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LIFE AND PUBLIC SERVICES

OF

ANDREW JOHNSON,

*SEVENTEENTH PRESIDENT OF THE UNITED STATES.*







Engraved by A.E. Reque

*Andrew Johnson*

SEVENTEENTH PRESIDENT OF THE UNITED STATES



THE  
LIFE AND PUBLIC SERVICES  
OF  
ANDREW JOHNSON,  
*SEVENTEENTH PRESIDENT OF THE UNITED STATES.*

INCLUDING HIS  
*State Papers, Speeches and Addresses.*

BY JOHN SAVAGE,  
AUTHOR OF "OUR LIVING REPRESENTATIVE MEN," ETC.

*WITH AN ACCURATE PORTRAIT ON STEEL BY RITCHIE*  
AND OTHER ILLUSTRATIONS.

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## P R E F A C E .

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IN a work published in 1860, designed to present facts more than opinions, the writer presented a sketch of the subject of the accompanying Memoir, as one of the prominent Statesmen of the Republic upon whom the Presidential mantle might fall. In 1864, during the Presidential campaign, he wrote for the publishers of this work an enlarged, though still circumscribed, "Life and Services of Andrew Johnson," in which, however, as a "War Democrat," he felt not only at liberty, but compelled, to express a profound admiration for the daring intellect and the harassing though heroic labors which distinguished the invincible Southern champion of the Union.

After the stupefaction which possessed all heads and hearts at the assassination of Mr. Lincoln had been somewhat removed by the imperative necessities of the hour, the present work was suggested: and undertaken the more readily in the belief that the author could in no way more usefully add to such efforts as he devoted to the Union cause than by presenting to the public the record of a life

(3)

which so wonderfully illustrated the generous influences of Democratic institutions.

No life more eminently illustrates the blessings of the American system than that of Andrew Johnson in the past ; and it is not too much to say that the moral sense of justice which guided, the mental faculties which sustained, and the accumulating experiences which accompanied his upward and honorable struggle, are, combined in the person of a Chief Magistrate, the very first and best possessions of a people passing through a crisis like the present.

To the people, and the children of the people everywhere, a career such as is here, however inadequately, portrayed, is an unanswerable incentive to faith in Republicanism ; while to citizens of the Republic it is equally unanswerable as an argument for the integrity of the Union. Union is the inspiration and bulwark of our institutions. The checks it imposes and the license it allows, the respect it commands and the equality it confers, work with a harmony which nothing less strongly symmetrical could evoke, and anything more exacting could not control. These apparent contradictions in our system astonish Europe and compel it, while the Union triumphs, to acknowledge that Republicanism is not only a theory, but that man is capable of self-government.

The record of the public services of the President of the United States is therefore presented to the People from whom Andrew Johnson sprung. The documents from which the central narrative is drawn are partly original, and all authentic. In addition, a residence of nearly five years in

Washington, engaged in the active duties of journalism during an era of deep interest and political excitement, made the author acquainted with sources of information, and led to a daily observation of prominent men and important measures, the results of which have been used to make the running history of events, and of contemporaneous political leaders, as full as the nature of the work allowed.

Every important speech of President Johnson, with numerous minor though characteristic addresses, and every measure with which his name is associated, are represented here : together with views of debates in Congress and incidents connected therewith ; making, it is hoped, an acceptable contribution to the political history of the time, and a comprehensive picture of the life and labors, the mind and mettle of the Statesman upon whom at this moment the eyes of civilization are intently centered.

J. S.

FORDHAM, N. Y., 1865.



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BIRTH-PLACE OF ANDREW JOHNSON, RALEIGH, N. C.

# LIFE OF ANDREW JOHNSON.

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## CHAPTER I.

1808 TO 1833.

HIS BIRTH — Orphanage — Apprenticeship — Early Struggles for knowledge — Journeyman — Goes to Greenville, Tenn. — Marries — Progress in Education — Rewards of Industry — Alderman — In a Debating Society — His Little House on the Hill and his Great Book — Re-elected Alderman — Mayor for Three Terms — Views of Nullification in 1832.

ANDREW JOHNSON was born at Raleigh, N. C., on the 29th of December, 1808. His father, a man in humble life, but of noble nature, dying from exhaustion, after having saved Colonel Thomas Henderson, editor of the *Raleigh Gazette*, from drowning, left his son an orphan, before he had completed his fifth year.\* The sad event of his father's death made the energies of the child necessary to his own support, and a trade was the most reliable resource. He was accordingly, at the age of ten years, apprenticed to a tailor, in his native town.

Thus commenced the struggle of the future patriot and President in the battle of life, the very outset of his manly career indicating the energy and self-reliance which has so distinguished it, and which offer such hopeful examples to the great mass of our youth, who can only be nerved for the life-struggle by stout hearts and honest purposes.

\* The following obituary notice of the father of the President, is taken from an old Raleigh (N. C.) paper, dated January 10, 1812:

"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 relatives) than the publisher of this paper; for he owes his life, on a particular occasion, to the boldness and humanity of Johnson."

At this period of his life the nature of Andrew Johnson unfolded itself, in the gradual development of characteristics which, under proper direction, are the sure guarantees of success to the possessor. While notably patient in the pursuit, and attentive to the routine of his occupation, he occasionally betrayed that waywardness which is a phase only of the self-will and resolution so attractively prominent in the lives of all self-made men. Even as a boy, Andrew Johnson could see no difficulties in the way of any purpose upon which he had cast his heart; could meet no oppression which his spirits would not surmount. He might be disappointed, but could not be defeated. If he were thwarted one day, he tried again the next. Obstacles only excited his energies, and where he tumbled to-day he would triumph to-morrow. These characteristics of boyhood are not without deep significance in contemplating the life of such a man as Johnson. He never had the benefit of one day's school routine in his life, and in no instance was the leading feature of his character more worthily brought into prominent action than in the determination to achieve by perseverance the benefits denied by poverty.

The necessity which apprenticed him at such an early age, and the indenture which bound him, equally and effectually deprived him of all advantages for education. He saw this: the boy craved for knowledge, and was resolved to attain some means to its possession—a resolution excited and concentrated by occurrences which are worthy of particular mention.

There was at this time a gentleman in Raleigh who was in the habit of visiting the tailor's shop, and of reading aloud while the journeymen and apprentices were at work. His favorite book was a volume of speeches, embracing many of eminent British orators and statesmen; the beauties of which were enhanced by the admirable style and emphasis of the reader. Young Johnson became interested, and his

first ambition was to equal the visitor as a reader, and become familiar with those speeches which had a special effect on his mind. He took up the alphabet without an instructor; but he obtained assistance by applying now to one journeyman and then to another. Having acquired a knowledge of the letters, he desired to borrow the book which he had so often heard read and in which he was so profoundly interested. The owner, however, kindly made him a present of it, with the additional gift of some instruction on the use of letters in the formation of words. Thus it may be said, he learned to spell and read at the same time in that book. As may be imagined, the difficulties were great, but by close application he soon learned to read with considerable facility.

The new and dazzling region of enjoyment thus opened to young Johnson's vision, dispelled the sense of drudgery by which it was won; and inspired him with an insatiate and restless anxiety to explore the mines of knowledge which lay sealed up in books. Working, steadily, from ten to twelve hours daily, the desire to refresh himself at the intellectual springs of greatness could receive but little gratification. The thirst for knowledge, however, must at least find some appeasement; and the apprentice, after his labor was done, devoted a couple of hours nightly to the still widening fascination of books.

