present and of the future. From the verdict of the Senate the President has no appeal; from the verdict of posterity the Senate has no appeal. I propose to state, with brevity, some of the reasons why I shall vote for the conviction of the President of the United States upon the charges preferred by the representatives of the people.

The framers of the Constitution well knew the seductive, grasping, and aggressive nature of executive power. They knew that for ages the contest had been "to rescue," in the words of Daniel Webster, "liberty from the grasp of executive power," and that "our security was in our watchfulness of the executive power." They knew that the champions of human freedom in the Old World, though often baffled, had struggled for generations to limit and restrain executive power. They sought to make the executive power of the Nation useful to the country, but not dangerous to the liberties of the people. They gave to the President a short term of office, and clothed

the representatives of the people with power to arraign him before the Senate, not only for high crimes, but for high misdemeanors, too. Jealous of executive power, the framers of the Constitution gave to the House of Representatives—a body representing the interest, the sentiments, the opinions of the people, and their passions, too—complete authority to arraign the Chief Magistrate of the Nation before the tribunal of the Senate. They clothed the Senate of the United States, composed of gentlemen quite as liable as are the members of the House of Representatives to be influenced by the interests, the opinions, the sentiments, and the passions of the people, with ample power to try, convict, and remove the President, not only for the commission of high crimes, but for high misdemeanors.

High misdemeanors may or may not be violations of the laws. High misdemeanors may, in my judgment, be misbehavior in office detrimental to the interests of the Nation, dangerous to the rights of the people, or dishonoring to the Government. I entertain the conviction that the framers of the Constitution intended to impose the high duty upon the House of Representatives to arraign the Chief Magistrate for such misbehavior in office as injured, dishonored, or endangered the Nation, and to impose upon the Senate the duty of trying, convicting, and removing the Chief Magistrate proved guilty of such behavior. Believing this to be the intention of the framers of the Constitution and its true meaning, believing that the power should be exercised whenever the security of the country and the liberties of the people imperatively demand it, and believing, by the evidence adduced to prove the charges of violating the Constitution and the Tenure of Office Act, and by the confessed and justified acts of the President, that he is guilty of

high misdemeanors, I unhesitatingly vote for his conviction and removal from his high office.

The President is charged by the House of Representatives with violating the Constitution and the Tenure-of-office Act in removing Mr. Stanton from the office of Secretary of War and in appointing Adjutant-General Thomas Secretary of War *ad interim*. The removal of Mr. Stanton and the appointment of Adjutant-General Thomas, and the Tenure of Office Act, if Mr. Stanton be within that act, stand confessed and justified in the answer of the President to the charges of the House of Representatives. The answer of the President, without any other evidence, is to my mind conclusive evidence of his guilt. Upon his answer, confessions, assumptions, and justifications I have no hesitation in recording my vote of "guilty." The assumptions of power put forth by the President in his defense can not but startle and alarm all men who would maintain the just powers of all branches of the Government. Had the President inadvertently violated the Constitution and the laws, I might have hesitated to vote for his conviction. But he claims the right to remove civil officers and appoint others *ad interim* during the session of the Senate. If that claim of power is admitted by a vote of acquittal, the President can remove, during the session of the Senate, tens of thousands of civil officers, with their millions of compensation, and appoint his own creatures to fill their places without the advice and consent of the Senate, and thus nullify that provision of the Constitution that empowers the Senate to give its advice and consent to appointments.

Not content with this assumption of power, the President claims the right to pronounce the law of Congress unconstitutional, to refuse to execute it, although he is sworn to do so, and to openly violate it with a view of

testing its Constitutionality in the courts, although no means may exist for months or years to come to test the Constitutionality of the law so violated in the judicial tribunals of the country. The President claims and has exercised the right to declare Congress an unconstitutional body, incapable of enacting laws or of proposing Amendments to the Constitution; to hold the laws in abeyance, to refuse to execute them, and to defiantly violate them in order to contest their Constitutionality. These are the positions assumed by Andrew Johnson. These assumptions, if admitted, radically change the character of our Government. If they are sustained by a verdict of acquittal, the President ceases to be the servant of the law, and becomes the master of the people, and a law-non-executing power, a law-defying power, a law-breaking power is created within the Government. Instead of an Executive bound to the faithful execution of the laws of Congress, the Nation has an Executive bound only to execute the laws according to his own caprices, whims, and sovereign pleasure. Never can I assent, by a vote of acquittal, to execute assumptions so unconstitutional, so subversive of the Government, so revolutionary in their scope and tendency. These assumptions will introduce into our Constitutional system, into our Government of nice-adjusted parts, derangement, disorganization, and anarchy.

Criminal acts raise the presumption of wrong motives, intentions, and purposes. The President's acts, claims, and assumptions, made against the well-known protests of vast masses of the people, the organs of public opinion, the Congress of the United States, and the laws of the land, afford ample evidence that his motives, intentions, and purposes were unworthy, if not criminal. We are sworn to give this arraigned President a trial as



impartial as the lot of humanity will permit. But we can not close our eyes to the record of the past three years, nor can we wholly shut out from all influences our personal knowledge of his intentions, purposes, and acts. The framers of the Constitution, when they empowered senators to sit in judgment upon an arraigned Chief Magistrate, must have presumed that senators would know something of the motives, intentions, and purposes, and be familiar with the public record of him who should exercise executive power in their time. The framers of the Constitution knew, when they gave senators the power to try and arraign a Chief Magistrate, the country knows, and we know, that personal knowledge and the historic records of the country can not but influence, in some degree, the feelings and judgments of men.

Four years ago eleven States were wrenched from the Union, their Governments were arrayed against the country, the land was desolated with civil war, the Nation was struggling to restore and maintain the unity of the country, the supremacy of the Government, and the freedom of millions made free by the Executive proclamation and a Constitutional Amendment. The faith of the Nation was plighted to restore the broken Union on the basis of loyalty, and to maintain the freedom of millions of emancipated bondmen. The men pledged to liberty and Union accepted Andrew Johnson, supported and trusted him. Coming into power, he at once, in spite of the fears and protests of the loyal men who had confided in him, entered upon a policy that placed the conquered rebel States in the keeping of traitors, and put loyal men and the freedmen completely under the authority of men who had striven for four years, on bloody fields, to destroy their country, to perpetuate the slavery of the very men surrendered to their control. To lighten the burdens

and partially protect and defend the endangered rights of the freedmen, Congress passed a Freedmen's Bureau Bill. The President arrested it by a veto. Congress passed another Freedmen's Bureau Bill. The President endeavored to defeat it by another veto, and when it passed into law he strove to embarrass and thwart its operations. To protect the freedmen he had wickedly abandoned to the control of their enemies and the Nation's enemies, Congress passed a Civil Rights Bill. The President attempted to arrest it by a veto, and, failing in that, he has utterly neglected to enforce it. Congress endeavored, by submitting an Amendment to the Constitution, to secure the reconstruction of the Union. The President met it by a denial of the authority of Congress to submit an Amendment, and by an invocation to his Governments in the rebel States to reject it. The rebel States having failed to adopt the Constitutional Amendment, Congress passed the reconstruction measures over Executive vetoes. Those measures of restoration have encountered, in their execution, the hostility of the President. Faithful generals have been removed for their fidelity and efficiency, and others have been rebuked and thwarted.

The history of the past three years records it, and our personal knowledge attests it, that the President has sought to prevent the enforcement of the laws passed over his vetoes. In every form he has striven to prevent the restoration of the Union on a basis of loyalty to the country and the equal rights and privileges of the people. The evidence legally before us, the records of the country, the personal knowledge of senators, show the motives, intentions, and designs of President Johnson.

To accomplish his purposes and designs, Mr. Johnson sought, by the use of Executive patronage, to corrupt the American people. When Congress, by the cast-

ing vote of Vice-President Adams, decided, in the beginning of Washington's Administration, that the Senate was part of the appointing power, but not of the removing power, the office-holders of the country were but a few in number, and received the compensation amounting to but a few thousand dollars. In our time the Federal office-holders are counted by tens of thousands, and their compensations amount to many millions. To defeat the will of the people, the President, in the interest of disloyalty, inequality, and injustice, sought to use the corrupt and corrupting influences of the Executive patronage. The Postmaster-General made the shameless declaration that officers who ate the President's bread should support the President's policy. To maintain the cause of the country, as well as to protect honest public officers who would not betray their country, Congress enacted the civil-tenure act. It met the Executive veto, the Executive denunciation of unconstitutionality, and the Executive violation. Mr. Williams, of the House of Representatives, who drew the proviso to the first section of the act, tells us that he intended that the act should protect Mr. Stanton.

The senator from Oregon (Mr. Williams), who introduced the original bill, and who is on the Committee of Conference, and the senator from Vermont (Mr. Edmunds), who reported the bill from the Committee on the Judiciary, and who was also on the Committee of Conference, both claim that Mr. Stanton is protected by the act. A fair and logical construction of the language of the act gives its protection to Mr. Stanton. A large majority in Congress voted for the bill in the belief that it threw its protection over the great War Secretary, who stood before the country one of the foremost champions of Congress in its struggle against the anarchical, disorganizing, and

unpatriotic action of the Executive. Mr. Stanton was suspended by Mr. Johnson; the reasons for his suspension were submitted to Congress; the reasons were pronounced insufficient by more than a three-fourths vote of the Senate; Mr. Stanton returned to his office; the President refused to acknowledge him; and, after several days, issued the order for his removal, and he appointed Adjutant-General Thomas Secretary of War *ad interim*—all in direct violation of the Tenure-of-office Act.

The President refused to send a nomination to the Senate, knowing that it was the will of the Senate and of the Nation that Mr. Stanton should remain at the head of the War Department. He had vainly sought to induce General Grant to be a party in thwarting the will of the Senate by preventing the return of Mr. Stanton to the War Office. He had failed to persuade Lieutenant-General Sherman to aid him in removing Mr. Stanton from his office. He then took Adjutant-General Thomas, through whom all communications must go to the army, and made him Secretary of War *ad interim*. The law requires all communications to the army to go through General Grant. Might it not have been, by placing Thomas in the War Department, while holding the office of Adjutant-General, the purpose of the President to have the means of communication with the army under his control, and substantially set aside the law requiring such communications to go through the General of the army?

In support of the acts of the President, claims are made and powers asserted by Mr. Johnson and his counsel hostile to the spirit and genius of our institutions, to the integrity of the Government, and to the security of public liberty. The acquittal of the President will give the sanction of the Senate to the monstrous powers assumed, claimed, and exercised by the President, and will, in my

judgment, increase the lawlessness, disorder, and outrage now so prevalent in the States lately in rebellion. His conviction and removal from office will rebuke lawlessness, disorder, and crime, and inspire hope and courage among loyal and law-abiding men. I can not contemplate without the deepest anxiety the fatal effects, the suffering and sorrow that must follow the acquittal of the President. The disastrous consequences of his acquittal seem to flash upon me whichever way I turn. Conscious of the responsibilities that rest upon me, I shall unhesitatingly vote for the conviction of the President, for his removal from office, and for his disqualification from hereafter holding any office under the Constitution he has violated and the Government he has dishonored.

## CHAPTER XX.

OPINION OF HON. THOMAS A. HENDRICKS, SENATOR FROM  
INDIANA, AND AFTERWARD VICE-PRESIDENT,  
WHO VOTED "NOT GUILTY."

**I**N the eleven articles of impeachment the President is charged, in the different forms of statement, with six acts of official misconduct, as follows:

1. The removal of Mr. Stanton from the office of Secretary of War.

2. The appointment of Lorenzo Thomas, the Adjutant-General of the army, to the office of Secretary of War *ad interim*.

3. The conspiracy with said Thomas to prevent the execution of the Tenure-of-office Act by hindering Mr. Stanton from holding the office of Secretary of War.

4. The instructions to General Emory that the second section of the act of March 2, 1867, requiring all military orders made by the President or Secretary of War to be issued through the General of the army, was unconstitutional.

5. The President's speeches against Congress.

6. The denial of the authority of the Thirty-ninth Congress by the attempt on the part of the President to prevent the execution of the Tenure-of-office Act, the Army Appropriation Act, and the Act to Provide for the More Efficient Government of the Rebel States.



The sixth charge is found in the eleventh article. The respondent in his answer has taken exception to the sufficiency of the statements contained in that article, upon the ground that the alleged acts of the President, which he did in his attempts to prevent the execution of the said laws, are not stated, but it is averred only that he did unlawfully devise and contrive and attempt to devise and contrive means to prevent their execution. The exception seems to be sufficiently supported by the well-established and reasonable rule of pleading, that charges preferred against a party in any judicial proceeding shall be stated with such reasonable certainty that the accused may know the nature of the charge, its scope and limit, the character of evidence that may be brought against him, and the class of evidence that may be invoked in his defense. Until accusations are stated with such reasonable certainty courts do not require the accused to answer. The eleventh article should have stated what means were devised and contrived, or attempted to be devised and contrived, so that this court might decide whether they amount to a high misdemeanor; and if so, that the respondent may know the nature of the evidence that may be brought against him, and the character of evidence he may offer in his defense. This view in the pleading is not removed by the averment that the means were devised and contrived to prevent Mr. Stanton's return to the War Department after the decision of the Senate upon the reason for his suspension. Reasonable certainty requires that the means devised and contrived should be stated. If the means were stated, the Senate might not agree with the House of Representatives that they were "unlawfully" devised, but might hold them lawful and proper. If the device and contrivance were the appointment of a successor, or proceedings in the courts to test a right claimed on the one

side and denied on the other, the averment that it was "unlawful" would fall.

But beyond the question of pleading, the question arises whether the eleventh article defines any high misdemeanor, or even any act of official misconduct. As inducement, it is stated, that as far back as August, 1866, the President, in public speeches, did question the lawful authority of Congress; and it is then averred that as late as February, 1868, in pursuance of that declaration, he did "attempt to prevent the execution of" the said several acts, by "devising and contriving, and attempting to devise and contrive, means by which he should prevent" Mr. Stanton from resuming the office of Secretary of War, and to prevent the execution of the other acts.

Passing over the question whether an attempt to prevent the execution of the statute without success is a misdemeanor, when statute does not so declare, the question arises whether it can be a crime or misdemeanor in a single person, without combination or conspiracy with others, to devise and contrive means without executing the schemes. To devise or contrive is an intellectual process, and when not executed by acts done can not be punished as a crime, however unworthy or vicious. Can we undertake the punishment of the thoughts, opinions, purposes, conceptions, designs, devices, and contrivances of men when not carried into acts? The eleventh article does not attempt the definition of a crime, unless, indeed, we hold the vicious thoughts and evil purposes of public officers to be such in the absence of any law so declared.

In the presence of the provision of the Constitution of the United States which protects the right of free speech, and in the absence of any law, State or Federal, declaring its exercise in any manner or by any purpose to be a crime, it is not necessary to examine the tenth article,

which rests its charge of a misdemeanor upon the President's speeches made to the people, in response to their calls, in his capacity as a citizen, and not in the exercise of his office.

In our country as long as the Constitution stands, no legislative body can make it a serious crime to discuss the conduct of public officers with entire freedom, and the House of Representatives can not, by any proceeding whatever, shield itself from individual criticisms and popular review; and any effort to do so betrays conscious weakness and disturbs public confidence.

The ninth article rests upon the conversation between the President and General Emory. In that part of the President's conduct no fault can be found, much less a violation of law. He had been informed by a member of his Cabinet that there were evidences of important changes of the military forces at and near the city. It was his right and, perhaps, his duty to become informed of the extent and purpose of any such movements. He sent for General Emory to make the necessary inquiries. In the course of the conversation, General Emory called his attention to the order issued in pursuance of the sections of the law requiring all military orders from the President to be issued through the General of the army; and then the President expressed the opinion that it was unconstitutional thus to control him in the exercise of his constitutional powers as Commander-in-Chief of the army. He went no further than the expression of that opinion; he gave no orders to General Emory, nor does it appear that at any time he has disregarded the said law. In any proceeding less grave than the present it would be regarded as frivolous to charge it as a crime that an opinion had been expressed upon the constitutionality of any law.

The fourth, fifth, sixth, and seventh articles charge a

conspiracy between the President and General Lorenzo Thomas to prevent Mr. Stanton's holding the office of Secretary of War, and to obtain the custody and charge of the property of the United States in the War Department. It is not necessary to notice the averments, in two of these articles, of a purpose to resort to intimidation and threats, and to use force, inasmuch as the evidence wholly fails to show that the President at any time contemplated a resort to either; and it does appear that there was no resort to either. In the absence of intimidation, threats, and force in the purpose and conduct of the President and General Thomas no case is made within the conspiracy act of July 31, 1861. But it appears to me that it can not be said that the President and General Thomas conspired together when the former issued to the latter the *ad interim* appointment, and the latter accepted it. It is plain that the President issued the orders under a claim of legal right, and that General Thomas received them because, as a subordinate officer, he thought it was his duty. Such conduct does not define a conspiracy.