In the autumn of 1824 the term of his apprenticeship expired, and he entered the world without a cent as a basis of action; but with a trade, rich in energy, and sensitive with the anxieties of an education begun and continued under exacting difficulties.\*

\* Mr. Litchford, an old journeyman tailor of Raleigh, foreman in the shop where young Johnson partially learned his trade, gives some reminiscences of the youth of the President of the United States, which, while not differing in any material way with the narrative in the text, adds in a very racy manner some details accounting for the apprentice's movements; and are altogether characteristically illustrative of that period of his life. Mr. Litchford thinks it

We next find young Johnson as a working journeyman—a love story, which his celebrity since has brought to light, tracing him to the vicinity of Laurens Court House, S. C. Here, as the story goes, he fell in love with an estimable young lady; but he was a stranger—he was poor, he was young, not yet near out of his teens; and he passionately fled away from what to him seemed cold hearts and pitying smiles, which his youthful sensitiveness could brook less patiently than open sneers. However naturally unpleasant such an episode to a young and ambitious man, the sensitiveness which renders it annoying also furnishes to a man of strong will, pride to overcome its results. Instead of depressing young Johnson's spirits, it gave him strength of purpose to lift himself above the circumstances of the occasion.

He returned to Raleigh in May, 1826, procured journey work, and remained there until the September following, when he turned his footsteps westward, taking with him his was in 1818 that "Andy," as he called him, was bound apprentice to J. J. Selby. He is described as a wild "harum-scarum boy," but had no "unhonorable traits about him." He was exceedingly restless, and his activity in climbing fences, trees, etc., with the natural sequence thereof of tearing his clothing, was a great source of trouble to his mistress. On account of his propensities in this direction, she once made him a coarse, heavy shirt of homespun goods, and the young gentleman for a short time was obliged to wear a whole under-garment. In 1824 he "cut," not because he was sent to a corn-field to work, as some one has said, but on account of a "scrape with a lady by the name of Wells, who had two right smart daughters." With another boy, named Grayson, an apprentice in a rival shop, Andy "*chunked* the old lady's house" one Saturday night. Next day she heard who it was, and threatened to "persecute them on Monday." They heard of it and "cut." Mr. Litchford believes "he knew his A B C's when he came to the shop, but I think I taught him to read." Mr. Litchford continued, "and he deserves unbounded credit, for some people say as how they had a grand start, and I reckon he started underground." He went to South Carolina, and returned after a year and a-half, during which time he had earned his living with his needle. On his arrival he applied to Mr. Litchford, then keeping an establishment of his own, for work, but didn't get it because he had been "advertised" as a runaway, and the law prevented any one from harboring him. Mr. Selby had, during Andy's absence, sold out and moved into the country; but, with a desire to make due amends for his misdemeanor, the runaway walked twenty miles to see him and tried to make arrangements to pay him for his time. Mr. Selby required security, and Andy could not get it.



mother, who was wholly dependent on him for support; and whom, to his glory and honor be it said, he always tenderly, and as his fortune increased, handsomely supported until her death. He stopped at Greenville, Tenn., commenced work as a journeyman, and counted the close of his eighteenth year. His good star had led him thither. He remained in Greenville about a year, married a most worthy lady, and pushed still further West in search of fortune. Failing to find a suitable place to settle, he returned to Greenville and commenced business, his industry and energy intensified by the family cares he had undertaken. I have said his good star led him to Greenville, and truly! for there the youth found a wife who became his Egeria.

Up to this time his education was limited to reading. We have seen the difficulties under which that was accomplished. He had no opportunity of learning how to write or of becoming acquainted with the mysteries of arithmetic. Under the loving tutelage of his excellent wife, he soon

He told Mr. Litchford that he wouldn't let him be security if he would, and so he departed again, this time going to Tennessee. Mr. Litchford next heard of him as a Member of Congress from that State, but didn't believe it was "his boy Andy" until he saw it "advertised in the papers, about the mechanics in Congress, and saw the word 'tailor' after his name." A pamphlet copy of one of his speeches, sent to Mr. Litchford under his Congressional frank, is yet in the possession of the latter.

After his first session he returned to Raleigh and made a speech, "pitching into Parson Brownlow and Gales, the editor of the *Register*." It seems that Brownlow, a political opponent of Johnson at that time, had sent to Gales for "family items." Gales furnished them, and hence Johnson's attack on him and Brownlow. The citizens at Raleigh at that time thought it something remarkable that the "tailor's apprentice" of their recollection should be able to make such a speech, but Johnson told Mr. Litchford "how it was." His wife had "learned him" while he was on the tailor's board working for his bread in Tennessee. During this visit, Mr. Johnson asked Litchford to show him his father's grave, and he did so. It has but a plain gray-stone slab at the head, and simply marked "J. J.," and is nearly hidden from view by the overgrowth of weeds and brambles.

The house in which President Johnson was born is still standing, and is an object of no little curiosity to the many strangers who visit Raleigh. It is a small frame building, a story and a-half high, containing only two or three rooms. Relic mongers have already commenced tearing off the weather-beaten sideboards.

wielded the pen and the slate pencil ; and these doors being open, she soon presented him at other shrines of useful knowledge. The time at his disposal for study was now more limited than ever ; family responsibilities and an opening and growing business demanded almost his every hour. But diligent application, a keen economy of time, his wife reading to and instructing him while at work, and the pursuit of education late at night, when the day's work was over and the village wrapped in sleep, vouchsafed unto him just rewards for his manual and his mental labors. His business and his brain increased in strength together, and the result was an humble competency of domestic comfort from the one, and from the other, besides its intrinsic value, a light by which to judge and appreciate the manly dignity of labor. In a previous sketch of the subject of this Memoir,\* I indicated the romantic interest attaching to this period of Johnson's life :

“ What material for the romancist might be found in the history of those days of the future Senator ; when his wife, fondly leaning by the side of the youth who was earning bread for her, taught him to read, and decked with the fair flowers of a healthy education the hitherto neglected garden of his brain ! What a group ! what a study !—the youth's fingers mechanically plying the needle, his brain alive, following the instructions of his wife-teacher, or with a bright, almost childish, satisfaction meeting her approval of his correct answers ! After work-hours she taught him to write. What a living, ennobling romance was there being enacted in the wilds of Tennessee thirty years ago ! But we must hurry over this chapter of our hero's history with a mere suggestive sentence. Young Johnson worked at his trade with great industry and attention, extending, meanwhile, the advantages which his capacity for knowledge presented. The shop-board was the school where he received the rudi-

\* “ Our Living Representative Men.” Philadelphia, 1860.

ments of his education, which he afterward, in rare leisure moments and in the deep silence of the midnight hours, applied to the attainment of a more perfect system.

“The disadvantages of his position would have discouraged almost any other man, certainly with any other kind of a wife. But, cheered by his excellent companion and prompted by his own desire for self-improvement, young Johnson brought an energy to the difficulties before him which nothing could repress or conquer. It is not a matter of surprise that he was hostile to every proposition that would give power to the few at the expense of the many; that his hard and yet bright experiences made him the exponent of the wants and power of the working class.” He felt the force of the truth so eloquently expressed by another workingman, J. de Jean (Fraser), one of the poets of the Irish movement of 1848 :

“When, by th’ almighty breath of God  
 Each to its sphere was hurled—  
 The living creature—and the clod—  
 The atom—and the world—  
 As trusted viceroy on the earth,  
 To carry out the plan  
 For which He gave that globe its birth,  
 God formed the Working-man.”

Johnson soon gave voice to the feelings of the workmen in Greenville. He made them conscious of their strength and proud of it, in opposition to the aristocratic *coterie* which had until then ruled the community, so that no man who worked for his livelihood could be elected even an alderman. With the dawning vision of intellect and self-reliance he saw that all this was wrong, and he determined, with the aid of his fellow-workers, to right it. Meetings were held in every part of the town, and the result was the election (in 1828) of the young tailor to the office of alderman by a triumphant majority. How proud the good wife must have felt!

About this time, or a little later probably, a debating society was formed by the young men in the neighborhood of Greenville, and in connection with Greenville College. In it Johnson distinguished himself and made many friends. A collegian of the period gives us some brief reminiscences which not only exhibit our hero's persistent endeavors to cultivate his mind, but also present a suggestive glimpse of the domicile and workshop which sheltered his aspiring genius.

In the romantic valley, says our informant, between the Alleghany and Cumberland Mountains, where the first settlements were made in Tennessee, we may, by looking at the map, find a small town in Green County called Greenville, near the Nolichucky River. Four miles from this county site is Greenville College, the first institution of the kind established in the State.

While in this college the whilom student became acquainted with a young man who lived in the suburbs of Greenville. "Though not a regular member of the school," he writes, "he belonged to the polemic society connected with the institution. To attend these meetings he walked the four miles out and back every week. I well remember his fascinating manners, his natural talent for oratory, his capacity to draw the students around him, and make all of them his warm friends."

On going into town, on errands of pleasure or business, the students used to linger at the humble abode of the young village Demosthenes; and the one who records these interesting facts, gives us a graphic picture of its situation and interior:

"On approaching the village, there stood on the hill by the highway a solitary little house, perhaps ten feet square. We invariably entered when passing. It contained a bed, two or three stools and a tailor's platform. Here we delighted to stop, because one lived here whom we knew out-

side of school, and made us welcome ; one who would amuse us by his social good nature, taking more than ordinary interest in catering to our pleasure. *Tempus fugit!* Three or four hundred college inmates returned to their homes, mostly in the vicinity. Our young friend became a candidate for the Legislature to represent that district ; was elected about the year 1838, if I correctly remember.\* This young man was Andrew Johnson, who has been in public office ever since, rising regularly by gradation to the highest gift in the land."

This Greenville debating society, hugg'd in the romantic grasp of the Alleghany and Cumberland Mountains, was doubtless to Andrew Johnson what The Devils, The Robin Hood and the Brown Bear, had been to "Stuttering Jack Curran," in the wilderness of London, when that struggling youth was seeking utterance for the expression of his nature and powers.† If, like the latter, young Johnson did not complete his education for the Senate in the debating society, he at least continued it there, and began to understand his own powers and to use them in a more correct and finished form than heretofore.

His recently acquired book culture, of course, enriched while it gave a vivid impetus to the native force of his mind, and it was not long before he displayed a striking aptitude for debate. The style and manner of the able statesmen, as conveyed in the volume presented by his Raleigh friend, remained in his mind, and his own thoughts struggling through took form and color from their influence. This vol-

\* It was some three years earlier.

† A most amusing account is given by Curran of his early efforts in the debating clubs of London, of his first diffidence and confusion, and his final success. "Here (at The Devils of Temple Bar), warned by fatal experience that a man's powers may be overstrained, I at first confined myself to a simple 'Ay or No,' and by dint of practice and encouragement, brought my tongue to recite these magical elements of parliamentary eloquence with 'such sound emphasis and good discretion,' that in a fortnight's time I had completed my education for the Irish Senate."—*Life of Curran by his Son*. Dr. Mackenzie's ed. 1855.

ume had been at once a mentor and a mine to him. His mind was perfectly fresh when he grasped it; and he read the various beauties in by the light which itself had furnished. He became imbued with the style, language and sentiments of the volume. It gave him his first lessons in the science of government; presented a vast amount of knowledge of an important nature, displayed in the most persuasive array in illustration of the great questions discussed; and exhibited to him the most prominent and able examples of public discussion. Thus, through the power of Chatham, the solidity of Burke, the popular acumen of Erskine, the vehemence of Fox, the brilliancy of Sheridan, and the characteristics of other distinguished orators and parliamentarians, he was brought into communion with the graces which are put forth to captivate a hearer, the varied forces necessary to overwhelm an opponent, and the resources which are evoked to dignify one's self in debate. This volume moulded into form, and inspired into suitable action the elements of his mental character, and thus laid the foundation of his fame and fortune. It is no wonder that he never ceased to deeply appreciate its value. Among the results of the rebellion was the destruction of his private library and the loss of this prized volume, the cherished companion of his early youth and founder of his fortune.

There is a peculiar significance attached to the works which have been the favorites of distinguished men. We are always glad to know the authors who have been the chosen companions of great literary, political or military characters—to know that the selecting and copying of religious poetry was an instinct with Washington in youth, indicating the gravity of his manhood; that among the books selected by Napoleon Bonaparte for his Egyptian expedition, *Ossian* and his Gaelic heroes were equally prominent with *Turenne* and a *Treatise on Artillery*; and that Andrew Jackson read *The Vicar of Wakefield* through, if, as is

said, he never read any other work. In view of the great effect produced on Mr. Johnson's mind and career by the book alluded to, I am happy to add a couple of facts in this connection on the best authority.\* The exact title of the work was *The American Speaker*, published in 1810. His favorite speeches were those by Pitt and Fox. The former who, as he said in the reply to Walpole, labored under "the atrocious crime of being a young man;" would naturally awaken the sympathy of a youth weighed down by circumstances; but that which most particularly impressed him was Fox on Democracy.

Mr. Johnson's triumph over the aristocracy in 1828 was ratified by subsequent re-elections in 1829 and 1830, and his being chosen Mayor of Greenville in the latter year, a position he held for three terms. Strengthened by success, through their ardent advocate, the workingmen felt and assumed their power; and their antagonists, wearying of the contest so gallantly conducted, admitted the representatives of the mechanics to their legitimate influence in the councils.

Thus, in his onward career, Mr. Johnson illustrated the ennobling fact that energy and self-reliance are the surest means by which an aristocratic, idle and overbearing class are made to respect the claims and fear the united action of the honest and upright people who live by the sweat of their brows. Journalists, North and South, in the interest of spurious aristocracy and disloyal speculators, have sneeringly referred to Johnson's early life, as though in America it were a disgrace to live honestly, and assert one's independence in the noblest way it can be asserted, by contributing to the social and moral character of the community by industry and honest labor. These flippant apologists of

\* The author takes pleasure in stating that the interesting information was received by him from Mr. Johnson since his elevation to the Presidency, in response to inquiries made on the subject.

idleness and aristocracy sneer at Mr. Johnson because he was born poor and became not in his youth a burden on his neighbors ; and at the same time are vociferous in declaring they are the followers of Jefferson, who, in the Declaration of Independence, asserted the truth to be self-evident " that all men are created equal."

As Madison said, in 1832, " It is remarkable how closely the Nullifiers (secessionists), who make the name of Jefferson the pedestal for their colossal heresy, shut their eyes and lips whenever his authority is ever so clearly and emphatically against them." But we can scarcely expect the enemies of the Republic to be the friends of those who made the Republic great—the workingmen !