It only remains for me to consider the conduct of the President in issuing the order for the removal of Mr. Stanton from the office of Secretary of War, and the *ad interim* appointment of General Thomas. The force and effect of the *ad interim* appointment must depend upon the validity of the order for the removal of Mr. Stanton. If the removal did not in law take place upon the issue of the order, then, as Mr. Stanton did not surrender the office, the appointment did not clothe General Thomas with any authority—it was a blank, without legal force or meaning. If Mr. Stanton's commission did not become revoked, the appointment was of no more force or consequence than a second deed by the same grantor.

Had the President the authority to remove Mr. Stan-

ton? According to the provisions of the act of August 7, 1789, creating the War Department and the terms of his commission, Mr. Stanton held the office "during the pleasure of the President of the United States for the time being." That act expressly recognized the power of the President to remove the Secretary of War at any time. It did not confer the power, but recognized it as already contested, possessed, the provision being that "whenever the said principal officer (the Secretary) shall be removed from office by the President of the United States, and in any other case of vacancy," the chief clerk of the Department shall for the time being have charge of the records, books, etc. Under that law, Mr. Stanton received his commission from President Lincoln, January 15, 1862, "to hold the said office, with all the powers, etc., during the pleasure of the President of the United States for the time being." Has that law been repealed or amended in that respect? The Tenure-of-office Act of March 2, 1867, has no repealing clause, and therefore repeals or modifies the act of 1789 only so far as the two acts can not stand together. Mr. Stanton's term of office, as fixed by the law and his commission, was during the will of the President, and I think a proper construction of the first section of the Tenure-of-office Act leaves that unchanged. He was appointed during Mr. Lincoln's first term, which expired on the 4th of March, 1865, and therefore it is unnecessary to consider the question which has been discussed, whether Mr. Johnson is filling the office of Mr. Lincoln's unexpired term, or whether he has his own term of office; for it is quite certain that he is not in the term during which Mr. Stanton was appointed. The first and second terms of the Presidential office for which Mr. Lincoln was elected were as distinct, under the Constitution, as if another had been elected in his stead for the second.



If the tenure of Mr. Stanton's office be changed by the Tenure-of-office Act, it is by the proviso to the first section, and clearly the proviso has no such effect. The proviso is that the Cabinet officers "shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter." Not having been appointed during the existing Presidential term, Mr. Stanton has no new term bestowed upon him, but he still holds, in the language of his commission, "during the pleasure of the President." This obvious construction of the language is strengthened by a consideration of the history of the Tenure-of-office Bill. It first passed the Senate in such form as expressly to exclude all Cabinet officers. In the House it was so amended as to include them. The Senate disagreed to that amendment. A committee of conference was the result of this disagreement between the two Houses. In this condition of the measure it will be observed that the Senate insisted that Cabinet officers should not be included at all; and the House insisted that they should be included just as other officers are. The conference committee considered this question of disagreement, and settled it upon the proposition, then supposed to be just, that each President shall have the selection of his own Cabinet officers, and shall not be required to continue the Secretaries of his predecessor. The Senate conceded that a President, having selected his own Cabinet, shall continue them during his term, and the House conceded that he shall not be required to continue the Cabinet of his predecessor, or any member thereof. Upon that adjustment the bill passed. This construction was then put upon the proviso in the Senate—for when the bill came back from the committee with the proviso, as the compromise between the two Houses, Mr. Sherman, of the committee, said: "That this provision does



not apply to the present case is shown by the fact that its language is so framed as not to apply to the present President. The senator (Mr. Doolittle) shows that himself, and argues truly that it would not prevent the present President from removing the Secretary of War, the Secretary of the Navy, and the Secretary of State."

This construction of the bill was then acquiesced in by the silence of the other members of the conference committee, and not disagreed to by any senator; and thereupon the Senate agreed to its passage. And now, by adhering to that construction, we have just what the Senate then intended, what is plainly just and right—that the President shall select his own Constitutional advisers—and what will promote the harmony and efficient action of the Executive Department, and we avoid a question of serious difficulty. If the act be so construed as to include Mr. Stanton's case, the Constitutional question arises whether Congress can by law extend the term and change the tenure of an office after the appointment has been made with the consent of the Senate. Such construction would allow that after the appointing power under the Constitution had bestowed the office, the legislative department, having no power of appointment, might bestow an additional term upon the officer, and thus become an appointing power. It is gratifying that the language of the act, the history of its enactment, the legislative construction, the obvious intention of the Senate, and the highest interests of the public service all allow me to so construe the act as to avoid this grave question. Mr. Stanton's case not being within the tenure-of-office act, the power of the President to make the removal is beyond doubt; and the only question remaining is, did he have the power to make the appointment of General Thomas *ad interim*? There is great force in the opinion that has

been expressed that the constitutional obligation upon the President to see that laws be executed carries with it the power to use such agencies as may be clearly necessary in the absence of legislative provision. In that view it would appear that in the case of a vacancy in an office and until it could be filled, in the case of sickness, absence from the post of duty, or other disability of an officer to discharge the duties, the President might designate some person to discharge them in the meantime, to the end that the laws might be executed and the public service suffer no harm. And this opinion seems to have been entertained by our most eminent and revered Presidents, for they made very many such *ad interim* appointments without the pretense of legislative authority. But in the case now before this court we need not consider this question, for, in my judgment, the authority of the President to make the *ad interim* appointment, as well during the session as the recess of the Senate, is clearly established by law.

Section eight of the act of May 8, 1792, provides as follows:

“That in case of the death, absence from the seat of Government, or sickness of the Secretary of State, of Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not in the head thereof whereby they can not perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.”

It will be observed that this section authorized *ad interim* appointments only in three of the Departments;

that is, in the Departments of State, Treasury, and War ; and only in three cases ; that is, the cases of death, absence from the seat of Government, and sickness of the head of the Department or other officer. It fails to provide for the temporary supply of the service of any vacancy occurring otherwise than by death. That omission was in part supplied by the act of February 13, 1795, but only as to the same three Departments. That act is as follows:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of vacancy in the office of Secretary of State, Secretary of Treasury, or of the Secretary of the Department of War, or of any officer of either of the said Departments whose appointment is not in the head thereof, whereby they can not perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed or such vacancy be filled: Provided, That no one vacancy shall be supplied in manner aforesaid for a longer term than six months.”

It will be observed that this act of 1795 provides a temporary supply of the service in all cases of vacancies, whether caused by death, resignation, removal from office, or expiration of the term ; but makes no provision for the cases of temporary disability already provided for by the act of 1792, and therefore does not repeal that act. Both acts remained in force without further legislation on the subject until the passage of the act of February 20, 1863, which is as follows :

“That in case of death, resignation, absence from the seat of Government, or sickness of the head of any Executive Department of the Government, or of any officer of

either of any of the Departments whose appointment is not in the head thereof, whereby they can not perform the duties of their respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize the head of any other Executive Department, or other officer of either of said Departments, whose appointment is vested in the President, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease: Provided, That no vacancy shall be supplied in manner aforesaid for a longer period than six months.”

The legislative purpose in the enactment of this law was not to repeal the act of February 13, 1795, but to extend the provisions of the act of May 8, 1792, to the other Departments. During the previous month, President Lincoln had called the attention of Congress to the subject in the following message:

“WASHINGTON, January 2, 1863.

*“To the Senate and House of Representatives:*

“I submit to Congress the expediency of extending to other Departments of the Government the authority conferred on the President by the eighth section of the act of the 8th of May, 1792, to appoint a person to temporarily discharge the duties of Secretary of State, Secretary of the Treasury, Secretary of War, in case of the death, absence from the seat of Government, or sickness of either of those officers.

ABRAHAM LINCOLN.”

It was in response to that message that the act of 1863 was passed, and it does not appear that the attention of Congress was at all called to the act of 1795. Neither its history nor the provisions of the act of 1863 justify us

in believing that it was the intention of Congress thereby to repeal the act of 1795. The acts are not inconsistent; both can stand; both must remain, for the act of 1795 provides for two cases of vacancy—by removal and by expiration of the term—not provided for in the act of 1863. It is not questioned that the act of 1795, if unrepealed, confers upon the President the power to provide temporarily for the service in the case of a removal, and, therefore, I need not further consider this part of the case, except to add that the Tenure-of-office Act does not in terms or by implication, repeal either the act of 1795 or the act of 1863.

It has no repealing clause, and there is no such inconsistency in the provisions of the acts as to cause a repeal by implication. There is the same necessity for a supply of the temporary service by *ad interim* appointments, in cases of vacancy, sickness, absence, or other disability, as before the passage of the Tenure-of-office Act, and Congress can not be understood to have intended to leave such cases unprovided for.

Whoever proposes to convict the President as of a crime for the *ad interim* appointment of General Thomas, should stop to consider the many cases in which his illustrious predecessors exercised the same power during the session of the Senate, as well as during the recess, under the Constitution, and without the pretense of legislative authority. In this opinion but a few of the many cases proven can be cited. It will be borne in mind that the acts of 1792 and 1795, authorizing temporary appointments, did not include the Navy, Interior, and Post-office Departments, and that until 1863 no law extended the authority over them, and therefore appointments made by the President in those Departments to supply the temporary service were made under the constitutional duty and



authority to see that the laws be executed, and not under any statute.

On the 9th July, 1836, President Jackson appointed John Boyle, the chief clerk of the Navy Department, to discharge the duties of Secretary during the absence of the Secretary. The Senate had then adjourned five days.

On the 6th October, 1838, President Van Buren made the same appointment.

On the 19th March, 1841, President Harrison appointed John D. Simmes to be acting Secretary of the Navy during the absence of the Secretary.

On the 13th May, 1851, President Fillmore appointed C. M. Conrad, the Secretary of War, to be “acting Secretary of the Navy *ad interim*” during the absence of the Secretary; on the 3d August, 1851, the same President appointed W. A. Graham, the Secretary of the Navy, to be acting Secretary of the Interior.

On the 22d September, 1862, President Lincoln appointed John B. L. Skinner, then the acting First Assistant Postmaster-General, to be acting Postmaster-General *ad interim*, the Postmaster-General being absent.

On the 29th of June, 1860, four days after the adjournment of the Senate, the postmaster of New Orleans was removed, and the office placed in the hands of a special agent by President Buchanan, Joseph Holt being Postmaster-General.

On the 10th day of May, 1860, the Senate then being in session, President Buchanan removed Isaac V. Fowler, the postmaster at New York, and placed the office in the hands of a special messenger.

On the 21st of January, 1861, the Senate being in session, he took the Milwaukee post-office out of the hands of the postmaster, and placed it in the charge of a special agent. Hon. Joseph Holt was then Postmaster-General.



On the 20th of June, 1864, the Senate being in session, President Lincoln removed Isaac Henderson from the office of navy agent at New York, and instructed a paymaster of the navy to take charge of the office.

On the 26th of December, 1864, the Senate being in session, President Lincoln removed James S. Chambers from the office of navy agent at Philadelphia, and placed Paymaster Watson in charge. These two offices were highly important, both in view of the duties to be discharged and the emoluments received by the incumbents.

On the 19th of December, 1840, Thomas Eastin, the navy agent at Pensacola, was, by order of President Van Buren, "dismissed from the service of the United States," and Purser Dudley Walker appointed to take charge of the office. The Senate was then in session.

These are but a few of the hundreds of cases that might be cited to show that the practice of making *ad interim* appointments has been uniform, whether authorized by statute or not.

I can not concur in the opinion that has been expressed, that if a technical violation of law has been established the Senate has no discretion, but must convict. I think the Senate may judge whether in the case a high crime or misdemeanor has been established, and whether in the name of the people prosecution ought to be made and sustained. Van Buren was not impeached for the removal of the Pensacola navy agent and the designation of Purser Walker to take charge of the office. President Jackson was not impeached for the *ad interim* appointment of Boyle as Secretary of the Navy under a claim of Constitutional authority, without any statute allowing it. Presidents Harrison and Fillmore were not impeached for making *ad interim* appointments of Secretary of the Navy, with no statute authorizing it. President Buchanan was

not impeached for removing the postmaster at New Orleans and filling the place *ad interim*, nor for removing Fowler, the postmaster at New York, during the session of the Senate, and supplying the place *ad interim*, with no statutory authority; nor was he impeached for authorizing Joseph Holt to discharge the duties of Secretary of War *ad interim* upon the resignation of John B. Floyd, though the Senate called upon him for his authority, and in his reply he cited one hundred and seventy-nine precedents, not going back of Jackson's Administration. Mr. Lincoln was not impeached for the appointment of General Skinner Postmaster-General *ad interim*, without any statute authorizing it, nor for the removal of Isaac Henderson, navy agent at New York, during the session of the Senate, and the *ad interim* appointment of Paymaster Gibson to the office; nor for the removal of Chambers, the navy agent at Philadelphia, during the session of the Senate, and the appointment of Paymaster Watson *ad interim* to the office, there then being no statute authorizing it. He was not impeached for continuing Major-General Frank P. Blair in command long after the Senate had declared by resolution that in such case the office could not be held “without a new appointment in the manner prescribed by the Constitution;” nor for appointing at one time any more generals in the army than the laws allowed.

Supported by a long line of precedents, coming through our whole history, unchallenged and unrebuked by Congress, President Johnson stands before us upon these charges; and I ask my brother senators what answer we will make to the people when they ask us why we selected him for a sacrifice for doing just what was always recognized as right in his predecessors? Upon my oath I can not strike such a blow.

The judgment of the First Congress was that the President has the right under the Constitution to remove the Secretaries, and that judgment is supported by the uniform practice of the Government from that day till the meeting of the Thirty-ninth Congress. The evidence shows that Mr. Johnson was advised by every member of his Cabinet, including Mr. Stanton, that he had that right under the Constitution, and that Congress could not take it from him nor impair it, and therefore it was his duty to veto the Tenure-of-office Bill; and that the bill did not include the appointments made by Mr. Lincoln; and that, notwithstanding the passage of the bill, he would have the right to remove the Secretaries of War, of State, and of the Navy. This advice was given by the members of the Cabinet under the obligation of the Constitution and of their oaths; and now, if we say that he, being so informed and advised, was guilty of a crime in demanding the right to select his own Constitutional advisers, as it has been conceded to all the Presidents, and for that drive him from his office and give it to a member of this body, it does seem to me that we will do an act of such flagrant injustice and cruelty as to bring upon our heads the indignant condemnation of all just men, and this impeachment will stand itself impeached before the civilized world.

## CHAPTER XXI.

### AMNESTY.

**N**O careful student of the history of our country can fail to be impressed with the striking similarity between the policy of President Lincoln and that of President Johnson in dealing with the problems of the Union. That it was difficult for the partisans against whose interest or prejudices the policy of Mr. Johnson clashed to admit that the procedure would have been the same if Mr. Lincoln had lived as that of his successor, is conceded; but a comparison of their Administrations, point by point, reveals the fact, that whatever their personal feelings may have been, their public acts fully accord.

What course would be pursued by the Executive in regard to those who had enlisted in the cause of the Southern Confederacy was a question of great interest and much importance, both while the war lasted and after it had been brought to a close. The great effort of Mr. Lincoln in the early part of his Administration was to prevent the rupture between the sections, which had been long threatened. In his first Inaugural Address he said:

“I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no

inclination to do so. . . . To those who really love the Union, may I not speak before you enter upon so grave a matter as the destruction of our National fabric, with all its benefits, its memories, and its hopes? Will you hazard so desperate a step while any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from? Will you risk the commission of so fearful a mistake? All profess to be content in the Union if all Constitutional rights can be maintained. Is it true, then, that any right plainly written in the Constitution has been denied?

“My countrymen, one and all, think calmly and well upon the whole subject. Nothing valuable can be lost by taking time. . . .

“We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bond of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when touched again, as surely they will be, by the better angels of our nature.”

After the war had been in progress more than two years, President Lincoln issued a proclamation offering full pardon to all persons who, directly or by implication, had been engaged in the Rebellion, except those who were or had been civil or diplomatic officers or agents of the so-called Confederate Government, all who had left judicial stations under the United States to aid in the Rebellion; all who were military or naval officers in the Confederate army above the rank of colonel, and lieutenant in the navy; all who left seats in the United States Congress to aid in the Rebellion, and all who have engaged

in any way in treating colored persons in charge of such otherwise than lawfully as prisoners of war.

This pardon was conditioned upon taking the following oath: "I, ——, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder: and that I will, in like manner, abide by and faithfully support all the acts of Congress passed during the existing Rebellion, with reference to slaves, so long and so far as not repealed, modified, or held void by Congress or by a decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing Rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

Now that, by the death of Mr. Lincoln, Mr. Johnson had suddenly been called to deal in a very practical and immediate way with the question which Mr. Lincoln had pondered over in the midst of the war, and upon which he had in this definite way expressed himself, many of the friends of the Government manifested much interest lest the newly-installed President should deal too harshly with those lately in rebellion.

Had he not been given good grounds for the exercise of personal revenge upon those who were the moving spirits in the cause of the Southern Confederacy? With numbers of them he had been associated in Congress before the war, and by them he had been denounced as a traitor to the South because he advocated the cause of the Union. No man in all the country had been more fiercely assailed than Andrew Johnson, both in the columns of the Southern press and by mobs incited by the spirit of secession. Attempts had been made to mob him at a num-



ber of points along his route as he returned from Washington in the spring of 1861 to canvass East Tennessee in the interest of the Union. At Lynchburg, Virginia, he was burned in effigy, and a mob entered his car and attempted to do him violence; but he was protected by friends who, with drawn pistols, kept the mob at bay. It was reported that one man pulled his nose; but no one who knew Andrew Johnson well ever believed that any man ever pulled his nose and lived.

His invalid wife had been forced to leave her home in Greeneville on the order of the Confederate Secretary of War, and the bitter hardships endured by her and her family were enough to stir the spirit of hate in the heart of her fugitive husband.

Now that the tables had turned and Andrew Johnson held in his power the destiny of the very men who had wreaked their partisan vengeance against him, what would he do? How would he deal with them?

A calm perusal of his official acts shows that Andrew Johnson was actuated by no petty personal spirit in the administration of his official office as Chief Executive of the Nation.

On the surrender of the armies of Lee and Johnston came an almost universal desire for the early restoration of the commercial and political relations of the people of the South. Many causes led to this desire on the part of the people of the North as well as those of the South. Nearly half of the country was paralyzed and impoverished by the war. The fortunes and credit of the Southern business men were gone, and with their wreck were involved many men of the North. No spirit is quite so aggressive and so willing to conciliate as the spirit of commerce. The South was the customer of the Northern manufacturer and tradesman, and these longed for a set-

tled condition over the whole country. This feeling was fully reciprocated by the planters and merchants of the South. Their land had been laid waste, their industrial system had been swept away by the storm of civil war, and now, thoroughly sick of strife and with a courage as noteworthy as that which had marked their actions on the battlefield, they sought to build again the waste places of their beloved Southland.

The soldiers of the Union army and those of the Confederate army had turned their faces homeward on the announcement of peace, with no feelings of hatred in their hearts. The war had been one of principle. The issues involved had been settled, and now all rejoiced in the hope of future fraternal relations.

The generous terms offered to General Lee by General Grant, and by General Sherman to General Johnston, and accepted in good faith by them, was rejoiced in by the people of the North and South alike. Only here and there was there a discordant voice. Mr. Johnson had again and again expressed himself as favorable to the full pardon of the common citizen of the South, who had not been an influential leader in the movements of secession. "Treason must be made odious," but by the punishment of those by whose influence the South had been led to attempt the Southern Confederacy; but this punishment, as was afterward made clear in his speeches and official acts, was to be determined by the civil courts of the land.

In keeping with his oft-expressed opinions relating to this subject, President Johnson on the 29th of May issued his first Amnesty Proclamation:

"WHEREAS, The President of the United States, on the 8th of December, 1863, and on the 26th day of March, 1864, did, with the object to suppress the existing Rebellion, to induce all persons to return to their loyalty,

and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly, or by implication, participated in the said Rebellion; and

“WHEREAS, Many persons who had so engaged in said Rebellion have since the issuance of the said proclamation failed or neglected to take the benefits offered thereby; and

“WHEREAS, Many persons who have been justly deprived to all claim to amnesty and pardon thereunder, by reason of their participation, directly or by implication, in said Rebellion, and continued hostilities to the Government of the United States since the date of said proclamation, now desire to apply for and obtain amnesty and pardon,—

“To the end, therefore, that the authority of the Government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing Rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves and except as to cases where legal proceedings under the laws of the United States providing for the confiscation of the property of persons engaged in the Rebellion have been instituted; but upon condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation), and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation and shall be of the tenor and effect following, to wit: I, —, do solemnly swear (or affirm), in the presence of Almighty God, that I will henceforth faithfully support, protect,

and defend the Constitution of the United States and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing Rebellion with reference to the emancipation of slaves. So help me God.

“The following persons are excepted from the benefits of this proclamation:

“First. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended Confederate Government.

“Second. All who left judicial stations under the United States to aid the Rebellion.

“Third. All who shall have been military or naval officers of said pretended Confederate Government above the rank of colonel in the army or lieutenant in the navy.

“Fourth. All who left seats in the Congress of the United States to aid in the Rebellion.

“Fifth. All who resigned or tendered resignation of their commission in the army or navy of the United States to evade duty in resisting the Rebellion.

“Sixth. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities.

“Seventh. All persons who have been or are absentees from the United States for the purpose of aiding the Rebellion.

“Eighth. All military and naval officers in the rebel service who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

“Ninth. All persons who held pretended offices of governors of States in insurrection of the United States.

“Tenth. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal lines into the so-called Confederate States for the purpose of aiding the Rebellion.

“Eleventh. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers which separate the British provinces from the United States.

“Twelfth. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement or custody, or under bond of the civil, military, or naval authorities of agents of the United States, as prisoners of war, or prisoners detained for offenses of any kind, either before or after conviction.

“Thirteenth. All persons who have voluntarily participated in said Rebellion, and the estimated value of whose taxable property is over twenty thousand dollars.

“Fourteenth. All persons who have taken the oath of amnesty as prescribed in the President’s proclamation of December 8, 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation, and who have not thenceforward kept and maintained the same inviolate.

“Provided, that special application made to the President for pardon for any person belonging to any of the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States. The Secretary of State will establish rules and regulations for administering and recording the said amnesty oath

so as to insure its benefits to the people and guard the Government against fraud.”

The declared purpose of President Johnson, in making this long list of excepted classes to the benefits of his Amnesty Proclamation, was that these persons should, as individuals, petition for pardon which was promised to be forthcoming if at all consistent with the dignity of the Government. That many did avail themselves of this privilege is known to be true. There may be seen now in many a Southern home personal pardons issued by President Johnson in the early part of his Administration.

The writer has seen one of these at Russellville, Tennessee, a copy of which is here given:

“ANDREW JOHNSON, President of the United States of America:

*“To all to whom these presents shall come—Greeting:*

“WHEREAS, Charles G. Nenny, of Jefferson County, Tennessee, by taking part in the Rebellion against the Government of the United States, has made himself liable to heavy pains and penalties; and

“WHEREAS, The circumstances of his case render him a proper object of Executive clemency;

“Now, therefore, be it known that I, Andrew Johnson, President of the United States, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby grant to the said Charles G. Nenny a full pardon and amnesty for all offenses by him committed, arising from participation, direct or implied, in the said Rebellion, conditioned as follows:

“First. This pardon to be of no effect until the said Charles G. Nenny shall take the oath prescribed in the proclamation of the President dated May 29, 1865.



"Second. To be void and of no effect if the said Charles G. Nenney shall hereafter at any time acquire any property whatever in slaves or make any use of slave-labor.

"Third. That the said Charles G. Nenney first pay all costs which have accrued in any proceedings instituted or pending against his person or property before the date of acceptance in this warrant.

"Fourth. That the said Charles G. Nenney shall not, by virtue of this warrant, claim any property that has been sold by order, judgment, or decree of a court under the confiscation laws of the United States.

"Fifth. That the said Charles G. Nenney shall notify the Secretary of State, in writing, that he has received and accepted the foregoing pardon.

"Done at Washington, November 9, 1865.

"ANDREW JOHNSON, *President.*

"WILLIAM H SEWARD, *Secretary of State.*"

Mr. Nenney had been assistant postmaster in his town at the time the State of Tennessee entered the Military League of the Southern Confederacy, and had taken the oath of allegiance to the Confederate States Government. This was the extent of his political offenses. But, desiring to have all political disability removed, he made personal application to President Johnson for this pardon.

A very salutary effect was produced upon the country by the issuance of this Amnesty Proclamation. To be sure, it did not go far enough to please many in the South, particularly the excepted classes and their friends, and its terms were not liberal enough to suit a large class in the North, who felt that, the question of the maintenance of the Union having been settled, measures, the shortest and most effective, should be taken to bring the people of the South back into the enjoyment of their former

political relations. But its provisions were too generous, being made by a Democratic President, to please the radical element of the Republican party, and, when taken with the restoration policy of the President, inaugurated the same day, it constituted no small part of the ground for the withdrawal of their support from the Administration.

It seems, from a study of the press articles on the subject, that the real bone of contention was not as to whether amnesty should be declared, but by whom—whether by the President or by Congress. The Republican press urged that there was no power delegated to the President to grant amnesty, but only pardon. Amnesty, they said, is a political act, and can be put forth only by a sovereign power, which, in this country, is the people, represented by Congress. On the other hand, the press favorable to the Administration declared that “the radical journals are sadly puzzled to find cause for fault-finding with the President’s proclamation of amnesty, since some of their most trusted leaders have, ever since the surrender of Lee, been calling for general amnesty, and even for universal amnesty and universal suffrage, as the best remedy for the political ills. But, as soon as the President’s proclamation was issued, they cast about for some ground for opposition thereto, and, in doing this, they have been driven to the most contemptible hair-splitting. They attempt to draw distinctions between the Constitutional power of the President to pardon an individual, or to extend pardon to a collection of individuals. Mr. Lincoln expressly set forth his Constitutional right to issue his amnesty in 1863, and was applauded by the loyal North. Surely what was Constitutional in 1863 must be so in 1865.”

The good effect of the available benefits of President

Johnson's first Amnesty Proclamation, as well as the various assurances afforded that the South had in good faith accepted the issues of the war, led to another proclamation removing the restriction from some of the classes excepted in the first. On the 2d of April, 1866, President Johnson had issued a proclamation declaring that the insurrection was at an end, and was thenceforth to be so considered. Armed resistance to the authority of the United States nowhere existed, and there was no reasonable ground to apprehend the renewal thereof in any of the States involved in the late Rebellion. And he declared that a retaliatory or vindictive policy, attended by unnecessary disqualifications, confiscations, and disfranchisements, could only hinder reconciliation among the people and National restoration. It would also seriously embarrass and repress popular energies and national industry and enterprise. He therefore offered full amnesty and pardon to all who would take the oath of allegiance to the United States, except "the chief, or pretended chief, of executive officers, including the President, Vice-President, and all the heads of departments of the pretended Confederate or rebel Government; and all who are agents thereof in foreign States and countries, and all who held, or pretended to hold, in the service of the pretended Confederate Government, a military rank or title above the grade of brigadier-general, or naval rank or title above that of captain, and all who were or pretended to be governors of States while maintaining or abetting the Rebellion.

"All persons who in any way treated, otherwise than as lawful prisoners of war, persons who, in any capacity, were employed or engaged in the military or naval services of the United States.

"All persons who, at the time they seek the benefits

of this proclamation, are actually in civil, military, or naval confinement, or custody, or legally held to bail, either before or after conviction, and all persons who were engaged, directly or indirectly, in the assassination of the late President of the United States, or in any plot or conspiracy in any manner connected therewith."

While this proclamation brought to many the restoration of their political rights and of their property, there were still a great number who were excluded therefrom by the list of exceptions. Some of the Cabinet of Mr. Davis had petitioned personally for pardon, and had been relieved from their disabilities. Among these were Alexander H. Stephens, Vice-President of the Southern Confederacy; Hon. John H. Reagan, Postmaster-General, who was captured with Mr. Davis, and imprisoned for a long time in Fort Warren. Among other prominent men who did likewise were Hon. Thomas H. Watts, of Alabama; Hon. George Davis, of North Carolina; Hon. George A. Trenholm, of South Carolina, Secretary of the Treasury at the close of the war, and imprisoned in Fort Pulaski.

Among those who received the benefits of this Amnesty Proclamation of 1867 was the Hon. George W. Jones, of Tennessee, a lifelong friend of Andrew Johnson. He it was who delivered the oration at the unveiling of the monument to Ex-President Johnson in Greenville, 1877.

In spite of party strife, this action on the part of the President, in enlarging the provision of the Executive amnesty, met with great favor on the part of the people of all sections of the country, and when, on July 4, 1868, a universal sweep was given to the proclamation, excepting only such persons as were under indictment for treason against the United States, the only objection raised by

the greater part of the country was that any exception should have been made at all.

The exception was made largely, of course, to exclude Mr. Davis, who had been indicted in the Federal Court for treason, but whose trial was indefinitely postponed, and he allowed his liberty on bond.

Mr. Davis was at this time traveling in Europe, with little thought, as had his friends, that he would ever be brought to trial.

Whether it was from a religious motive, or simply a coincidence, that, on the anniversary of Him who came to earth to bring peace and good-will, pardon and love to all men, Mr. Johnson rounded out his gradual amnesty policy and proclaimed pardon, without restriction, to all who directly or indirectly participated in the late Rebellion, we do not know; but such was his proclamation of December 25, 1868. Thus, among President Johnson's last official acts, was the pardoning of him who had been his political enemy.

In commenting upon this proclamation, Horace Greeley's paper, the *New York Tribune*, said: "We rejoice that the very man who was most vehement in proclaiming that 'treason is a crime, and traitors must be punished,' when Mr. Lincoln's murder had set the country wild for vengeance, now fathers the most sweeping amnesty ever pronounced by man. We seldom find, of late, a decent excuse for praising Andrew Johnson; but we thank him for putting an end, even thus tardily, to the swindling legal farce enacted every few months under the deceitful title of 'Trial of Jeff Davis.' A swindle by which nobody is duped, a farce at which nobody thinks of laughing, must have outlived its day."

Almost continuously, from the time of the capture of Mr. Davis, great pressure was brought to bear upon

President Johnson to secure his release. At one time a delegation of women visited him, bearing with them a petition signed by fifteen thousand women of the city of Baltimore, asking for the pardon of Mr. Davis. To them he replied that "he regretted, more than he knew how to express, that he could not grant the petition; it would give him more pleasure to grant it than it had them to ask it. If it were a question between man and man, he would release Mr. Davis at once; but it was a great National question. Mighty issues were involved, and now is not the time to take such a step. He thought he had the courage to do his duty, and when the proper time came for the exercise of magnanimity, he trusted he should not be found wanting."

All the arrangements for the trial of Mr. Davis had at this time been made, and it was the purpose of Mr. Johnson to have the question of secession passed upon by the courts in the trial of the President of the Confederate States. But no trial could be had, and full amnesty came in the wake of its failure.



## CHAPTER XXII.

### ANDREW JOHNSON RETIRES FROM THE PRESIDENCY.

**W**HILE caring little for society for its own sake, President Johnson, nevertheless, established a high reputation for brilliant State dinners and public receptions, and, from the time he entered the White House until his departure for his mountain home in March, 1869, there was no failure to maintain the high standard of social *régime* set up by his predecessors in office.

She who had been his faithful helper in the time of his young manhood, and by whose love he had been inspired to noble endeavor, whose patience and skill as an instructor had stood him so well in the days of his beginnings, was an invalid now, and had been for many years. Never but once was she out of her sick-room during her husband's term of office. The duties and honors which were rightfully hers she transferred to her daughter, Mrs. Martha Patterson, her oldest child.

With a devotion to her father amounting almost to ancestral worship, Mrs. Patterson met the social duties pertaining to the first lady of the land in a way that lent both grace and dignity to President Johnson's Administration. Washington society had nothing to complain of at her hands. The farewell reception of President Johnson is spoken of, by those who witnessed its scenes,





as having been a perfect ovation. Thousands passed through the spacious rooms of the Mansion to grasp him by the hand and extend their farewell greeting, while thousands more reached only the outer doors.

In speaking of the departure of the President and his family, a correspondent of one of the Washington papers said: "The occupants of the White House leave it with the most spotless social reputation. There is no insinuation or charge against them. They have received no expensive presents, no carriages, no costly plate. They will be remembered in Washington as high-minded and honorable people. The House has been kept in order, elegance, and liberal hospitality. No old friends cut, no new ones toasted; but an even tenor of sociability has made all feel welcome."

During Mr. Johnson's Presidency the citizens of New York presented him with a fine span of black carriage-horses and a handsome carriage; but his sense of propriety led him to decline this and all other gifts of value.

On laying aside the robes of his office, President Johnson, whose stormy Administration had constantly kept the attention of the American public, issued an address to the people of the United States in which he briefly reviewed his policy as Chief Executive of the Government.

He vacated the White House immediately on the inauguration of his successor, and at once prepared to return to Tennessee. On March 12th, in response to an invitation from the city of Baltimore, whose people desired to publicly honor him, Mr. Johnson attended a banquet there, accompanied by a number of those who had been associated with him in office during his Presidency. The party made the trip in a special car, tendered for the occasion by the Baltimore and Ohio Railroad Company.

This last visit of Mr. Johnson to the city of Baltimore was made a public holiday for all the people. Business was practically suspended, and, by every means possible, the highest respect was shown to their distinguished visitor. A reception was held at the post-office rotunda for the masses of the people, and from one o'clock in the afternoon until three a stream of humanity poured through the building, every man, woman, and child in the vast crowd seeking to grasp the Ex-President by the hand. At night a banquet was given in his honor at Barnum's Hotel.