It was about this time, and before Johnson had fairly made his *entrée* into the public arena, that the Nullification controversy arose between the Federal Government and the State of South Carolina ; and it became necessary for Andrew Jackson, then President of the United States, to issue his proclamation exhorting the South Carolinians to obey the law, and comply with the requirements of the Constitution.\* As he has since told us, in the great debate in the Senate, February, 1861—when he vindicated the action previously taken by him against the traitors,

\* Jackson's first bomb-shell into the ranks of the Nullifiers was his celebrated toast—"OUR FEDERAL UNION; IT MUST BE PRESERVED"—given at the Anniversary Celebration of Jefferson's Birthday, in Washington, April 13, 1830. An interesting account of which, by his Secretary, Major Lewis, is quoted by Parton. Lewis also relates a suggestive scene which occurred in Jackson's office, between him and a South Carolina member of Congress, who called to take his leave. "The General received him with great kindness, offering his hand, and begging him to be seated. After a few minutes of conversation, the member rose, and remarked to the General that he was about to return to South Carolina, and desired to know if he had any commands for his friends in that quarter. The General said, 'No, I believe not;' but immediately recalling what he had said, remarked: 'Yes, I have; please give my compliments to my friends in your State, and say to them, that if a single drop of blood shall be shed in opposition to the laws of the United States, I will hang the first man I can lay my hand on engaged in such treasonable conduct upon the first tree I can reach.'"—*Parton's Life of Jackson*, Vol. III.



on that floor—Johnson then planted himself upon the principles announced by General Jackson. He believed the positions then taken by the soldier of two wars for the independence of the United States, were the true doctrines of the Constitution, and the only doctrines upon which the Government could be preserved. From that period to the present, he has been uniformly opposed to the doctrine of secession or of nullification. He believed it a heresy in 1833, an element which, if maintained, would result in the destruction of the Government. In 1860–61 he maintained the same doctrine, and, in so maintaining, flung himself boldly and heroically against the traitor phalanx on the floor of the Senate.

## CHAPTER II.

1834 TO 1845.

CONTINUED Confidence in Him -- Elected to the Legislature -- Opposes the "Internal Improvement" Scheme -- Its Temporary Popularity and His Defeat on the Issue -- His Views Vindicated -- Re-election -- Presidential Elector -- Elected to the State Senate -- Sent to the United States Congress -- Defends Jackson -- Taxes and Texas -- Favors Retrenchment and Annexation -- Gallant Defence of the Catholics, and Advocacy of Civil and Religious Liberty.

THE results of Mr. Johnson's reforms in Greenville were extensively felt in the community, and his character received commensurate testimony of approval in the offices bestowed upon him. The County Court elected him a Trustee of Rhea Academy, which office he held until he entered the State Legislature.

Mr. Johnson took an active part in securing the adoption of the new Constitution (1834), which greatly enlarged the liberties of the masses, and guaranteed the freedom of speech and of the press; and through the earnest solicitations of the mechanics of Greenville, he was induced, in the summer of 1835, to offer himself as a candidate for the House of Representatives in the State Legislature. The district embraced the counties of Washington and Green; and his first opponent, Matthew Stephenson, was a worthy, highly respected gentleman, and a popular Whig politician; who had been in the Legislature, and was familiar with the people and the history of State legislation. The young Ex-Mayor knew nothing of the latter, and his knowledge of the people was confined mainly to Greenville. He, however,

announced himself as a Democrat, and while his friends and the young mechanics of the district, among whom his reputation had naturally extended, were ardent in his support, the old political leaders of the party, and those who exerted influence by reason of their wealth and social position, doubtfully shook their heads, and gave but little encouragement to the nomination.

With characteristic energy Mr. Johnson prepared for the contest, and almost immediately opened the campaign. At the first meeting all doubt of his capacity in the position, either as a speaker or tactician, vanished. Arraigning the political career of his opponent, he threw that gentleman completely and at once on the defensive; astonishing not only the audience, but Mr. Stephenson himself, by his knowledge of his political life and acts. The advantage gained on the opening was daily improved by Johnson, until his competitor's chances were completely negatived, and finally resulted in an overwhelming defeat.

The Legislature assembled in October, 1835, and of course, Mr. Johnson took his seat at the opening of that deliberative body. With a commendable sense of self-respect he was at first rather a silent member, watchful of the measures introduced, and attentive to the necessary rules and routine. The Constitution having been but recently amended, many difficult and perplexing questions arose on the re-organization of the State Government. These overcome, and having familiarized himself with the rules, Mr. Johnson assumed his share in the current debates, and commanded a consideration from all, that might well have inspired pride in older and more experienced members. He became especially prominent by his opposition to a vast scheme of so-called "internal improvements," which embraced a system of Macadamized and turnpike roads, and involved a State indebtedness of about four million dollars. He vigorously condemned the mammoth scheme; and in

the course of the discussion said: "That with the lights then before him, and in the absence of knowing what was the will of his constituents in regard to the creation of a large State debt, he felt it his duty to vote against the proposition; believing as he did, that before the creation of a large State indebtedness, such a proposition should be submitted to the whole people of the State for their consideration and decision."

The scheme passed the Legislature and became a law, but Johnson remained opposed to it. He was not to be swerved from what he deemed a popular right on so important a State measure. Numerous works of improvement were immediately projected in various parts of the State, and large sums of money freely disbursed. The excitement thus created buoyed up the measure for some time on a high tide of popularity; yet it did not carry Johnson away. So able an advocate of the Homestead measure as Johnson, through conviction, always was, could not but be a friend to internal improvements; but the law he so persistently opposed was, as he viewed it, only "a system of wholesale fraud." Before its evil results, which he prophesied, were manifest, an election for the next Legislature took place. Johnson was a candidate, and his opponent, Mr. Campbell, was a strong advocate of the policy of 1835, which temporarily carried every thing before it. Johnson, however, manfully stood by his convictions; brought the issue before the people, and after a fierce contest, he was defeated by a small majority.

As time passed on, his opposition on this point became more solidified. The Legislature met and adjourned, and again the two opposing candidates of 1837 were before the same constituency for re-election in 1839. The much applauded scheme of internal improvements had developed the evils predicted by Johnson four years previously. The State, in many instances, was defrauded by the companies,

and in others, the works were abandoned, while the public debt had been largely increased. Every thing conspired to fulfill the views asserted by Mr. Johnson, and as a consequence to reinstate him in the confidence of the masses. The election came off, and he was again returned to the Legislature. The reputation for sagacity and integrity then acquired in the community, and acknowledged by his re-election, has never since suffered any diminution in the State which has yielded him all the honors in her power.

In the famous Presidential campaign between Harrison and Van Buren, in 1840, Mr. Johnson's earnest power as a speaker recommended him as equal to the task of canvassing Eastern Tennessee in favor of the Democratic candidate. He served as Presidential Elector at Large, and met "on the stump" the leading Whig orators of the day, among whom were the Hons. E. H. Foster and John Bell; one of whom, at least, he subsequently met upon a greater and more elevated field, and before a more widely representative, even if smaller audience.

In the following year Hawkins and Green counties sent him to the State Senate by a majority of two thousand, and he signalized his term by the introduction of judicious measures for internal improvements in the eastern division of the State. That these met the approval of the people is shown by the fact that, in 1843, they desired his services on a broader field, and nominated him for Congress from the First District, which embraced seven counties. His antagonist was a United States Bank Democrat, a man of eloquence and capacity, Colonel John A. Asken. Johnson was elected, and taking his seat in the House of Representatives, in Washington, December, 1843, continued, by subsequent re-elections, to represent his district for ten years, during which period he distinguished himself in support of the bill refunding the fine imposed on General Jackson; the annexation of Texas; the war measures of Polk's administration;

and as an untiring, able and conscientious advocate of the Homestead bill. But this period cannot be passed over without some allusion to the details.

Mr. Johnson made his *début* in the Twenty-eighth Congress as the defender of "Old Hickory," advocating, in a brief but forcible argument, the restoration of the fine imposed upon General Jackson for having placed New Orleans under martial law in 1814. He followed this up by a reply to John Quincy Adams on the right of petition, which was characterized as a highly creditable effort; and by an argument on the Tariff, in which he declared it was a departure from the principles of equity to tax the many for the benefit of the few, under the plea of protecting American labor, as was done by the Tariff of 1842. He insisted upon it, that, while Congress was consulting the interests of the manufacturer, it had no right to forget or neglect those of the agriculturalist, as high-protectionists were notoriously too apt to do, and replied to Mr. Andrew Stewart of Pennsylvania by a series of circumstantial details showing that, so far as protection applies to protecting mechanics proper, there is no reality in it; for, if all are protected alike, the protection paralyzes itself and results in no protection at all. "Protection operates," said he, "beneficially to none, except those who can manufacture in large quantities, and vend their manufactured articles beyond the limits of the immediate manufacturing sphere."

This subject of the Tariff was, at one period, of as deep interest and created as profound an excitement as any of the great questions—excepting slavery—which have agitated Congress and the people. Time, experience, and of late, irresistible necessities have softened the asperities of its political aspect. Upon this ever-important topic, Mr. Johnson took a strong position at an early day. His view, like all he holds, indicates as well as embraces the forms of popular philosophy which make the bulwark of popular

rights. These views cannot be said to be political, but just. For this reason, and owing to his unvarying maintenance of them, in conjunction with other distinguished co-laborers, they have become interwoven with almost every interest irrespective of party shackles or the chimerical exigencies of sectional divisions. Retrenchment and reform is the basis of his financial philosophy ; and he feelingly, though in vigorous phrases, reflects the wants and wishes of the popular heart, while expressing the earnest desires of his own. Opposing the Tariff of 1842, in the House of Representatives, he said :

“ At the head of the taxing power stands the General Government.

“ It taxes almost every thing we eat, drink, wear and use. . . .

“ These taxes, and almost numberless others, are imposed on us through an instrumentality of a tariff of duties on imported products and merchandise. The whole amount paid, however, does not go into the Treasury of the United States. The tariff of duties increase not only the price of imported articles, but of articles of a similar kind manufactured or produced within our own country ; and while the Government obtains revenue on imported articles, the favored manufacturer and producer obtains an equal revenue upon their fabrics and products. It is in effect a partnership with them and the Government to get money out of the people.

“ The time has now arrived when the people, the laboring people of the country, must inquire into these things more minutely than they have heretofore ; the expenses of the Government must be reduced ; the people must be relieved from their burdens ; retrenchment and reform must be begun in good earnest. I, for one, though the humblest of the people’s representatives, will be found voting against and speaking against this oppressive and nefarious system of plundering the great mass of the people for the benefit of the few.”

At the second session of the Twenty-eighth Congress, Mr. Johnson warmly co-operated with the friends of Texan annexation, and on the 21st of January, 1845, delivered an able speech on the subject. In advocating the admission of that Republic into the Union, he gave many and strong reasons, some of which have equal point and pith in the present state of affairs, as to the cause and period which

originally suggested them. The annexation would give the Union all the valuable cotton soil, or nearly so, upon the habitable globe. Cotton was destined to clothe more human beings than any other article that had ever been discovered. The factories of England would be compelled to stand still, were it not for cotton. Without it, her operatives would starve in the street, and if this Government had the command of the raw material, it was the same as "putting Great Britain under bonds to keep the peace for all time to come."

Dwelling on this point, he said :

"The raw material cotton she must have, and must be dependent upon the United States for it. By the admission of Texas into the Union, it would give this Government the command of the Gulf Stream, extending protection and security to the commerce of the great valley of the Mississippi. Time would not permit him to point out the many advantages, both of a domestic and national character, that would flow from the consummation of so grand an object. The stream of wealth that would flow from the silver mines of Mexico; the peculiar fitness and adaptation of the climate and soil to the production of cotton, sugar and rice, and the higher and more northern portion to the growing of stock and grain."

While depicting the inducements for the admission of Texas, Mr. Johnson gave utterance to the following remarkable passage in showing the profitable employment it would give to slave labor :

"Thereby enabling the master to clothe and feed that portion of our population, softening and alleviating their condition, and in the end, when it shall please Him who works out all great events by general laws, prove to be the gateway out of which the sable sons of Africa are to pass from bondage to freedom; where they can become merged in a population congenial with themselves, who know and feel no distinction in consequence of the various hues of skin or crosses of blood."

He pictured the Texans as having gone out from their mother country like the twelve spies of olden times, and as having succeeded in exploring and possessing themselves of



the remaining portion of the domain, destined by God for his American Israel. The great object accomplished, they returned, not as prodigals whose estates had been wasted, or with even specimens of the production of their delightful acquisitions, but with the country itself. "This country," said he, "they are willing to lay down at our feet. Will we refuse them admission into the family of States? They are our kindred and our blood! our brothers and our sisters! Have they not proved themselves worthy of being associated with their own noble race?" For himself he was willing when he took "a glance at the historic page giving an account of their rise and progress; the privations they had undergone; the money and toil they expended; the valor and patriotism they had displayed in the hour of danger; the magnanimity and forbearance in the hour of triumph over a captive foe, whose garments were red with their brother's blood; the battles they had fought and the fields of carnage through which they have passed; the brilliant and unexampled victories they have won on their grand and glorious march to freedom and independence, to extend to them the right hand of fellowship, and to welcome them into our glorious sisterhood of States."

In the course of the exciting debate upon the Texas question, Mr. Clingman of North Carolina intimated that British gold had been used to carry the election of Polk. Mr. Johnson denounced the suggestion as a vile slander, without the shadow of a foundation, and called on the gentleman from North Carolina for his proof, relying on the fact, that if there were no authority for the assertion, it was a slander. In the course of Mr. Clingman's remarks, he said that, "had the foreign Catholics been divided in the late election, as other sects and classes generally were, Mr. Clay would have carried, by a large majority, the State of New York, as also the States of Pennsylvania, Louisiana, and probably some others in the Northwest." There were

but few Catholics in Mr. Johnson's district, and he was not called upon to do battle with the prejudices that might or did exist against them; but he protested against the doctrine advanced by the Representative from North Carolina. He wished to know if Clingman desired to arouse a spirit of persecution; to sweep away or divide all those who dared to differ from the Whig party; and in the course of the speech alluded to, delivered the following broad and truly republican doctrine, based on a complete appreciation of the civil and religious rights extended by the Constitution to all children, native or adopted, of the Republic:

"The Catholics of this country had the right secured to them by the Constitution of worshiping the God of their fathers in the manner dictated by their own consciences. They sat down under their own vine and fig tree, and no man could interfere with them. This country was not prepared to establish an inquisition to try and punish men for their religious belief; and those who assailed any religious sect in this country would find a majority of the people arrayed against them. He said he desired to know—aye, he demanded to know, of the gentleman from North Carolina, what he meant by the employment of the language just read from his speech? Does the gentleman mean that there is to be a spirit of persecution aroused which is to 'sweep away' any one of the numerous religious denominations that now prevail in this country? Is the guillotine to be erected in this republican form of government, and all who differ in opinion with the Whig party brought to the block? Is then a crusade to be commenced against the Church to satiate disappointed party vengeance? Are the persecutions of olden times to be revived? Are the ten thousand temples that have been erected, based upon the sufferings and atonement of a crucified Saviour, with their glittering spires wasting themselves in the very heavens, all to topple and fall, crushed and buried beneath the ravings of party excitement? Is man to be set upon man, and in the name of God lift his hand against the throat of his fellow? Is the land that gave a brother birth to be watered by a brother's blood? Are the bloodhounds of persecution and proscription to be let loose upon foreigners and Catholics, because some of them have acted with the Democratic party in the recent contest? Are the fires of heaven that have been lighted up by the cross, and now burn upon so many altars consecrated to the true and living God, to be quenched in the blood of

their innocent and defenceless worshipers, and the gutters of our streets made to flow with human gore? This is but a faint reality of what is shadowed forth in the gentleman's speech, but for the purpose of showing the country how ignorant he was of the facts, and how reckless he was in bold statement, he would read from a pamphlet he held in his hand, which was written by a Whig in the city of Nashville, Tenn., and dedicated to the Hon. John Bell:

“I am a member of a Protestant church and a citizen of Nashville, where there are but few Catholics, and where the citizens generally are somewhat prejudiced against them; I could, if I wished, with impunity speak derogatory of this sect. But let justice be done, though the heavens should fall. From whence or how was obtained the idea that Catholicism is hostile to liberty, political or religious? During the Reformation, the great mother of revolutions, when the foundations of powers and principalities were upheaved as by the eruptions of a volcano, did not the demon of persecution rage as fiercely among the Protestant sects as among the Catholics? Did not the Calvinists, Lutherans, and Arminians oft array themselves against each other? Did not the Protestants previous to the revolution in Great Britain persecute with dire vengeance each other? and have they not done so in Germany, France, and many other European powers, since? During our colonial state, when Protestants, Puritans and Quakers were disfranchising and waging a relentless war of persecution against each other through Pennsylvania and the New England colonies, did not Catholic Maryland open her free bosom to all, and declare in her domain that no man or sect should be persecuted for opinion's sake? And was she not from this fact the sanctuary of the oppressed and persecuted, not only of America but of Europe? And when the storm-cloud of a seven years' revolution burst with all its destructive wrath, were not Catholics seen fighting in the vans of our armies, and mingling their torrents of blood with those of Protestants in defence of American liberty and independence? Was there an ocean, a bay, or a stream, not impurpled by their blood? Was there a hill or a plain not whitened by their bones? And is Catholicism a foe to liberty? Is Ireland's Catholic isle the nursery of slaves, though her evergreen shamrock no longer wreathed the brows of her warriors, though her palaces are in ruins, her cities in tears, her people in chains? No! thou didst never cradle a slave; and thy innocent convulsions are but the struggling throes of that unextinguished spirit of liberty which shall yet burst forth with irresistible impetuosity, and shake haughty England to her very anchor, though deep down in the main! Was Catholic Poland the birthplace of slaves? Go ask Cracow and

Warsaw when they last beheld, against combined Russia, Austria and Prussia, in death arrayed, their patriot bands—few but undismayed ; or ask Freedom, too, as said the bard, Did she not shriek when Poland under Madalinski and Kosciusko fell ? Were Lafayette, Pulaski, McNeill, De Kalb and O'Brien foes to liberty ? Was Charles Carroll of Carrollton, the last survivor of the signers of the Declaration of Independence, a friend of despotism ? Was Thomas Fitzsimmons, one of the immortal Revolutionary fathers that framed the Constitution, a foe to liberty ? Have we forgotten what Washington, the great father of his country, said of the Catholics ? He said : “I hope ever to see America foremost among the nations of the earth in examples of justice and liberality ; and I presume my fellow-citizens will never forget the patriotic part which Catholics took in the accomplishment of their revolution and the establishment of their government, or the important assistance which they received from France, in which the Catholic religion is professed !”

During this session, one of the Ohio delegation having alluded to General Jackson in an uncalled-for manner, Mr. Johnson gallantly defended the character of Jackson, then living in retirement in the forests of Tennessee, from the unkind allusions, which seemed to him strange, coming from the quarter whence they had emanated.

Thus have we seen the poor orphan-boy struggling through vicissitudes, the romance of which, when viewed from the stand-point of ultimate success, almost dispels their gloomier aspects. We have seen the triumph of his manly honesty, of his manual industry, and of his mental energy. We have seen him fill all the municipal and legislative offices in the gift of his townsmen and fellow-citizens within the State of Tennessee ; and we have seen him representing his State in the national Congress of the Republic, taking his stand boldly, broadly and honorably on the most important questions of the time ; vindicating the choice of those who sent him, and already accorded, in his first Congressional term, rank as a rising man—a notable man, one who had opinions, and a fervid method of expressing them.

## CHAPTER III.

1845 TO 1857.

TWENTY-NINTH Congress — Contention between England and the United States — The Oregon Boundary — How the Discussion was Adjusted — Polk and Pakenham — Mr. Johnson's Position — Taxes — Opposes Internal Improvements of Local Nature and Indiscriminate Expenditure — The States and the Federal Government — The War with Mexico; was it "Unholy?" — The Veto Power — His Congressional Career — Plan to Defeat him — Elected Governor of Tennessee — Speech against "Know-Nothingism" — Re-elected Governor — The Canvass — Anecdotes of his Personal Courage — Elected United States Senator.

MR. JOHNSON was re-elected to the national House of Representatives in the summer of 1845.

The Twenty-ninth Congress was for many reasons one of the most important in the political history of the country up to that period. A bitter contention existed between the United States and Great Britain in regard to the line which divided the possessions of the two Powers in Oregon. Eminent and sagacious statesmen in both countries predicted war. While many political leaders in America looked hopefully forward to any cause which would breed a rupture with England, against which the popular sentiment of the Democratic party was settled, there were others in England who thought the opportunity favorable for striking a blow at and waylaying the expanding pride and pretensions of the Great Republic. England had not entirely outgrown the humiliation received at the hands of Barney, Lawrence, Macdonough, Perry, Reid, and others, on sea; and from Scott, Wool, and their comrades, on land; and

which culminated in Andrew Jackson's brilliant and crushing operations at New Orleans. Irritating causes of dissension, of greater or less magnitude, had been increasing between the Governments and people for several years; and an open rupture was an event which, on both sides of the Atlantic, was regarded as not only imminent, but as scarcely possible of postponement for any length of time. The Oregon Boundary was looked upon as the approaching opportunity to wipe out old scores on both sides.