The first of a long list of excellent toasts responded to deserves a place in this sketch of the visit. "Our Guest—the patriot, statesman, Andrew Johnson, as President of the United States, the bulwark of equal rights, the champion of the only true and permanent Union of these States, and the defender and martyr of the Constitution. History will vindicate his fame, and record an impeachment of his impeachers, and a verdict of guilty, as to them, by the votes of future generations of American freemen. Baltimore, standing at the gate of the Capital, in front of the grand procession advancing to meet and welcome an illustrious citizen, in the name of that long line of admiring thousands who await his coming, bids him welcome to a place in the hearts of a great people, for whose protection and happiness he bared his breast to the shafts of calumny, and for their sakes hazarded all that was dear to the man and the citizen.

"In his retirement from the seat of National Government, in the full vigor of his manly faculties, stimulated by the applause of all good citizens we look with great assurance to his future efforts and influence for the liberation of the captive States of the Union and the rescue of their now true and faithful citizens from political slavery.

May his life be radiant in the list of the long line of American patriots, with the blessing of the lovers of the Constitution and Union, which has always been the glory of American citizens!"

Returning to Washington, Andrew Johnson, now plain "Mr. Johnson" for the first time in thirty years, made necessary purchasers for the refurnishing of his home in Greeneville, which had been dismantled during the Civil War, and which had not been visited since he left it in 1861, and a few days later started for Tennessee. His journey home was one continuous ovation, the people everywhere along the line turning out *en masse* to do him honor. When he reached Bristol, the border city of his own beloved State, he was met by a committee of gentlemen from Greeneville, who formally received him and conducted him to a private car which had been placed at his disposal by Mr. R. C. Jackson, superintendent of the East Tennessee, Virginia, and Georgia Railroad.

As hearty as had been Mr. Johnson's reception at other places along his route, all was surpassed by the people of his own home town when he arrived there. Their enthusiasm knew no bounds. The people for many miles around gathered into the town. Never before had the little place known such a day, and no wonder, for the Ex-President of the United States was coming, and he was none other than their own fellow-townsmen, "Andy Johnson." At the depot, a committee representing the ladies of Greeneville, and headed by Miss Belle McCaughey, presented him with a handsome bouquet of flowers "as a token of their esteem for one who had stood so nobly for the Constitutional rights of all the States, and as emblematical of the purity of his purpose in all his official life."

The reception committee escorted him to the very spot



where, eight years before, he had made his last speech in East Tennessee in favor of the Union. Great must have the contrast appeared to his mind on this glad day. Then, while a great number of intensely loyal men gladly followed his leadership, there were many who were just as intensely opposed to him and his doctrines. Across the street, in those former days, had been stretched a banner on which was written his name, followed by the opprobrious word "Traitor;" now, in the same place was suspended a banner with the words, "Welcome Home," and the people were of one mind in making that motto real.

The main address of the occasion was delivered by Hon. James Britton, Jr., who had been a warm personal friend of Mr. Johnson, having cast in his lot with him in the struggle for the Union. Mr. Britton spoke as follows:

"MR. JOHNSON,—As chairman of a committee appointed and especially instructed by the people of Greeneville, of Greene County and Upper East Tennessee, as the vast concourse present will abundantly testify, I am here, sir, to tender you a warm and cordial greeting on your return to your adopted home amid the beautiful blue mountains of your own loved East Tennessee. On behalf of those whom I represent, I am authorized to say to you, without distinction of parties, that you are welcome, thrice welcome, to come and in our midst spend the evening of your life after your laborious and arduous duties in the highest and most responsible trust within the gift of the American people.

"You might well adopt the language of Napoleon Bonaparte when he retired to the island of Corsica, 'Blindfold, my native hills I would have known.' On behalf of your political friends, I will be permitted to say,

'Well done, thou good and faithful servant.' The conflict that you have just terminated has been a battle for Constitutional liberty that has no parallel in the annals of human history. We well remember, in 1859, when the Southern mind was being instructed; when Southern passions were being inflamed, and a Rebellion of gigantic proportions was being inaugurated, your voice was heard in the Senate chamber of the United States above the voice of all others, louder than a tenfold thunder, in denunciation of treason and rebellion. Then again, in 1861, when the Rebellion had gathered strength, and State after State had gone down in the abyss and whirlpool of secession, your voice of warning was heard, all over East Tennessee, like the prophet Jonah in the streets of ancient Nineveh. Afterwards, when you were made military governor of Tennessee by President Lincoln, and when the city of Nashville had been redeemed by the prowess of Federal arms, and when the city was again surrounded by a fearful rebel army, and the commanding general favored the evacuation of the city, it was your indomitable will, invincible determination, and unconquerable spirit that saved the city from annihilation and the Federal arms from serious reverse.

"Shortly afterwards, when you had been elected to the second highest office within the gift of the people, upon the death of President Lincoln, by Constitutional provision you succeeded to the Presidency. As soon as the policy of your Administration was developed, a fierce and bitter war was opened upon you, which continued without cessation or mitigation. Your Constitutional constructions were thrown into a political crucible heated seven times hotter than the fiery furnace into which the Hebrew children were cast, but, like them, you have come out without the smell of fire upon your garments.

“We feel assured, President Johnson, that the day that the robe of office fell from your shoulders, by Constitutional limitation, was a prouder day in your history than the coronation of a king, prince, or potentate that has ever been crowned in the Old World, and an infinitely prouder day than the Inauguration-day of the present Chief Executive of the United States. Your Administration has closed; the integrity of your conduct is now in the eternity of the past, and the judgment that prejudice and excitement may have pronounced against you will be reversed by posterity, and history will record the verdict in your favor.

“In conclusion, President Johnson, it is our most sincere desire that you may live to enjoy the reward of your labor, until your motives will be correctly interpreted and your struggle for Constitutional liberty will be better understood, and when you come to die, ‘to shuffle off this mortal coil,’ and your spirit returns to the God that gave it, there to enjoy the reward of the pure in heart, may your mortal remains be left as a heritage to the people of your adopted home! And when affection and genius shall have reared a monument to your memory, and the curious of future generations come to visit the tombs of the illustrious dead, they will find on Mount Vernon the remains of Washington, who led the armies of the Colonies to victory and independence, whose most exalted trait of character was his pure patriotism; at Monticello they will find the remains of Jefferson, whose immortal pen drafted the Declaration of Independence, whose most prominent trait of character was his great political sagacity; at Montpelier will be found the remains of Madison, whose careful hand drafted the Constitution, with its wise checks and balances, whose most prominent trait of char-

acter was his great prudence and caution; at the Hermitage will be found all that was mortal of Jackson, who humbled England's pride, and whose most prominent trait was his courage, physical and moral; and when they come to linger about the tops of some of our beautiful hills, the last resting-place of Andrew Johnson, they will say, There lie the mortal remains of a man that had the patriotism of George Washington, the political sagacity of Thomas Jefferson, the prudence and caution of James Madison, and the physical and moral courage of Andrew Jackson. Such will be the conclusion of those who live in after time, when prejudice shall have died and the memory of truth, virtue, and integrity shall alone remain. Trusting that the sea of life on which you have been sailing may grow more calm, and the evening of your life may be more quiet than it has hitherto been, I will close by repeating that you are welcome, thrice welcome, on your return to your adopted home, and may your days be many to enjoy the harvest of a well-spent life!"

After a brief period of rest amid his native mountains, Ex-President Johnson continued his tour through the State. At Knoxville he addressed a great crowd of citizens, and in the course of his speech declared it to be his purpose to devote the rest of his life to the vindication of his official policy and the redemption of the State from the obloquy which had been heaped upon it.

A gentleman, well informed of the political conditions in Tennessee as they were then, studied the effect of Mr. Johnson's speech upon the great audience as they listened with rapt attention for more than two hours to the Old Commoner, and, in giving his estimate, said to his friends: "I am not presumed to be as partial to Andrew Johnson as those who were in active sympathy and concert with him in the late war, but I am entirely satis-

fied that, if he again desires to become a favorite with the masses, he has only to put forth the effort."

Continuing his tour, Mr. Johnson visited Chattanooga, Murfreesboro, Memphis, and Nashville. At each of these cities he was received with marked distinction, and his speeches were the chief topic of the people for days afterward. His reception at Nashville was specially brilliant; no pains was spared to make his welcome worthy of the man who had three times resided in Nashville as governor of the State, and was one of the three Tennesseans who had graced the White House at Washington. From the depot he was conducted to the St. Cloud Hotel, from whose balcony he had addressed the people of Nashville six years before that very month, when he was entering upon his difficult task as military governor.

In response to an address of welcome delivered by Judge John C. Gaut, Mr. Johnson spoke as follows:

#### EX-PRESIDENT JOHNSON'S SPEECH.

"MR. CHAIRMAN,—I shall not attempt, on this occasion, to make a response to the address that you have made, conveying your feelings and sentiments and all those whom you have the honor to represent. All that I can do on this occasion, even if I were disposed to speak, on account of my health, would be simply to make an apology in not addressing you in reply to what has been said to-day. Indeed, were I able to speak and disposed to do so, the complimentary manner and the cordial welcome which has been offered here to-day is well calculated to incapacitate me from the performance of that duty. All I will or can say, on this occasion, will be to thank you for the cordial welcome. In returning to the capital of my own adopted State, to receive such a wel-



come and manifestation of respect is peculiarly gratifying to me under the circumstances. The last four years, which, as you are aware, have separated us, have been occupied in strife and contention in regard to the first principles of the Government. This I shall not undertake to discuss on this occasion; but, in response to what has been said in reference to the Constitution of my country, which I was sworn to support, protect, and defend, let me say to you here to-day, it has been done in fidelity and to the utmost of my ability. [Cheers.] Although I have been incapable of resisting the encroachments upon the first principles of free government, and in removing from your shoulders oppressions and burdens too heavy to be borne, and to which you have almost too patiently submitted [loud cheers], I will say, in this connection, although I have been unable to do this, I feel that I have done one thing which would be enough to gratify one man. When I was inaugurated President of the United States, when I looked to the great Ship of State, and saw that you were gliding along down with rapid speed to destruction, like the train that is going down the inclined plane, and as every revolution is formed by each wheel its velocity increases until its destruction seemed inevitable—I felt that if the destruction of the Government could be arrested for the time, that a change of its fundamental character could be prevented until the whole American people could be aroused, that they, though seemingly slow and laboring in apathy to some extent, would need to come to the rescue and save the Constitution and the country. In appearing before you to-day, and in receiving this cordial welcome, it is proper for me to say that I ask for nothing. I am no aspirant; I ask nothing at your hands. You in times past have conferred upon me every position that I asked, either



State or Federal, and I now stand before you asking nothing. Pardon me for saying, not egotistically, that I have filled all the offices within the gift of the people of a political and responsible character, from high to low, which seems to be enough to satisfy the ambition of any man. Let me say to you that the measure of my ambition has been filled, and in returning to you after having filled all these positions, stepping as I have from the most exalted position in the gift of a free people—from the Presidency of the United States down amidst the ranks of my countrymen—I feel more honor in taking my position among you, and help bear the burdens, than to be inaugurated President of the United States to-morrow upon the ruins of a violated Constitution. Then let us rally around the Constitution of our country; let us hold to it as the chief ark of our safety; let us cling to it as the shipwrecked mariner clings to the last plank when the night is dark and the tempest blows around him. The time has been when we had two parties in this country—the Whig and the Democratic—the two greatest parties that ever existed in any Government. We had our contests. The Whigs would meet the Democrats in debate in the political forum, and, while one would break a lance on one side, the other one would break his spear; then a calm would follow, and they would meet on common ground as supporters of the Constitution. The great difference between these two great parties was that one would contend for a rigid and strict construction of the Constitution, and the other would contend for a more broad and liberal construction of the Constitution. These two parties agreed in one great essential, and that was in the Constitution of the United States and in the Constitutional form of government; that there was no freedom without a Constitutional form of government.

“We have seen, without going into detail, one Department of the Government attempting to abolish the other two; we have seen the Legislative Department of this Government, most dangerous in its character, to be unconstitutionally, excessively, unnecessarily, and tyrannically, and, I was going to say, to be diabolically legislating. The Legislature, under the pretense of law, has attempted to absorb and destroy the other two Departments. Your Constitution is wiped out of existence, and, in the language of the great Thomas Jefferson, such a body and such an organization as that is the precise definition of despotic power. This is where we are traveling. What is the great issue before the country? It is whether you will have a Constitutional form of government or not. They claim that they are outside of the Constitutional limits; that it no longer exists; that their will and their discretion is the measure of their power, and not the Constitution of the United States. This is the direction we are going, and this is a matter that should be maturely considered. But I shall not trespass upon your attention any longer this evening. Let me say to you, my countrymen, in returning to a State that has honored me, in returning to a people that have taken me by the hand, to receive such a welcome is a source of peculiar gratification to me. I feel prouder to-day, standing in your midst, privileged and authorized to advocate those great principles of free government, than I would of being President on the ruins of the Constitution of my country; and let me say, though the contest has been severe, though the task I performed was very arduous, thank God there is a little of me left that can be appropriated, in common with you, in the vindication of your rights and liberties. I intend to appropriate the remainder of my life. as short as it may be, in the vindication of my char-

acter and that of the State—yes, that reputation which is dearer to me than life, and which is to live after I am dead and gone. I have come amongst you to spend the remainder of my days, and somewhere beneath the clods of your State my bones will rest. I have not come here by force; it is my own voluntary will, it is my own choice to come to my own adopted State and lay my weary bones down in peace; and, if I can do nothing more, I will adopt the language of Cato; and let me say to every young man here, into whose hands this Government is expected to pass, you ought to study that phrase and read it, and prepare yourselves to take charge of this Government in a short time. We are before you, and well stricken in years, and must hurry down into the grave. The language of Cato to his son, when Cæsar was making his inroads upon him, should be deeply impressed upon your minds. Cato said to his son, 'Retire to the Sabine fields, and there, with a pure and sincere heart, if you can do nothing more, pray for Rome.' If I can do nothing more, I can retire to my humble home, and, with a good conscience, I can pray for my country. I feel prouder in my retirement than imperial Cæsar, with such a corrupt Congress at his heels; for, my countrymen, we have all learned that, in these corrupt times, when degeneracy and corruption seem to control Departments of the Government; that when 'vice prevails and impious men bear sway, the post of honor is a private station.' When I accepted the Presidency of the United States, I accepted it as a high trust, one of heavy responsibilities. I did not accept it as a donation or as a grand gift establishment; I did not take it as a horn of plenty, with sugar-plums to be handed out here and there to that individual that had presented the greatest gift. I stand before you

unscathed, and put the whole pack at defiance. Thank God, I can stand before the people of my State, and lift up both hands, and say, in the language of Samuel, 'Whose ox have I taken, or whose ass have I taken? At whose hands have I ever received bribes and had my eyes blinded?' 'If there is any, let them answer, and I will return it. Thus I return to you, feeling, in my own conscience, that I have discharged my duty as a faithful man. Then, gentlemen, I am here in your midst, and I trust that opportunities will occur so that we can interchange our opinions in reference to some questions that have not yet been settled, and that there will be no restraint in this. I am here for the purpose of making this my home. This is my State, and I am here by my own choice.

"I thank you, gentlemen, for this cordial welcome, and especially so under the circumstances. May God, in his goodness and plenitude, and in his power, confer his best blessings upon you!"

The reception at Memphis, which occurred later, must have appeared to him in the nature of a grand triumph. Ten years before his name had been the synonym, in the minds of the people of that city, of all that was treacherous. He had there been burned in effigy on the public square, and, to add contempt to indignation, the people had caused a Negro slave to set fire to the figure. But now the distinguished people of the entire city joined proudly in doing him honor, as their distinguished guest, at a great banquet.

One who knew him well thus describes him at this time: "We could notice but little change in the appearance of the man since he left Nashville four years ago. The eye is a little more sunken, and with less luster; there

are a few more gray hairs, the face a shade or two paler, induced perhaps by recent sickness, and the form a little less erect. It is evident that he has stood up well under the terrible strain under which he has labored as Chief Executive of the Nation; and he seems now as robust and vigorous, as well poised, as positive and self-reliant, as when we first heard him upon the hustings a quarter of a century ago."

## CHAPTER XXIII.

### EX-PRESIDENT IN POLITICS AGAIN—ONCE MORE IN THE FEDERAL SENATE, 1875.

IT was the declared purpose of Andrew Johnson when he retired from the Presidency to seek "to vindicate his policy as Chief Executive and to redeem his State from obloquy." Hence we find him again actively engaged in politics soon after his return to Tennessee. Nor is this ambitious course to be wondered at when we take into consideration the character of the man, and remember that he was but sixty-one years of age and in the full vigor of his robust manhood, both physically and mentally.