Mr. Johnson took a decided stand in support of our right to the line of  $54^{\circ} 40'$ , but at the same time, he then, and ever, insisted that the real contest was for the territory between  $46^{\circ}$  and  $49^{\circ}$ , as that embraced the Columbia River, which Great Britain was anxious to acquire on account of the invaluable advantages it afforded for both military and commercial purposes. Tyler's Administration, through Daniel Webster, then Secretary of State, had offered to adjust the difficulty on the line of  $49^{\circ}$ ; and the Polk Administration, in the words of its first protocol to Mr. Pakenham, the British Minister, "had determined to pursue the present negotiation to its conclusion upon the principle of compromise in which it was commenced, and to make one more effort to adjust this long-standing controversy." Although " $54^{\circ} 40'$ , or fight," had been a potent rallying election cry, still, in the position of affairs, it was a matter of national courtesy and self-respect that President Polk should renew the proposition of his predecessor. The British Minister, however, declined the offer without consulting his Government. The President then directed the withdrawal of the offer, declaring, through the Secretary of State (Mr. Buchanan), that such a proposition would never have been made had the question been a new one and not a pending negotiation. But the British Government quickly rebuked its Minister's haste, and made an offer of adjustment on the very line rejected by Mr. Pakenham, declaring it, at the same

time, as its ultimatum. Here was a turning of diplomatic tables. It was not in accordance with Polk's views to accept it; and yet, in the eyes of the world, its rejection would have appeared simply as a willful and wanton desire for war. It was accepted. To pursue a different course would, in the opinion of Mr. Johnson, be abandoning the substance and running after the shadow; he therefore, firmly and frequently, sustained President Polk in his settlement of the question.

In this session Mr. Johnson denounced as oppressive the proposed contingent tax of ten per cent. on tea and coffee, laying it down as a fundamental principle that the expenses of Government, especially those incurred in time of war, should be defrayed by those who enjoyed the largest share of its protection. He thought it a great injustice that the poor man should not only shed his blood in defense of the rights and honor of his country, but also be overburdened with taxes. Having aided in demolishing the proposed tax, he introduced and carried through a bill providing a tax to a certain amount of per centage upon all bank, State and Government stock, and other capital. He also, in the debate on the River and Harbor Improvement bill, took general grounds against the insane policy of expending the public money on internal improvements not in their character national but entirely local. In this speech Mr. Johnson portrayed with a masterly hand the evil consequences which would flow from such an indiscriminate expenditure; and demonstrated that national bankruptcy, crime and peculation must follow in the train of such legislation. He proceeded to show that it would break down the rights of the States, and ultimately terminate in a great central power, too weak and too corrupt to meet any of the legitimate objects of the Government. "Let the States thus become dependent," said he, "on the Federal Government, and the sovereignties of which this glorious Union is com-

posed will ere long sink into petty corporations—the cringing footstools of the Federal Power, the mendicant recipients of the bounties of the Federal Government; and this Federal Government itself will become a great consolidated Power, around which the States will revolve as mere satellites; receiving from its scorching rays their light, heat and motion. Are we prepared for such a state of things? Is the Congress of the United States, I ask, ready to adopt a system which will inevitably bring along with it such a crushing calamity, such overwhelming and disastrous ruin?”

In the second session Mr. Johnson supported with great ability the raising of men and money for the prosecution of the war with Mexico. On the bill providing for the levying of an additional military force to sustain it he declared his position, and unfalteringly maintained it during the fierce and bitter conflicts that agitated both Congress and the nation, until the news of victory after victory crowned our arms with glory and created a popular enthusiasm which was speedily taken advantage of by the politicians. In a most forcible and eloquent speech, made in the House of Representatives in 1847, he took occasion to severely rebuke the large party then in Congress, who were denouncing the war as “unconstitutional, unholy and damnable.” He pointed out their incessant opposition to the war. On the one hand they voted men and money to carry it on; while on the other, they denounced it as “unjust” and “unholy,” thereby encouraging the enemy to protract it, for no other purpose than, in their own language, of welcoming our heroic countrymen “with bloody hands to hospitable graves.” In this memorable speech he said:

“If the war is in violation of the Constitution it cannot be repaired by widening the breach. If it is damnable it can never be made honorable. If it is unholy it can never be made righteous. There is but one true position to take upon this question in sound morals. If the nation is wrong and has inflicted injury on Mexico, as an honorable people and Christian nation we are bound to with-



draw our troops and indemnify Mexico for all the injury we have done. If this war is such an one as it is represented to be, what an awful end for our officers and soldiers who have fallen in such a contest. He that has the proper standard of morals set up in his mind, must be horror-struck at the very contemplation. To think of men going from time to eternity as a mere miserable set of pirates! What an awful reflection this must be in the hour of death! To die though, as Captain Taggart of Indiana died upon the plains of Buena Vista, is inspiring to the patriot and Christian. In that bloody and fearful conflict, after being stricken down, weltering in his blood beneath the gory crimson spear, when in the very last throes of death, he rises upon his side and unbuckles his sword that he had so gallantly wielded in his country's rights, hands it to his companions, and with his eyes fixed upon the Stars and Stripes, the dying words of his lips are, 'Take this, I can use it no longer! Press on! Our cause is just and victory will ere long perch upon our country's standard.' What a striking contrast is this, and in what a short time were his predictions fulfilled!

"Conviction forces itself upon my mind that this war was just, or it never could have been crowned with such unparalleled success. Our country must have been in the right or the God of battles would sometimes have been against us. Mexico must have been in the wrong—she is a doomed nation! The right red arm of an angry God has been suspended over her, and the Anglo-Saxon race has been selected as the rod of her retribution."

On the 27th of January, 1847, Mr. Johnson introduced a resolution, addressed to the Secretary of the Treasury, making certain inquiries regarding the fund bequeathed by James Smithson to the United States, and closing the resolution by requesting the Secretary—

"To make suggestions in relation to retrenching the expenditures of the Government in any or all of the departments, and particularly in relation to the reduction of salaries of officers, when the salary is over one thousand dollars per annum; and that he further report to this House his opinion of the propriety and practicability of levying and collecting an *ad valorem* tax of twenty per cent., or any other rate that may be assumed, on gold and silver plate, gold watches, jewelry, pleasure carriages, etc., and the probable amount of revenue which may be raised from the same. He will further make any sug-

gestions where, in his opinion, the pruning-knife of retrenchment can be applied with safety and propriety at this time."

Mr. Johnson was re-elected to Congress (the Thirtieth) by an overwhelming majority this year.

Among his efforts of this period is one which, apart from its political bearing, has a peculiar interest. It is an argument in favor of the Veto power.\* He gave an historical outline of the veto power, which runs back to the times of the Roman Republic; the tribunes of the people having had the right to approve or disapprove any law passed by the Senate, inscribing upon the parchment, in case they resolved to adopt the latter alternative, the word "veto." He traced this power, through the various stages of its progress, from the days of Augustus, and showed that since the establishment of this Government to the time at which he spoke, the veto power had been exercised twenty-five times, thus: by Washington, twice; by Madison, six times; by Monroe, once; by Jackson, nine times; by Tyler, four times; by Polk, thrice."

"It will be seen," said Mr. Johnson, "from the origin of the Government to the present time, this power has been exercised twenty-five times. The whole number of laws passed from the organization of the Government and approved is about seven thousand, which would make one veto to every two hundred and eighty—a very small proportion; and I think I may appeal with confidence to all those who are conversant with legislation here, whether it would not have been better for the people and the country if five thousand out of the seven thousand had been vetoed. I have been thus particular in giving the origin and exercise of the veto power, to prove that whenever it has been exercised in compliance with the popular will by a tribune or president, or any other name you may think proper to call him, so that he is immediately responsible to the people, it operates well." . . . .

Again he said :

"The veto, as exercised by the Executive, is conservative, and enables the people through their tribunician officer, the President, to

\* August 2, 1848.

arrest or suspend for the time being unconstitutional, hasty and improvident legislation, until the people, the sovereigns in this country, have time and opportunity to consider of its propriety.”