In 1872 he ran as an independent candidate for Congress from the State at large. His opponents were the Hon. B. F. Cheatham, the nominee of the Democratic party, and Horace Maynard, the candidate of the Republican party. Mr. Johnson could hardly have hoped for election in this three-handed contest, for partisan lines were sharply drawn. So it was not a matter of disappointment either to him or to his friends when he was defeated. In this campaign he made a personal canvass of the whole State, speaking in all the principal cities and towns. Against him were arrayed some of the most prominent speakers of the Democratic party in Tennessee. They



gave more attention to Mr. Johnson in the campaign than they did to Mr. Maynard.

Two purposes, doubtless, led Mr. Johnson to enter this race. First, it gave him an opportunity to review his official policy while in Congress and as President of the United States. This was made easy, for the Democratic nominee assailed him on his record in regard to the Union of the States, while the Republican candidate took him to task for his policy relating to the South after he became President. Thus in nearly every speech he took occasion to discuss his attitude toward the question of secession, and his great conflict with the radical Congress with regard to the restoration of the Southern States to the Union. This he did dispassionately, as his speeches show; but he left no phase of either subject untouched.

His second purpose, as it now appears, was to break the power of the old-line Democrats, and thus make it possible for a General Assembly to be elected which would be favorable to his return to the United States Senate. In the latter purpose he succeeded as well as in the former. A newspaper correspondent of the times, speaking of the results of the campaign, says: "A more striking illustration of one man's power was never before given in this country than in Mr. Johnson's canvass of the State; and though not elected, he is more firmly entrenched in the hearts of the people, and more conscious of his hold upon their confidence than at any time since 1860. Those who take a merely superficial view of election canvasses can not see beneath the ballot. They look upon the official count as the final judgment."

In a conversation with a gentleman at the close of the campaign, Mr. Johnson was asked what he thought the result would be. He replied: "Maynard will be elected; but I have succeeded in breaking up that military ring at

Nashville." Horace Maynard was elected, as Mr. Johnson predicted, and the defeat of Mr. Cheatham broke the power of the "Ring" at Nashville, whose chief aim had been to fill the offices of the State with men who had been prominent in the Confederate service.

When the Legislature met in the winter of 1874-75, a part of its duty was to elect a successor to William G. Brownlow, member of the United States Senate, whose term had expired. There were many aspirants for this honor, among them being Gustavus A. Henry, distinguished for his many services to the State; Hon. D. M. Key, afterward Postmaster-General in President Hayes's Cabinet; Hon. W. B. Bate, afterward governor of the State and later United States senator. Great interest was taken in this senatorial election. The opponents of Mr. Johnson were unable to unite their forces, else he would have doubtless been defeated at the outset.

As it was, it required several days to reach a conclusion. When finally, in the afternoon of January 26th, the deadlock was broken by the Republicans going to Johnson, and the fifty-fifth ballot resulted in fifty-two votes for Johnson and but forty-three for both Henry and Stephens, the scene in the House became indescribable.

No candidate for official position ever had a more tenacious following than had Mr. Johnson in this contest. From the opening of the Convention he had thirty-five votes, not one of whom forsook him during all the balloting. When Speaker Payne announced the result, and declared Andrew Johnson elected, the great crowd which had thronged the Hall of Representatives rushed out of the Capitol into the street, cheering as they made their way to the Maxwell House, where Mr. Johnson had rooms. Congratulations many came in from all

sides, and at night a vast assemblage of ten thousand people gathered on the public square to hear Senator-elect Johnson speak. He announced that his policy would be to advocate a perfect unification of all patriotic elements of all parties against the aggressions made upon fundamental law, and that he would plant himself squarely upon the great Constitutional principles enunciated and interpreted by the National Democracy. He would go to the Senate, he said, with no personal hostility toward any one, but with a larger affection for and a more intensified devotion to the landmarks that had been the guide of his country through every ordeal through which it had passed. He had but a few more years to live, and, by God's help, they should be devoted to the weal and prosperity of the country which he had loved, from his childhood, more than his life.

Mr. Johnson's speech was followed by speeches from Mr. O'Brien and Mr. Colyar, both of whom nominated him for the Presidency in 1876. The people of Tennessee received the news of Mr. Johnson's election with great satisfaction, while from all parts of the country his victory was noted with pleasure. The New York Herald, which was not very favorable toward him when he was President, said, in commenting on his election: "He is the best man Tennessee could have chosen, not merely for herself, but for the Democracy, both North and South. In the Senate he will be of far greater use to the country than he was in the Presidency, for the independence which is inseparable from his character will have better opportunity in the duties of legislation than it could have in those of the Executive." Speaking of his career as President, the same editorial says: "It is now generally conceded that the imaginary misdemeanors of 1868 with which President Johnson was charged, were,

in fact, official merits, and he has, fortunately, lived to see his vindication and have it confirmed by his election to the Senate."

The Washington *Daily Chronicle*, an Administration paper, said: "In the coming events, standing as the country now does on the crater of a slumbering volcano, Johnson's election may hereafter be regarded as an interposition of Divine Providence."

From all parts of the country came telegrams and letters bearing the congratulations of personal friends and of those who had never met him, but only knew him as a public man. It was one of the proudest days of Andrew Johnson's life. He remarked to a friend that he would by far prefer to be in the United States Senate than to be President.

A few of the many personal letters received at that time are here given:

"BALTIMORE, January 27, 1875.

"MY DEAR SIR,—Your many friends here have watched with intense anxiety the votes of the Tennessee Legislature, and heard with delight the result of their ballots. I congratulate you most heartily, and the people of your good State.

WILLIAM PINKNEY WHYTE,

"United States Senator, Maryland."

"MEMPHIS, TENN., January 26, 1875.

"DEAR SIR,—The news of your election, by the Legislature of Tennessee, to the Senate of the United States, which reached this city this evening by telegraph, was received with great pleasure and enthusiasm by your friends.

"I regard it, not only as a personal tribute to you and a fitting recompense for a long life of public service,

but the triumph of those conservative National principles upon which this Government can alone be administered with any hope of attaining the high ends contemplated by its founders. Accept my congratulations.

“CASEY YOUNG.”

“HOUSE OF REPRESENTATIVES,  
“COLUMBUS, OHIO, January 26, 1875.

“DEAR SIR,—The news of your election reached the House during the noon recess. Three times three were given for this most noble victory. Yours,

“HENRY S. BISHOP,  
“Assistant Sergeant-at-Arms.”

“NEW YORK, January 27, 1875.

“I must join in the army that hasten to congratulate you at this particular time, when all feel that daylight is ahead and that the narrow-minded prejudices from which we have all suffered so much are being trodden under foot. You can not realize what a host of people are made happy by the event of your election.

“H. A. SMYTH.”

“CINCINNATI, January 28, 1875.

“HON. ANDREW JOHNSON:

“MY DEAR SIR,—There is great rejoicing everywhere over your recent election. It is a great triumph. All are satisfied, and most especially, you may be sure, those who stood by you when you were persecuted.

“Respectfully, W. S. GROESBECK.”

“WASHINGTON, D. C., January 27, 1875.

“HON. ANDREW JOHNSON:

“MY DEAR SIR,—Accept my sincere and hearty congratulations upon the result of the senatorial election in

Tennessee. Your return to Washington as one of the 'Conscript Fathers' of the Republic is a great triumph.

"Truly yours,      LEWIS V. BOGGS."

"HARTFORD, CONN., January 27, 1875.

"HON. ANDREW JOHNSON:

"MY DEAR SIR,—I last evening received information that the Legislature of Tennessee had done its duty by electing you to the Senate. I congratulate you most sincerely on this act of justice and the opportunity it will give you to correct, in the highest legislative body of the Nation, some of the many errors and misrepresentations of yourself and your Administration.

"The indications are that the 'gospel of hate' is drawing to a close, and that we may now hope for peace and reconciliation and a return to the true principles of the Constitution—a restoration of the States to their rights.

"Yours truly,      GIDEON WELLES." ||

That the friends of Mr. Johnson were determined to put him forward for the Presidency in 1876 is clearly demonstrated by letters and other data in the Johnson library. ||

A letter from a leading editor of Tennessee to some others discloses the fact that there was a movement on foot to have an understanding, on the part of the Tennessee press, by which Mr. Johnson's candidacy was to be promoted.

What might have come of this, had not death interfered with the plans of men, we have no means of knowing; but it is certain that the scheme would have met with favor on the part of many leading Democrats throughout the country.

When, on the 4th of March, Andrew Johnson entered the hall of the Senate, where seven years before he had



been arraigned on the high-sounding charge of high crimes and misdemeanors, the galleries and corridors were crowded with his friends who came to pay him honor in his new rôle. As he advanced to take his seat, loud and spontaneous applause greeted him, which was repeated when he stepped forward to be sworn. Admiring friends had found their way to his seat before he reached the chamber, and, with beautiful flowers, exquisitely arranged, adorned his desk. When the Senate adjourned that day hundred of friends, and many who had not been friendly toward him, crowded around his seat to tender their congratulations.

The manifest purpose of Andrew Johnson, in returning to the Senate of the United States, was to aid in the very important work of redeeming the South from the evil effects of military rule under the Congressional plan of reconstruction. The opportunity for him to declare himself came when the Louisiana Question came up in the Senate, and thus, on the 22d of the same month in which he took his seat, he made a great speech on this subject, extracts from which are given.

The Senate, having under consideration the "Louisiana Question," Senator Johnson, of Tennessee, being entitled to the floor, rose, and after declaring that it was his intention, when the question was first brought before the Senate, not to participate in the discussion, his entrance into that body having been so recent and under such peculiar circumstances, said that things had taken such a direction that he felt it incumbent upon himself to say something in reference to the resolution under consideration. Calling on the clerk to read the amended resolution, it was read as follows:

*"Resolved,* That the action of the President in protecting the Government in Louisiana, of which William

P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved."

Mr. Johnson said: "In the first place, Mr. President, it seems to me that a resolution embracing questions of such great importance is not legitimately before this body; or, in other words, it is not legitimate to consider it before a Senate convened in such a session as we are now holding. I understand that the Senate has been convened in extra session for the purpose, mainly, of acting upon Executive business, not embracing questions of legislation, but simply to act upon business pertaining to the Executive Department. The Senate, being a part of the treaty-making power, the Senate having to confirm or reject nominations that may be made, it is convened for these purposes, and I consider the legitimate business of the Senate during this session confined to matters falling under these heads; but the Senate has assumed and taken charge of measures that look far beyond this. If it is legitimate to consider the measure now under consideration by this body, it is legitimate to consider every question upon which the Administration has acted since its advent into power. It would be as legitimate, for instance, to offer a resolution expressing an opinion in reference to reducing the expenditures of the Government, saying that that ought to be done, that retrenchment should be commenced, that we should return to a sound currency, and a long list of questions that might be enumerated.

"Again, it seems to me, we are traveling still further out of the record when the Executive goes forward and presumes to act in advance of the Legislative, for the Legislature to reverse positions with the Executive, and take up his acts and approve them. Ordinarily, measures

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are presented to the consideration of Congress, and when Congress acts upon them, it is the duty of the President to consider its acts, and to approve or reject them; and it is not the duty of the Senate or the Congress of the United States to sit in judgment, as it were, upon his acts, and approve or reject such measures as he may think proper to act upon. This is reversing the whole order of things, reversing the origin of legislation; it is reversing the policy and the principle on which the Legislature has acted for a number of years, or, perhaps, from the origin of the Government to the present time.

“I presume every senator remembers well the famous resolutions brought forward years ago by the distinguished senator from Kentucky, Mr. Clay, in reference to General Jackson, resolutions condemning him for the removal of the deposits from the Bank of the United States, condemning and censuring that act in strong terms. Both Houses of Congress were together then; they were sitting as the Legislative Department of the Government. Notwithstanding the Senate passed those resolutions, it was considered, and so determined by the country afterward, that they were illegitimate, and that it was not the place of the Senate to pass upon the action of the Executive unless they were sitting as a Court of Impeachment. But now we are called upon, as a Senate, to approve past acts of the President of the United States. The resolutions adopted by the Senate in regard to the action of General Jackson when he was President of the United States, was at a time when both Houses of Congress were in session, when they were convened under the provisions of the Constitution; and yet, though they acted in that position, the separate action of the Senate in regard to the act of the Executive was subsequently determined and declared by this body to be unconstitutional

and expunged from the Journal of the Senate of the United States.

“It seems to me that that should settle the question most clearly, and prove that we have no such authority, especially in the absence of the other House. There are many things that it is as legitimate for us to express an opinion upon as upon this resolution. What does this resolution propose? It seems that it has required great care and attention on the part of those who have prepared this resolution to get it in its present shape. The first resolution, introduced by the senator from Indiana [Mr. Morton], was drawn up in somewhat broader terms; perhaps too broad for some members of the Senate to support. Then the senator from New Jersey [Mr. Frelinghuysen] introduced a resolution, seemingly not so broad. Then came the substitute proposed by the senator from Rhode Island [Mr. Anthony], which seems to narrow it down almost to an abstract idea. But when we come to get at it in substance, the resolutions are all the same, and a mere modification in the matter of verbiage to suit the particular views of some individual does not change the substance in the slightest degree. It is simply calling upon the Senate to express an opinion in reference to the Executive conduct in the organization of the State of Louisiana, and to approve of that act.

“Now the query comes up, What has been the course of the Government in reference to cases of this kind? I will refer to one for the sake of making an introduction to what I am going to say, and it is a case which occurred in 1866. In the State of Tennessee, in a re-organization of Government there, there was a governor elected and a Legislature elected under an amended Constitution, which had been adopted by the people in Con-

vention, amending the original Constitution. The Legislature was convened; the governor was qualified and in the discharge of the duties as governor of the State. Here was the Legislative Department, here was the Executive Department, here was the Judicial Department, co-ordinate branches of the Government. According to the theory that has been acted upon by the branches of the Government, each one of these departments should move in its appropriate sphere, and one has no right to encroach upon the others.

“When the Legislature was convened, there came to be a difference of opinion between the governor of the State and the Legislature, and that difference of opinion became almost factious. The Legislature became refractory, and the governor became refractory. The governor undertook to control the Legislature. The Legislature refused to keep a quorum. Here was a contest between two civil departments of the State of Tennessee. The governor wanted his policy carried out, his measures acted upon. The Legislature was opposed to them, and, for the purpose of defeating the governor in carrying out his plans, they reduced the number of members present below a quorum.

“Here was a struggle between two civil departments of the Government, the legislative and the executive. According to the theory and according to the Constitution itself, they were co-ordinate branches of the Government, and one had no right to encroach upon the other. We know the provision that is made in nearly all the States, and perhaps in all of them, in the establishment and in the government of Legislatures. There are certain rules prescribed. The executive department is laid down, the legislative is prescribed also, and the Legislature has the power to be the judge of the qualifications



and elections of its own members. It has a right to prescribe rules for its own government; it has the power to compel the attendance of absent members, thereby making inherent in the body the power to preserve its organization and its existence, and the responsibility is upon the Legislature, and not upon the governor. To defeat some measure that was favored and advocated and recommended by the executive department, they, members of the legislative department, reduced the Legislature below a quorum. Then the struggle came. The executive assumed the high prerogative of taking charge of the Legislature and having the members brought in and compelled to act. Some of the members tendered their resignations, which were rejected by the governor; others absented themselves or refused to vote, and thus reduced the House below a quorum. Here was almost the precise case that you have in Louisiana. Here, though the struggle was not strictly between the governor and contending members for seats in the Legislature, the main issue was between the Legislature and the governor. That was the great struggle. We find in the case of Louisiana, and it is said and conceded by all who speak on the subject, that the military was there obeying the behests of the governor in organizing a Legislature that favored him. In principle, it is precisely the same case. Let us see what was the action of the Government in the first case referred to, in 1866:

“EXECUTIVE DEPARTMENT, July 5, 1866.

“SIR,—As it is evidently the design of your resignation to reduce the House below a quorum and to break up the Legislature, the same is not accepted.

“W. G. BROWNLOW.

“HON. M. E. W. DUNNAWAY.’



“Here was an attempt to force a member to act, by a refusal of his resignation, on the part of the governor. It was not for the governor to organize the Legislature; it was not for him to compel the attendance of absent members. No; that was a prerogative belonging to the body itself, and not to the governor. I proceed with the account of the transaction:

“‘Mr. Williams, member from Carter County, sent in a communication declaring that he could not and would not participate in adopting the proposed amendment until he had first submitted it to his constituents, and he therefore refused to attend the session.’

“Well, that is a pretty good reason on the part of a member.

“‘The governor applied to the military commander of the district for assistance in bringing the fugitive members back to their duties, when the following correspondence took place.’

“General George H. Thomas was then in command of that department, and he was induced by the governor to apply to the Lieutenant-General of the army here at that time for military aid to assist Governor Brownlow in organizing the Legislature. This is his dispatch:

“‘NASHVILLE, TENN., July 14, 1866.

“‘LIEUTENANT-GENERAL GRANT, *Washington*:

“‘Some of the members of the House of Representatives of the Tennessee General Assembly conduct themselves in a very refractory manner, absenting themselves to prevent a quorum, thus obstructing business.

“‘The governor can not manage them with the means at his disposal, and has applied to me for military assistance. Shall I furnish it?

“‘GEORGE H. THOMAS,

“‘*Major-General Commanding.*’

“This dispatch was sent to the Lieutenant-General of the army at that time, and in calling him by name it is simply to be understood, for it is not my intention, on this occasion, to give utterance to a single personal expression, but to speak of public acts in the manner and mode that a public man has a right to speak of them. This dispatch was brought to the Secretary of War; by the Secretary of War it was brought to the President of the United States, and this reply was prepared and forwarded to General Thomas, to which I call the attention of the Senate:

“‘WASHINGTON, D. C., July 17, 1866.

“‘General Grant will instruct General Thomas that the facts stated in his telegram do not warrant the interference of the military authority.

“‘The administration of the laws and the preservation of the peace in Nashville belong properly to the State authorities, and the duty of the United States forces is not to interfere in any way in the controversy between the political authorities of the State, and General Thomas will strictly abstain from any interference between them.’

“There is the precise case, and that was the action of the Government. It was thought then that that was a civil struggle, a contest between two divisions of a State Government, with which the military authority of the United States could not interfere, as stated in the telegram sent back by him. This dispatch was signed by the Secretary of War, but written in the presence of the President, and sent by General Grant to General Thomas, saying that this is not a case that calls for the interference of the military, and that General Thomas should abstain, under all circumstances, from any interference whatever.

“It would seem that this marked the line between the civil and military authority. There is the precedent of the Government in that case, and the cases are almost parallel. That is what this Government thought then; that was the course it took. But what are we told now? We see that the now President of the United States was familiar with and understood what was the construction of the Government in cases of this kind as to the interference of the military with the civil power. We see that the question is not a new one to him, and that he has not acted without proper and thorough information upon the subject. If he conveyed in a telegram an order of this kind to General George H. Thomas, of course it must have been understood by him what was the true doctrine and principle upon which cases of this kind should be managed by the military.

“The committee report that it is the duty of Congress to act in the premises. The committee who made this report argue, I think, very ably, and refer to the Constitution of the United States to show that it is not the Executive, it is not the Senate, it is not the House of Representatives, but the United States that is to guarantee to every State in this Union a republican form of government. Is the President ‘the United States?’ The Constitution reads:

“‘The United States shall guarantee to every State in this Union a republican form of government.’

“Does that authorize the Executive, upon his own volition, upon his mere *ipse dixit*, to take charge of a State Government in person or by his agent, some man selected from the army? No, sir, it authorizes no such thing; and the interference with the State of Louisiana to-day, by the President taking charge of that Govern-

ment, is palpable violation of the Constitution of the United States. The committee, in their report, say:

“Therefore your committee recommend the adoption of the following resolutions:

“1. *Resolved*, That there is no State Government at present existing in the State of Louisiana.’

“Hence, immediate action is to be had. The State has reached that point in which she shows her incapacity, her want of capability to govern herself, and, as the committee ably argue, it must be a very extreme case for even Congress and the President together to act in reference to a State Government. I should think, in a great case of emergency, when the State was in anarchy, when all was confusion and disorder, there might possibly arise a condition of affairs in which the Government of the United States—‘the United States’—according to the forms of law and the Constitution, might pass a law for the rescue of a community like that from anarchy and disorder; but the case should be extreme, and the interference should be well considered before it was done. But how is it in this case? The President of the United States assumes to take command of the State and assign these people a governor. What does he say himself on this point? Let us put what he says with what the committee say. He says in his message sent to the Senate, as my friend from Maryland [Mr. Whyte] read the other day; but I read it again in this connection:

“‘It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not, is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result.’

“Here are two men who have been contending for the gubernatorial chair of a State, neither of them entitled to it, and in that contest there has been a most ‘gigantic fraud’ practiced, in the language of the President, thereby precluding and disqualifying either for holding the office; but the President finds a usurper in power, and he takes it upon himself to make the Government of the United States a party to his usurpation. If this course is to be practiced, and the Federal Government is to be made a party to every one who is an aspirant for the office of governor or for a seat in the Legislature, if its stands here ready and willing to make itself a party to any contestant for power in a State, I say we have inaugurated a state of things that will result in the overthrow of the States which compose this Union. In that case the existence of the State Governments would depend entirely on the interference of the Federal Government. The contest would be which would be the stronger party successful in the State, and then, it being successful, it is made incumbent on the party in power here to maintain and preserve it, as a State, in such shape, dependent on the bayonet and dependent on the sword. In this case, this able committee, in their report made by these distinguished men, all united and agreeing in politics, four in number, say there was no Government there, and they reported a bill for the United States to provide for the difficulty, and not to authorize General Grant to take possession of Louisiana and make himself the supporter of one of the parties there.

“Is not this monstrous in a free Government? The time has been in this country, and since my recollection, when, had an act of usurpation been perpetrated and practiced like this, it would have produced a shock throughout the Nation.

“We are referred to that provision of the Constitution which says that the United States shall guarantee to each State of the Union a republican form of government. We see, as we travel along in the discussion of this subject—and from our general reading of it we can not but see, though partisan zeal and partisan interests may carry some so far as to assail it—that these encroachments are being made, and the query comes up, What is a republican form of government within the principles embraced in that provision of the Constitution which says the United States shall guarantee to each State a republican form of government? I know there has been much said about the sovereignty rights of the States; but I know what the Constitution says. It declares that the powers not delegated to the United States by the Constitution are reserved to the people or to the States, respectively. Ours is a mixed Government. I shall not discuss the subject of sovereignty. It is one about which there has been much division of sentiment, and about which there has been some controversy. I do not discuss that now; but I shall pass to the point where I think sovereignty resides. When we go into our theory of government to examine it, we find that all the powers are derived from the people. The people wear the crown. They are the source of power, and they are sovereign. The State Governments derive all their power from the people; the Federal Government derives all its power either through the States from the people, or from the people directly. I shall not discuss that. But the source of power and sovereignty resides in the people, and they, under our system of government, can change their form of government in the mode and manner appointed by the State Constitution and the mode and manner pointed out by the Constitution of the United States. This is



a sovereignty that I contend for. I only fear that, by usurpations, by arbitrary assumptions, by gross encroachments on the organic laws, this may be changed. As we see things going on, a power seems to have sprung up in the General Government to turn the State upside down or down-side up, to turn the State inside out or outside in. A process of this kind, after a while, will change the whole character of the Government. But still, let us hold our moorings, and go back to the people, who are the source of all power, and, before we attempt to exercise dangerous and doubtful power, either in State or in the Federal Government, let us go back to the source of all powers, and have this question settled without violation of liberty or encroachments on their rights.

“The time has arrived when it is as important to discuss the fundamental principles of this Government as it was when the Constitution of the United States was adopted in 1787. We have read the writings of Madison, Jay, and Hamilton, and many others who wrote upon the Constitution; we know the debates that sprang up in the Convention in reference to the Government that should be formed. What was all this for? The design was to get the character, the principles, the frame of government in the public mind, so that we could have a standard by which we could measure what power should be exercised, and so that the representative, in whatever capacity he might be, should find there his standard and his guide, and should conform his action to it. I would, for one, make the Constitution for the country as inflexible as the Procrustean bedstead, so that it should be the standard of the agent acting under the Constitution when he came into power, and if he was too short for it, you should stretch him out until he fitted it; and if he was too long, you should simply reduce him to the di-

mensions of the standard and cut him off. When you have a standard in the public mind by which powers are to be measured, the people have some security against abuse, they have some security against violation of their organic laws.

“We have been in a civil war. The public mind has been agitated, the Constitution has been violated so frequently, torn in pieces and trampled under foot and totally disregarded so often, that the public mind at this day scarcely has any firm mooring to which it can anchor. All seem to inquire what the Congress does—not whether it has done according to the Constitution, not whether it has transcended the limits of its power—no; but ‘Congress does so and so,’ or ‘the Legislature does so and so,’ and when that comes to be the case, our Government is gone. Give us the Constitution. Give me the Constitution of my country unimpaired, and make no change or alteration in it except in the mode and manner pointed out by it. Give me back the Constitution that was made and handed down to me and you and the Nation by our fathers. Give that back to us, and that is the great struggle of the age. If the country is not carried back within the pale of the Constitution, it is gone. Then, as patriots, as men who love our country, who love a Government of law, let us unite as a band of brothers to make one more effort in this period to restore the Constitution of the United States.

“There is a great idea of a republican form of government laid down—a commonwealth, a Republic, a representative democracy. In fact, these may be almost considered synonymous terms, for in substance they are the same—a commonwealth, a Republic. These are the kinds of government that were in the minds of the framers of the Constitution when it was adopted. ‘Commonwealth’—

Where are we going, Mr. President? Is Louisiana a commonwealth as it now stands? Or is her Government maintained by military power, and that through the President of the United States? Is it his Government? Is it not military? What does he do in regard to Arkansas? Send a message to Congress with a threat, 'If you do not do something, I will.' It is not his place to interfere with either of the contending parties. If Democrats apply for the exercise of improper power, he has no more right to extend it to them than to anybody else; and if Republicans apply, it is equally his bounden duty to abstain from any interference whatever. These States are commonwealths, they are republican Governments, they are representative democracies. The whole Union being composed, as it is, makes it a representative Government in one sense, representing States, and the States the people.

"Now, sir, instead of passing the resolution which is before the Senate, how many other subjects, if we are disposed to take up questions that are as legitimate as this is, that are as germane to Constitutional action as this can be—how many subjects are there that the time and the attention of the Senate might be occupied with? Would we go into all of them, and keep the Senate here as a kind of town meeting to express opinions in reference to all the various questions that we think may agitate or please for the time being? Why desire to have the committal of the Senate to an approval of this proposition? Why are we to do it? Instead of passing this resolution, I would go to the emperor of the empire, and, if I were permitted to prepare a resolution that would be adopted, I would incorporate into it the substance of Cato's reply in his last extremity, when Decius, the ambassador of Cæsar, approached him and wanted him

to capitulate, assuring him that his name would be second to none except to that of Cæsar. I would say to this emperor, I would say to this dictator, what Cato said to the ambassador of Cæsar, 'Bid him disband his legions; restore the commonwealth to liberty.'

"Yes, I will say more. Let him do this, and even I, humble as I am, and much as I am opposed to his encroachments, would be willing to go still further in the language of Cato in his reply to Cæsar. I would not only 'bid him disband his legions, restore the commonwealth to liberty, submit his actions to the public censure, and stand the judgment of a Roman Senate,' but, let him do this, and 'myself will mount the rostrum and strive to gain his pardon from the people' for the violations of the Constitution of his country and the transcendent impositions he has practiced on his country. Yes, even I, humble as I am, for the sake of peace, for the restoration of prosperity and harmony among this people, would be willing to see him subjected to a pardon by my country and restored to favor, and I would mount the rostrum and strive to gain his pardon from an insulted and an indignant people. Yes, restore the commonwealth to peace, prosperity, and happiness; restore this Government to what it was originally designed to be; restore this Government in fact and in practice to what it is in theory—the home of the emigrant, the asylum of the oppressed. Do this, and it will become again the home of the emigrant and the asylum of the exile, where there is home and bread for all. God preserve it, and let it be safe! I would rather see this Capitol tumbled in ruins; I would rather see these pillars falling against each other; I would rather see it all wiped out of existence than to see the Constitution of my country destroyed. Save the Constitution. and in

saving the Constitution we save the country; and in saving the country we restore it to peace, prosperity, and happiness.

“What does the flag on the dome of this Capitol to-day, that flies in the breeze, indicate? There is the image of the Goddess of Liberty. On that flag are the stars of the United States. Is what is read in the character of that emblem true, or is it a false goddess? Is it a flag that is hung out merely to allure, when the whole character of the Government is changed? Save the Constitution, bring the Government back to it, or the time will come—God forbid it, but I fear it will come—when the Goddess of Liberty will be driven from this land, staggering over fields of blood and carnage, to witness the loss of representative Government. O, then do not let us stop to consider about party! ‘The Country, the whole country, and but the country,’ should be our motto. Let us do this. In the language of Webster, let this Union be preserved ‘now and forever, one and inseparable.’ Let us stand equals in the Union, all upon equality. Let peace and unison be restored to the land. May God bless this people and God save the Constitution! and I know, when I give utterance to this sentiment, it comes from a heart that never yet beat false to the Constitution or to the country.

“Mr. President, let us come up to this work forgetting what we have been heretofore. Let us lay aside our party feelings; let us lay aside our responsibilities, and come up to the Constitution of our country, and lay it upon an altar, and all stand around resolved that the Constitution shall be preserved.

“I thank the President and the Senate for their kind indulgence, for their kind attention.”







MONUMENT TO EX-PRESIDENT JOHNSON,  
GREENEVILLE, TENN.

## CHAPTER XXIV.

### ANDREW JOHNSON DEAD—FUNERAL—MONUMENT.

“When great men die, the mass of the people pause  
Thinking a sorrow to themselves has come;  
The great men are the people’s and the cause  
For grief comes closely unto every home.  
The air seems filled with patriots’ spirits now,  
We’ve called out of the past one hundred years,  
Like them, thou hast been called to die and go,  
And art remembered with a Nation’s tears.”

**T**HUS the poet wrote when Andrew Johnson died. It was like a thunderbolt out of the clear sky when over the wires the news flashed, “Ex-President Johnson is dead!”

After his return from Washington on the adjournment of the Senate, he had been in his usual health, and two days before his death he went to visit his daughter, Mrs. Mary Stover Brown, in Carter County, some forty miles from Greeneville. In making the trip it was necessary for him to ride six miles in a hack. But those who accompanied him say that he not only stood the journey well, but was in the very best of spirits. A few hours after reaching the home of his daughter he was stricken with paralysis. All efforts on the part of physicians proved unavailing, and after a period of thirty-six hours Andrew Johnson fell into the sleep of death, his decease occurring July 31, 1875. The whole country received

the intelligence with surprise and regret. They who had in former times been his political antagonists and his severest critics were among the first to offer their sympathy to the family, and to pronounce eulogies upon the character of the dead patriot and statesman.

Fitting memorial services were arranged for and held in many cities throughout the Nation, especially in his native State. In the town which had been the chosen home of Mr. Johnson for nearly half a century the grief of the people was indescribable. All business was suspended, and there was but one topic with all the people. The residents of the rural districts came from the hills and valleys to verify the report, and to return home to bear the sad news to their neighbors. To an observer it would have seemed that there was one dead in every home, so universal were the signs of mourning.

Knoxville, Nashville, and Memphis, all begged the honor of giving a tomb for the mortal remains of the great Commoner; but years before he had himself selected the spot where he wished to be buried.

President Grant, in compliance with custom, issued the following proclamation:

“WASHINGTON, October 1, 1875.

“It becomes the painful duty of the President to announce to the people of the United States the death of Andrew Johnson, the last survivor of his honored predecessors, which occurred in Carter County, East Tennessee, at an early hour this morning. The solemnity of the hour which called him to the Presidency, with the varied nature and length of his public services will cause him to be long remembered and occasion mourning for the death of a distinguished public servant. As a mark of respect for the memory of the deceased, it is ordered that

the Executive Mansion and the several Departments of the Government at Washington be draped in mourning until the close of the day designated for his funeral, and that all public business be suspended on that day. It is further ordered that the War and Navy Departments cause suitable honors to be paid on the occasion to the memory of the illustrious dead."

On receiving the order of the President, the War Department directed that the National flag be displayed at half-mast, and at the dawn of the day following thirteen guns be fired, and afterward at intervals of thirty minutes, between sunrise and sunset, a single gun be fired, and at the close of day a National salute of thirty-seven guns be fired. Like recognition of the Ex-President's death was given by the Navy; and all honors due to the official character to which Andrew Johnson had attained were paid him by both Nation and people as his remains lay in state in his humble mountain home.

Andrew Johnson was a member of the Masonic fraternity, having attained unto the rank of a Knight Templar. It was therefore fitting that this order should take the initiatory in the services attendant upon his burial. Thus, when on the day after his death his remains were brought to Greeneville for interment, they were accompanied by a committee of distinguished Masons from Carter County, among whom was Major Folsom; and at the depot at Greeneville his own Lodge received their honored dead.

It has been said that Andrew Johnson never made a public address in which he did not make some reference to the flag and Constitution of his country. He was a devotee of patriotism, not of that sort which manifests itself only when martial music fills the air and the call to arms is heard throughout the land, but that which is like-

wise in evidence in times of peace and exhibits itself in love and service for the Government. No man ever made more careful study of the Constitution of his country than did Mr. Johnson. No man ever had greater reason to do so perhaps; but it was not that he might be defended thereby so much as that he might be its defender, that he pondered its sections and paragraphs so well. Often he had said: "When I die, I desire no better winding sheet than the Stars and Stripes, and no softer pillow than the Constitution of my country." When loving hands came to place him in his plain casket, whose plate bore the simple inscription,

ANDREW JOHNSON,  
AGED SIXTY-SEVEN YEARS.

they wrapped his body in a beautiful silk flag, the gift of Hon. Perez Dickenson, of Knoxville, and pillowed his head upon his own well-worn copy of the Constitution of the United States. After the body had been encoffined it was taken to the court-house, which was the largest public building in the town, where it lay in state until the funeral, which occurred on August 2d. Through the hall where lay the dead man whose ability, industry, and integrity had coupled his tailorshop with the White House, poured the throngs of people who had so often pressed their way to the polls to cast their ballots for him, or had crowded the places where he was to speak, that they might catch inspiration from his words. To them he had always been, in spite of his greatness, "Honest Andy Johnson," and now they came from their mountain homes to pay him the tribute which the people of monarchies render to their dead kings. There seemed to come a new and larger appreciation of all he had been to them and

his country, now that he had fallen a victim to death. Every house bore the marks of bereavement and every man was a mourner.

At an early hour on the day of the funeral crowds of the plain people from the country made their way into Greeneville on horseback, in all sorts of vehicles, and many of them on foot. The arrival of both regular and special trains swelled the numbers until the streets of the little city were literally packed with people. At the hour of noon the funeral procession formed on Main Street, preparatory to the march to Johnson's Hill, just outside of the town.

The chief marshal was Judge H. H. Ingersoll, a warm personal friend of Ex-President Johnson. In the procession were the Dickenson Light Guards of Knoxville, the Johnson Guards of Greeneville, the Patrons of Husbandry, the Odd Fellows, Masonic lodges of Greeneville, Knoxville, and Jonesboro. The corpse was in charge of the Cœur De Leon Commandery, of Knoxville. The hearse was drawn by four horses, each being led by a freedman. The funeral rites of the Commandery were conducted at the grave by Sir Knight N. S. Woodward, Eminent Commander of Cœur De Leon Commandery. There was no funeral oration pronounced, it being the desire of the family that only the simplest kind of services should be performed.

Thus was deposited the mortal dust of him who by dint of his own effort had torn from his limbs the fetters of fate, and won from his fellows the wreath of immortelles in the race of life. This, then, is that boy who, left an orphan and penniless at the age of four years, spent his childhood in youth as a bound boy in the service of a hard master, who was denied even a single day in school, yet rose in influence and power, in learning and



honor, until at his death the Nation's vessels at sea dropped their colors at half-mast while the whole country went into mourning at his departure.

After Mr. Johnson's death there was found among his papers a note written by him some two years before when he had an attack of cholera, which was then raging in the community, and from which he expected to die. To those who knew him well this note epitomized Andrew Johnson's life, both that which is seen by the world and that which is revealed only to those to whom the heart unlocks its secret chambers. The note reads:

"All seems gloom and despair. I have performed my duty to my God, my country, and my family. I have nothing to fear. Approaching death to me is the mere shadow of God's protecting wing. Beneath it I almost feel sacred. Here I know no evil can come; there I will rest in quiet and peace, beyond the reach of calumny's poisoned shaft, the influence of envy and jealous enemies, where treason and traitors in State, backsliders and hypocrits in Church, can have no place, where the great fact will be realized that God is truth, and gratitude is the highest attribute of man."

This penciled note may be seen now in the parlor of the old Johnson residence, framed and hanging on the wall.

The sudden and unexpected death of Ex-President Johnson cut short the plans which he had formulated relating to his career in the Senate. It is said that after his return from Washington a short while before his death he had been making a special study of the conditions of the country, with a view to introducing measures at the next session of Congress which might prove helpful

to the South. That he would have been able to have done this there can be no doubt, for in political complexion that Congress was Democratic by a large majority. That he might again have been exalted to the first place in the Nation is indeed not beyond the range of possible conception. But "all the paths of glory lead but to the tomb," and all human plans are subject to the revision and sometimes reversal of Him who counts the wisdom of men as but folly. Memorial services were held in many places, and eulogies on the life and character of the late Mr. Johnson were delivered by distinguished men. At such a meeting held in the city of Nashville, the Hon. Michael Burns said of him:

"For a quarter of a century I have been personally and intimately acquainted with the illustrious subject of this meeting. It was my fortune to know him when clad in the robes of office, and equally well in the peaceful walks of private life.

"Before the storms of war darkened our skies and blasted our prosperity, he was my friend. After the whole land was waked in the terrible struggle by the thunders of battle, and the sword was drinking up the bravest blood of the Republic, it was my good fortune to be near him and enjoy his confidence. After the dreadful tempest had passed and blasted our fairest fields, after he had been borne by the suffrage of the people to his proud position, I was brought into official relation with him. I had the opportunity, and I think I understood the character of the man.

"Under all the phases of his varied life, amid all the vicissitudes of fortune, he was always the same kind friend, the same calm, earnest, patriotic statesman.

"He was always the advocate of the humble and lowly,

their champion in sunshine and adversity. At the close of our unhappy conflict it was my fortune to have committed to my charge great public and corporate interests.

"The most important railroads in the State were under my charge. I was forced into official relations with the Executive of the United States, then Mr. Johnson.

"To this question he brought his earnest, practical statesmanship to bear in the face of strong political and sectional prejudice. He beheld the South undone, its production destroyed, its commerce annihilated, and its whole social and industrial system overthrown.

"He at once sought to remedy the evil, and win back his estranged countrymen to happiness, duty, and loyalty to the Nation. He ordered the Secretary of War to sell the rolling stock of the United States to the railroads of the South on reasonable terms. This was done, and the entire railroad system of the South was again set in motion through his wise and generous policy. It was productive of great advantages to the South, and was one great cause of regenerating production and stimulating industry. With these advantages, the sting of defeat was mitigated and the blessing of good will promoted.

"There were many interesting incidents in our intercourse that will illustrate the character of this remarkable man. I was often called upon to differ with him in reference to these important matters. Often I became excited in the discussions, and replied with evident warmth. He never retaliated; but I could in a moment perceive that his tender and magnanimous spirit forgave all. There was under his sometimes hard exterior a vein of tenderness and sympathy that never failed to assert itself.

"In my long intercourse with this man in political and business relations, I can affirm the language of one of England's greatest poets, 'An honest man is the noblest

work of God,' and Andrew Johnson was an honest man. No man has ever assailed the spotless character of his reputation. It is a treasure dear to every son of the State and to every child who must war with poverty to attain position."

At the next session of the Tennessee Legislature the following resolutions respecting the death of Mr. Johnson were passed by a unanimous vote of both Houses:

"Be it *Resolved*, By the General Assembly of the State of Tennessee, That in the life and services of the late Andrew Johnson we recognize a patriotic citizen, a profound statesman, an honest man. Patriotic, in that he ever sought the welfare of his people; profound, in that his matchless interest penetrated the deepest problems of statecraft; honest, in that amid the bitterest political contests even partisan slanderers could never allege aught against his personal integrity." //inte

"Be it further *Resolved*, That we commend the virtues and fame of this most illustrious man to the youth of our State and country as a true type of an American citizen, raised as he was from the lowest, through successive grades, to the highest position under our system of Government.

"In his exaltation he preserved the purity and simplicity of his early life, and throughout obeyed the behests of duty in defiance to all influences. We respect his great intellect, honor his courageous nature, commend his sterling honesty, and love his devotion to his people.

"Be it further *Resolved*, That in the death of this great man the lovers of Constitutional Government and honesty in office have sustained a great loss, which, however, is in some sense mitigated by the brightness of his example."

This resolution was offered by Senator John Remine, a pronounced Republican.

When Congress met, suitable resolutions were offered, both in the Senate and House of Representatives, relating to the death of the senator from Tennessee. Those of the House were presented by Mr. McFarland, while the same duty was performed in the Senate by Mr. Cooper.

Speaking to the resolutions on the death of his colleague, Mr. Cooper said:

“Mr. President, upon me devolves the sad duty of formally announcing to the Senate the death of Hon. Andrew Johnson, late a senator from Tennessee.

“On the 31st day of July, 1875, near his mountain home in East Tennessee, surrounded by family and friends, he passed from earth to meet his reward. The event was a shock to the people of the State, who had so recently honored him by an election through their representatives to a seat in this body; it was a shock to the Nation, whose highest offices he had filled.

“The conflicts of party in which he freely mingled are too recent not to have left deep scars; but throughout our mighty Republic everywhere there were those who delighted to do him honor. The greater part of his life was passed in the public service; much of that time in the councils of the Nation; and having almost reached his threescore years and ten, the Scriptural limit of human life, he has passed the portals of the tomb, been claimed by the insatiate archer, his spirit summoned to God who gave it, and his body consigned to the place appointed for the dead.

“He will no longer go in and out before us. No more will his voice be heard in this Chamber. No more will expectant friends crowd these galleries, to hang upon

his words and catch the inspiration which he was accustomed to impart to them by the fervor of his utterances. Nor will the Senate again be edified or instructed by his exposition of the Constitution, or the enunciation of his opinions, lucid and mature as they always were. Life is ended. The mortal has put on immortality, and what he has accomplished for the good of mankind alone remains to us of this tribute of the people.

“Senators, how frequent of late have been these visits of death to this Chamber! Since our separation in March last, once and again, and yet again, has he accomplished his mission, and three of our associates been called from our assemblies here to meet the realities of the future and eternal life. The genial smile and friendly greeting of our honored and revered friend, the late Vice-President, will no more be seen and felt by us. His generous heart has ceased to be affected by earthly woes.

“Nor shall we again be permitted to listen to the words of wisdom and instruction with which the late senator from Connecticut (Mr. Ferry) was accustomed to edify and enlighten the Senate. He, too, has been called to a higher sphere and a nobler work. Well may we exclaim, in the language of the righteous man of Uz, ‘Have pity upon me, O ye my friends, for the hand of God hath touched me!’

“Few men have been more prominent or commanded to a greater extent the attention of the people than Mr. Johnson.

“After his entrance upon public life his career was marked by warm friendships and fierce antagonisms. He courted controversy, and shrank not when the contest came. In this and the other House he was reckoned among those who contended for the mastery. He was often in the fiercest of the conflict, and was not wanting



in success. During his terms of service he participated in most of the debates which took place on the questions then agitated in Congress. He also engaged as a public speaker before the people in all the canvasses which were waged after he became a public man. Few speakers excelled him in depth of conviction or in earnestness of utterance. He exercised in an eminent degree the faculty of attracting the attention of his hearers, and retaining it with unflagging interest to the end. Many of his speeches have been preserved, but will fail to give to those who may read them in the future an adequate idea of their power upon those who heard them.

“His State papers while President will be the most lasting monument of his claim to greatness as a statesman. Many of them are productions which have seldom, if ever, been excelled.

“But this is neither a suitable nor proper occasion to pass them in review, or to discuss their merits, or to compare them with the productions of others, or to speak of the principles advocated. All this belongs to those who may come after us, to those who will write history, and who will assign each contestant for the world’s honor his proper niche in the temple of fame.

“Mr. Johnson was conspicuous in every position in which he was placed. Whether in the halls of legislation or in the Executive departments of Government, he commanded attention. Whether as governor directing the affairs of a single State, or in the Presidential chair superintending the affairs of this great Nation, the mass of his countrymen award him the highest praise, and insist that his conduct will bear favorable comparison with the purest and best of those who preceded him in office.

“His aim in the discharge of the high duty devolving upon him in his exalted office, so far as we can know it

from official action, was to know the Constitution and to follow it. A firm believer himself in the capacity of man for self-government, and that our form of government furnished the best model that has ever been devised for proving the truth of the theory, he sought earnestly to carry into practice its every precept. In his opinion the people may always be trusted to do right. They will never do wrong intentionally. And if they do err, it will be through the influence of trusted leaders, and but momentarily; 'their second sober thought' will always bring them back to the path of safety, rectitude, and progress. To them he confidently looked for the remedy of any fault which might be developed in the working of our system of Government. He trusted the people implicitly, and never doubted that they would see and prevent any subversion of their liberty or restraint of their rights and privileges.

"He was indeed a tribune of the people. In his care their dearest rights and interests were secure, so far as intentional injury upon his part was concerned. He was one of the people, felt for them, sympathized with them, and, they believed, was ready to do all in his power for their political advancement. Hence the devotion of the masses for him. The theater of his power and greatness was before the masses. He swayed them by the earnestness of his eloquence and the conviction which he aroused in them of the sincerity of his beliefs and purposes. Few men have showed greater power in arousing the people and attaching them to his fortunes than did Mr. Johnson. The secret lay in his own firm convictions and his unwavering belief in the patriotism, good sense, and integrity of the masses, that they desired to do right and would do so in the end, together with the faculty, which he possessed in an eminent degree, of impressing the truthful-

ness of these convictions upon his hearers. But why should I dwell upon that which is so familiar to all who knew him; and who is there to whom he was unknown? His public life is known to all the people. The most trying scenes in it are of too recent occurrence and too important in their effects upon the Nation to be easily forgotten. I will not enter upon the vain task of attempting to add anything to his fame. In this place, where he was so well known, amid those many of whom were actors in the most important event of his eventful life, why portray the past? Why dwell upon his merit, which will now be so readily admitted?

“But he will no more be seen among us. He has been called to meet the Judge of all the earth. The places which knew him here will know him no more forever. Another has been called to fill his vacant chair, and charged with the performance of the duties which so recently devolved upon him. ‘Alas, how soon we are forgotten!’ is a truth felt by all who have lived to a man’s estate. Yet there are some the memory of whose deeds will long survive, and whose names the world will not willingly forget. May we not hope that our lamented colleague will be one in this roll of honor? Death has purified his fame. His faults will be forgotten, and his virtues cherished. In this spirit I lay my wreath upon his tomb.

“Mr. President, I offer for present consideration the following resolutions:

“*Resolved*, That the Senate has received with profound sorrow the announcement of the death of Hon. Andrew Johnson, late a senator of the United States from the State of Tennessee.

“*Resolved*, That as a mark of respect for the memory of Mr. Johnson, the members of the Senate will go into

mourning by wearing crape upon the left arm for thirty days.

“Resolved, That, as an additional mark of respect for the memory of Mr. Johnson, the Senate do now adjourn.

“Ordered, That the secretary communicate these resolutions to the House of Representatives.”

The filial affection of the children of Ex-President Johnson led them to the early consideration of a monument over his grave, and within a year after his decease a splendid shaft of white marble, resting upon a granite base, was reared to his memory. This stands some twenty-six feet from the base to the top, its apex being crowned by the noble figure of an American eagle, poised as for flight and looking away to its native mountains. Cut into the side of the shaft is a copy of the Constitution, while draping the upper half is the flag of our country. The inscription reads:

ANDREW JOHNSON,	
SEVENTEENTH PRESIDENT OF THE UNITED STATES.	
BORN DECEMBER 29, 1808.	DIED JULY 31, 1875.
HIS FAITH IN THE PEOPLE NEVER WAVERED.	

Fitting monument to the grand old Commoner whose resting-place it marks.

It is like him. Its unostentatious character agrees with the man who hated shams and disliked show. Its granite base tells the story of the firmness of the foundation of that life which was built on principle, while the snow-white marble is indeed emblematical of a character whom men knew to be uncorruptible. The eagle tells of the independence of his spirit, while the inscription epitomizes his whole life.

## CHAPTER XXV.

### ANDREW JOHNSON—THE MAN—AND HIS FAMILY.

A REVIEW of the public services of a great man not only does introduce us to his personal life, and thus bring us into a close fellowship with him, but rather has the tendency to remove him farther from us.

How did Andrew Johnson look? What were his personal habits? Had he marked traits of character which are worthy of notice? These questions can be answered only by the personal estimate given by those who knew him well.

No man knew him better perhaps than the Hon. George W. Jones, of Lincoln County, Tennessee. They were associated in the General Assembly of the State from 1835 to 1843, when both became members of the lower house of Congress; and though their ways parted during the war, their personal friendship remained unbroken. When, after the death of Mr. Johnson, his family looked about for one to deliver the oration at the unveiling of the monument erected to his memory, Mr. Jones was selected for this duty.

In the very able address delivered on that occasion he reviewed briefly the public career of his illustrious friend, and gave a description of his personal appearance

and some traits of his character. From this and other sources have been collected the delineation here given.

Andrew Johnson was a man of medium height, five feet nine inches; his figure compactly shaped, indicating sinewy strength and power of endurance. His step was elastic and his carriage erect. In complexion he was slightly swarthy; his hair, in early manhood, was quite dark and luxuriant, becoming thin and silvered in his latter years. His chest was broad and deep, his neck stout but shapely, surmounted by a large and well-formed head. His countenance, with its deep-set, piercing eyes, was one to arrest attention. "On his front deliberation sat and public care," with an expression habitually anxious, and shaded with sadness.

Smiles were not frequent with him; but when so moved, they were sincere and hearty. His general manner was grave, rather than austere; but quickly showed his feelings, the sterner as well as the gentler.

Trained in no school of deportment, he was yet a man of great dignity; and when in the Presidential chair the scepter of authority seemed native to his hand.

When Charles Dickens made his second tour in this country he visited President Johnson at the White House, and in a letter to his son in England he described the President. He praised the dignity of his bearing, and spoke of his presence as commanding. He also spoke of Mr. Johnson's splendidly-shaped head, and declared that no judge of human nature could look upon him and doubt that he was an extraordinary man.

The people of his own town still remember his courteous salute, made to the humblest man as well as to the most distinguished citizen whom he chanced to meet. His mind was analytical and logical in cast, the reasoning faculties being predominant. He sought for facts and just



principles, and applied them acutely and profoundly. His imagination did not furnish him with figures of fancy; but his fervid nature supplied him with apt resources of illustration and well-chosen language. His habits were simple, and he remained unspoiled by the lofty position which he occupied.

He was ever scrupulously neat in his dress, so much so that it is yet remarked upon by those who knew him.

He was a great lover of truth, and in his home demanded that every quotation made by any member of the family should be exact. "Tell it as it is, or not at all," was his oft-repeated injunction to his children. Men found Andrew Johnson absolutely honest in all the relations of life. His policies of public administration were often challenged; but no man ever suggested aught against his personal integrity. He refused to use the patronage and prestige of his office when President to save himself from threatened impeachment. He even allowed an important member of his counsel in the trial to retire from his case, rather than take a step which might be construed by some as favoritism. Costly gifts presented him when President were returned to the donors with his kind regards. The citizens of New York tendered him a handsome carriage and a splendid pair of black horses; but these he politely declined.

As a public speaker, Andrew Johnson has had few equals. One who heard him often, describing him as a speaker says: "If he possessed any charm, it was due in a measure to the modulation of a clear voice, the tones of which rose and fell as passion, interest, or indifference predominated at the moment."

He dealt largely in facts, and cared little for rhetorical flourish. He aimed at clearness rather than well-rounded periods, and he had the happy faculty of raising the

people to whom he spoke in their own estimation, until every man felt that he well understood the subject to which attention was called. His earnestness won for him the confidence of his hearers. They felt that he believed what he taught. He often spoke from two to four hours, but never to a waning audience.

As a politician, Mr. Johnson was never pretentious or noisy. He knew but little of what men call tactics and party drill; but no one more thoroughly comprehended the intrigues of politicians than did he, and was as little likely to be caught in their toils. In his deportment among his immediate constituents he was unassuming, not to say modest, and won his way to popular favor by the brilliancy of his mind, the intense earnestness of his purpose, and his sympathy with the masses.

Believing literally that this is a Government of the people, he acted honestly upon this conception throughout the whole of his public life. No question of a public character arose in American politics on which he did not thoroughly inform himself. He was a devotee to the principles of democratic Government, and whatever threatened it or tended to enhance it enlisted at once his powers.

He was never to be counted on by his party, but always to be reckoned with if he believed his party to be wrong. He was thus often found acting independent of his party, and sometimes even counter to its policy. This was specially true in regard to his Homestead Bill, which with monumental patience he fought through both Houses of Congress; and his stand in regard to the question of the Union when even his own State had seceded.

In his official duties he was prompt, patient, and impartial. He sought to give his personal attention to everything, even in detail, and while President applied this rule

so literally as to make the office a terrible burden to himself.

He has often been spoken of as stern in his nature. This was only a seeming. In his home life he was as tender as a woman, and delighted in the associations of children.

Andrew Johnson was a member of the Masonic Fraternity, having in his early manhood been raised in Greeneville Lodge, No. 119, which lodge also boasts of having raised Andrew Jackson before he became President of the United States. There is a tradition whispered among the brethren of this lodge to the effect that when Mr. Johnson reached the stage in his Masonic journeyings where every man is supposed to be penniless and most men feel greatly embarrassed he was nothing daunted, but producing a twenty-dollar gold-piece from a secret pocket in his underclothing met the demand promptly.

He was also exalted to the sublime degree of a Royal Arch Mason, and from this advanced to the Knighthood. In the lodge-room in Greeneville there hangs a splendid painting of this brother whose search for light led him far into the East.

His was a stormy life. There was scarcely a contest in State or National politics during the years of his manhood in which he did not take part. Many of these contests were very bitter, and often engendered personal enmity. But these with him did not last. He had a forgiving spirit.

He was a man into whose life came many sorrows. Bereft of his father in the days of his childhood, he carried the sting of his orphanage and the hard life it entailed even to the last; while the troubles of his political life were continually augmented by trials and bereavements which occurred in his home.



SIR KNIGHT ANDREW JOHNSON.



His family consisted of his wife, who outlived him, and five children—two girls and three boys.

It was the good favor of Providence which gave to Andrew Johnson so genial a spirit for a companion as he found in Eliza McCardle. She was his counterpart; gentle and kind in her disposition, she softened that in his nature which the hard circumstances of his early life had tended to make austere.

Those who knew her in her womanhood speak of her as having been a beautiful woman. Her soft features and graceful form, her wavy light brown hair, and her large hazel eyes, her fair complexion, and withal her intelligent expression and pleasing address constituted her a woman fit to rule over the fervid nature of her husband or to preside amid the social affairs of the White House.

The latter, however, she was never permitted to do because of the fateful hand of disease, which was laid upon her before she reached middle life. In their early married life she shared her husband's ambition and toils; and night after night, while he assiduously plied his needle seeking to hasten the time when the hand of poverty might not rest upon him and his, she read to him, or catechised him upon lessons already taken.

She saw with pride his steady advancement, and not only rejoiced therein, but sought to aid in every way possible. When he became a public servant and his duties took him even to the Capital of his State or the Nation, she managed the affairs of the home in Greeneville and the estate, which grew rapidly as the result of her husband's toil and her economy and judgment.

She was retiring in her disposition, and habitually shunned the public prints, hence very little has ever been written about her; but in loving remembrance her daughter, who long survived her, told of the virtues of her



noble mother. One of her best services for the public was the assiduity with which she collected current facts relating to the life and services of her illustrious husband, and which collection now constitutes no small part of the available data upon which his biography must be written.

For several years before the war Mrs. Johnson had been afflicted by some bronchial affection, and by the time of her husband's Presidency this had developed into consumption, which finally produced her death, January 15, 1876.

Her remains lie beside those of her husband, and her name is cut in marble beside his whom she helped to greatness.

The eldest child, Mrs. Martha Patterson, was living when this work was begun, and graciously assisted the author in his work of collecting the important facts relating to a life of her distinguished father. She listened to the reading of a number of these chapters, and gave them her hearty approval. At her funeral the writer was selected to prepare and deliver the historic address, a part of which is here given as containing a synopsis of the life of this favorite daughter of Andrew Johnson:

"Born in the days of Andrew Johnson's obscurity and toil, Martha Johnson Patterson learned by experience, with her mother as an example, the beauty and power of simplicity in life, which characterized her in all the varied stations she was called upon to fill.

"Her early education was obtained here in the village school; but by the time she reached the period of young womanhood her father had passed from State to National politics, and was a member of Congress from this district.

"At this time she entered Mrs. English's seminary for young ladies, a well-known institution, located in George-

town, Md., and there for a number of years pursued her studies under the personal direction of her father.

"During her course in this school, Martha Johnson was a frequent and popular guest at the White House, which was then the official residence of James K. Polk, another distinguished Tennessean.

"Much of her vacations was spent with the Polk family; and there, as guest, she unconsciously received that training in diplomatic etiquette, for which she was noted when she served as hostess in the same place years afterward.

"At the age of twenty-seven she was married to Judge David T. Patterson, a lawyer of wide repute and a learned jurist. This event occurred December 13, 1855. He was nine years her senior.

Of this union two children were born—Andrew, who lives amongst us; and Belle, whose decease occurred ten years ago in this month.

"Scarcely had Mrs. Patterson become accustomed to the home of her own building, until by the civil strife, which rent the land in twain, her husband was torn from her embrace, and she compelled to fly with her little ones to a place of safety.

"This refuge she found in Nashville, where Andrew Johnson now lived as military governor.

"A two years' residence was accomplished there, amid the frictions of social and civil reconstruction, and then by the election of her father as Vice-President of the United States, and by his accession to the Presidency upon the death of Mr. Lincoln, she removed with her father's family to Washington.

"It was during this period at Nashville that the first of that series of sorrows, by which her soul has been sorely smitten, came upon her; and it became her duty to

support the fainting heart of her invalid mother, who, like the Shunammite woman, mourned over her dead son.

“Upon the retirement of Mrs. Lincoln, five weeks after the death of her husband, Mrs. Patterson assumed the duties of the White House, in lieu of her invalid mother, who was confined to her room during her entire residence in Washington.

“Great, commensurately with the duties which rested upon the shoulders of Andrew Johnson, as the successor of Mr. Lincoln and the heir to many difficult problems of Government, were those which came to his daughter as she entered upon her administration in the White House, which was without furnishings, and a social realm which was without order. Her comprehensive judgment and tireless energy, supplemented by an appropriation of thirty thousand dollars by Congress, supplied the lack in the former, while her tact and social enterprise soon restored the latter to its former splendor.

“‘We are but plain people from Tennessee, called to serve here for a little time by a Nation’s calamity, and I hope too much will not be expected of us,’ she modestly said in one of her first interviews after she entered upon her new and exacting duties.

“But not only did none have reason to complain, but many were profuse in their praises of the ‘plain woman from Tennessee,’ as she presided over the social affairs of the Presidential mansion. She carried into the White House her own ideas of the American home, and, discarding ostentation, she added grace to merit, and plainness to plenty; and by the simplicity of her life illustrated the true democratic character of our Government. She was thirty-seven years of age when she entered the White House—a matron of beauty, grace, and culture.

“Her exalted position did not spoil her, but rather afforded a new setting for her constant virtues. When her father’s term of office expired, she relinquished, not only willingly, but gladly, her official life for the quiet of her East Tennessee home. The regrets were on the part of those whose admiration she had kindled by her wisdom and justice, and by her undying devotion to all that is truly American.

“She had but reached her mountain home when the storms of sorrow began to sweep over her already chastened soul. One by one she buried her loved ones, bravely struggling with Death as he approached for each new victim, but always defeated, until at last she alone remained with her only son to tell the story of the once robust family.

“On the far-away coast of California she saw the light fade from the eyes of her beautiful and talented daughter; and when she bore Belle’s body back to Tennessee and laid it to rest beside the grave of her father, her grieved spirit cried out, ‘It is enough,’ and from that hour she began to long for heaven. And yet she lingered for ten years; lingered amid such sufferings as few mortals have ever endured; but lingered with a smile for those who loved her. She would have gone, but they constrained her. By love and prayer, by care and skill, they kept her spirit here; until at last the earthly house was quite dissolved, and the building of God was entered by her soul.

“Like the little child, weary of its play at eventide, she fell asleep in the arms of those who loved her—like it to awaken to newness of life at the dawn of another day, the brightness of which to her shall never end.

“I pause here for a moment, that while we twine our

garlands for the brow of the dead we may not forget to drop some modest flowers upon the pathway of the living.

“Such filial affection, such tender nursing, such utter forgetfulness of self in the love and service of another as this good woman received at the hands of her only son and his devoted wife, is worthy of a paragraph on any page of history where the virtues of men and women are being recounted.

“Like the music of David’s harp on the troubled spirit of Saul was the voice of ‘Mattie,’ to her whom the love of ‘Andrew’ had made a second mother. In the elder the younger woman found her long-lost mother, while in the younger there came back to the embrace of the mother the daughter whom she had long mourned.

“In many points there is a striking similarity between the character of Mrs. Martha Patterson and that of her illustrious father, Andrew Johnson.

“Like him the reasoning faculties predominated in her mental make-up; and the iron will, by which he conquered fate, and rose from poverty to affluence, from ignorance to the rank of a Constitutional lawyer, and from obscurity to the chief place in the gift of the American people, was reproduced in her.

“That love of truth and justice, and that high regard for principle which were so strongly developed in the father, characterized likewise the daughter. To them both ‘truth was sacred and gratitude the highest attribute of man.’ Both knew how to suffer in silence and wait.

“The affinity between Andrew Johnson and his first-born child was more than natural affection; it added thereto the irresistible power of mental and spiritual likeness. In his days of stormy trial her heart was strong to

support his. Through all their sorrows they walked hand in hand, each to comfort the spirit of the other. 'T is little wonder, then, that so many of her last hours were spent amid the reminiscences which gathered about him who seemed a part of her own soul.

"This life, here outlined with its manifestations, which we call character, is full of suggestive teachings.

"It was no accident, but a revelation of those eternal principles which find their source in God. Each victory of joy through sorrow, each unfolding of the larger life through suffering, tells of the Christ in Gethsemane, on Calvary, and in glory.

"Storm-swept and threatened by a thousand breakers, her vessel gliding safely into the harbor at last, with peacefully flapping sails and under sunny skies, gives strength and hope to every sorrowing soul.

"Having tried all, and yet prizing above all the quiet dignity of a retired and simple life, she has taught us that the source of happiness is not in the stations of life, either high or low, but in the royalty of a character, conscious of its purity and of its kinship with the Divine.

"Twenty-six years ago in this very month the parents of most of you followed the mighty throng which bore the mortal dust of Andrew Johnson to its resting-place yonder on the hill. That was an occasion of National interest. Not only was business suspended in this little city, as on this day, but wherever there were men in the employ of the Government. Vessels of war dropped their flags at half-mast, while from every fort throughout the land the booming cannon told of the death of a great man.

"With this scene to-day closes the last act in the earthly drama of these two distinguished American citizens.



“Their end admonishes us that all paths lead but to the grave. Coupled together in history are their names to be forever, while side by side their sleeping dust shall lie. May we not trust that he who knew God as the ‘Truth,’ and she who knew her Savior well, are now joined in that better country whose skies know no clouds and whose day knows no night!

“Be it ours to perpetuate in loving memory the honor of their names; ours to guard well their sleeping dust until they shall be intrusted to the Nation’s care; ours to make secure their history, that in all the years to come our children may learn the story of how the tailor of Greeneville graced the Capitol at Washington, and his daughter, ‘the plain woman from Tennessee,’ presided at the White House as the honored representatives of the Volunteer State.”

The second child born into the Johnson home was a boy, whom his parents named Charles. It is a singular fact that to none of their children did they give more than one name.

Those who knew Charles Johnson intimately in his manhood days speak of him as having been a young man of rare mind and splendid accomplishments. He was a physician and pharmacist by profession, devoting his time, however, to the latter until the war, and was the principal in the firm of Johnson & Biggs. He had a fine musical talent, and developed it well, both as to scientific knowledge and practical skill. He never married.

At the beginning of the war he received an appointment as surgeon in the United States army, and was killed by being thrown from his horse in Nashville, April 4, 1863, being thirty-three years of age.

The second girl, Mary, was born May 8, 1832. Her

husband, Daniel Stover, was colonel of the Fourth Tennessee Infantry, having raised the regiment himself from among his own neighbors in Upper East Tennessee. He was a man of dauntless courage, and was the leader of the bridge-burners whose deeds are so widely known to the readers of Tennessee history.

He was, however, of frail constitution, and the hardships of army life proved too much for him. He died in Nashville, of consumption, on the 18th of December, 1864.

While Andrew Johnson was President Mrs. Stover spent much of her time in Washington, and assisted in the social and domestic functions which devolved upon her father's family. But she preferred the quiet of her home in Carter County, East Tennessee, to the bustle of the Capital, and thus with her children she retired during the latter part of her father's Administration. She was known and loved as a woman of high ideals, and was much admired both in Washington and at her own home. Her decease occurred April 18, 1883. She left three children; viz., Andrew J., Lilly, and Sallie. The former never married, and the latter two are dead.

Robert Johnson was the fourth child, and was born February 27, 1834. Like his brother Charles, he, too, never married. He received a good education, and was a member of the law firm of McFarland & Johnson. Mr. McFarland afterward became a member of the Supreme Court of Tennessee.

At the breaking out of the war, Robert Johnson devoted his time and influence to the cause of the Union. He raised and equipped the First Tennessee Cavalry, and was made colonel thereof. He resigned May 31, 1864, and became private secretary to his father, which position he held throughout his Presidency.

He is remembered by those who knew him as a genial spirit who never had a personal enemy. He died in Greeneville, April 22, 1869.


Andrew Johnson, Jr., was the youngest child in this family. He was but thirteen years old when the family entered the White House, and with the children of his sisters, Mrs. Patterson and Mrs. Stover, was the recipient of much attention at the hands of the public.

He received a liberal education, and when he reached manhood entered the profession of journalism. He married Miss Bessie M. Rumbough, whom he left a widow and childless a few years after their marriage, he having died at the age of twenty-six years.

Thus it will be seen that with the death of the "Old Commoner" and his unfortunate sons perished the name which his career made famous.

The old tailor-shop, the residence, the monument, are objects of curiosity and interest to every visitor who chances to come to Greeneville, while many come from afar to look upon them.

The genial and accomplished wife of Hon. Andrew J. Patterson, whose husband is the possessor of the Johnson homestead and library, welcomes visitors to this Mecca for students of history.











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