This speech supplied the *Democratic Review* for the January following with the basis for an interesting article.

True to the welfare of the people from whom he sprung, Mr. Johnson was the prime mover in Congress of the Homestead bill, to give every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon the condition that he should occupy and cultivate the same for five years. As early as 1846 he commenced the agitation of this question, and has been the forcible and untiring advocate of it, not only in the Capitol, but everywhere and on every occasion. In another chapter the reader will have an opportunity of comprehending Mr. Johnson's love for and devoted labors in behalf of this benign, wise and paternal policy.

Mr. Johnson sat in the House of Representatives for five consecutive Congresses, and while in that position labored as few men have ever labored to improve the condition of the people. It seemed to be his mission, as well by the example afforded by his own life as by his enlightened and passionately fervid advocacy of their cause, to make labor respected and its rewards respectable. Of course, within these ten years of active service, a Southern Representative must have had something to say on the Slavery question—the touch-stone of all political faith—during a period which resulted in the Compromise Measures of 1850, and which has since led to some of the greatest events ever presented to the genius of history to record. Of Mr. Johnson's views on the Slavery and other questions, a consecutive *resumé* will be presented further on.

It was predicted when Johnson went to Washington that his ultra notions would bury him fathoms deep, and that he

would return to Tennessee only to prey upon a broken heart. But, as J. W. Forney said, "any one who gazed into his dark eyes, and perused his pale face, would have seen *there* an unquenchable spirit and an almost fanatical obstinacy that spoke another language." Johnson can look back on those years of his Congressional career as years of noble and manly triumph, inasmuch as they were given to the service of his country and humanity.

The compliment paid by Sir James Mackintosh to Lord Nugent's\* parliamentary services, in a letter to the constituents of the latter, is singularly appropriate to the legislative career of Andrew Johnson, and as equally true of the spirit of the people who sent him to and approved his course in Congress. Alluding to the constituents, Mackintosh says, "They have set the example of a popular election, exempt from disorder and expense, from the domineering ascendant of a few, and from the slightest suspicion of corruption. Among them the suffrages of the people have neither been disturbed, nor enslaved, nor dishonored. No purse-proud stranger can boast of having bought their votes. Without attacking the just influence of property, they have exercised their own judgment on public men; they have calmly and firmly asserted its independence; . . . they have deprived great wealth of that monopoly which it may otherwise exercise against the most tried integrity, and the most eminent capacity for public service."

Sir James Mackintosh truly believed that an electoral body can render no greater benefit to the community than by an example which recommends the most popular institutions of a free government to the approbation of all mankind. The very words used by him in justification of the claim of Lord Nugent's constituents, may fitly be applied to the American Representative as "the advocate of a reduced military force, of economy of public expense, of liberty in

\* Author of *Memorials of John Hampden, his Party and his Times.*

discussing public measures, the enemy of slavery, the friend of that right to worship God according to the dictates of their conscience, which the sincere follower of every religious community ought to consider as the most valuable and sacred of the rights of mankind." How true also of the instance before us, his remark that "it is always an advantage that constituents should be familiarly acquainted with the ordinary and daily life of their representatives, which throws the clearest light on the true springs of every part of his conduct."\* If these kind and judicious remarks were true of an English parliamentarian and his constituency, they are in a still wider degree apposite to the Tennessean Representative and the people who felt proud to honor themselves in honoring him.

The same animus which inspired jealous politicians to prognosticate evil for Johnson on his advent in Congress, inspired an equal desire to cut short his career there. But the people relied on their great advocate and defender. Hence what could not be done by political tactics before the eye of the populace, must be done by strategy behind their backs. Johnson's Congressional district was therefore changed by the opposition party in the Legislature, so as to make it overwhelmingly against him and thus end his public career.

But the people came forward, adopted him as their candidate, and after an exciting contest elected him in 1853 Governor of Tennessee over Gustavus A. Henry, one of the ablest Whigs in the State.† He delivered his Inaugural on the 17th October of the same year. In this document he put forth what his critical rivals used to call his "ultra notions," such as they predicted would prove his ruin in

\* Memoir of Lord Nugent.

† Appointed by Isham G. Harris, the rebel Governor of Tennessee, one of three commissioners to enter into and perfect a military league with "the authorities of the Confederate States," and recently a rebel Senator in the "Confederate" Congress.

Congress ; and it was severely censured, not only by the "conservative statesmen of this country, but by the aristocratic press of England and France." Democratic opinion here, and especially in the great West, thought it better than almost any thing else from Governor Johnson's pen.\*

With the occasion, Governor Johnson's devotion to the rights of the people rose above all sectionalities. In 1855 he made a very able speech at Murfreesboro', Tenn., against "Know-Nothingism ;" and, in his own clear and earnest way, turned the arguments by which the persecution was sought to be upheld, against the persecutors themselves. In the course of this speech he said : "The Know-Nothings were opposed to the Catholic religion because it was of foreign origin, and many of its members in this country were foreigners also. He said that if it was a valid objection to tolerating the Catholic religion in this country because it was of foreign origin, and many of its members were foreigners, we would be compelled to expel most of the other religions of the country for the same reason. Who, he asked, was John Wesley, and where did the Methodist religion have its origin ? It was in Old England, and John Wesley was an Englishman. But, if John Wesley were alive to-day and here in this country, Know-Nothingism would drive him and his religion back to England whence they came, because they were foreign. Who, he asked, was John Calvin, and where did Calvinism take its rise ? Was it not Geneva ? And were Calvin alive, this new order would send him and his doctrines back whence they came. Who, he asked, was Roger Williams ? And would not Roger Williams and the Baptists share the same fate ? And so with Martin Luther, the great Reformer ; he would have been subjected to the same proscriptive test."

In the new position to which he had been elevated, Governor Johnson exhibited such personal and official integrity

\* See *Western Democratic Review* of the period.

such impartiality and devotion to the people's interests, that he was re-elected in 1855, after an active canvass, over Meredith P. Gentry, the "Great Know-Nothing" and Whig party leader in Tennessee. Of this contest, and the main issue, he gives us a graphic sketch in a debate in the United States Senate, some three years afterward, with John Bell. 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 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 turn-outs in the State as during that canvass. It was one of the main issues between him and me. I pressed him upon it in every single speech I made in the State; and he uniformly declined to take ground. He was afraid to take ground against it or for it, as was then believed, for fear it would injure him in the canvass. . . . There was no doubt, in fact, that he harmonized with the Democratic party on that point, yet he shrank from the responsibility with a view of getting many votes by taking a non-committal course. If he had taken bold ground against the Kansas-Nebraska bill, with the other issues pending in that canvass, he would have been beaten thousands and thousands throughout the State; but from the fact of his taking a non-committal position on the Kansas-Nebraska Act, he was enabled to get many votes which he would not have received if he had taken bold ground on that question."

From a rival Tennessean source we also learn something of the force and ability of Johnson's competitor. As Johnson tells us that Gentry would not take ground on the

Kansas question, he doubtless strove to make "Americanism" his principal issue. Mr. Bell tells us that Americanism was the main ground of contest, and that it was just such a question as was pending in the State of Virginia at the time Henry A. Wise took the field in opposition to the American party. "A similar contest was going on in Tennessee, and that State was counted on as certain for the Americans by a large majority. They could tell, as they said, and I believe it is the fact, the number they had in their councils. I think it was upward of one hundred thousand, and no person doubted the election of Colonel Gentry when he became a candidate. Colonel Gentry, however, with all his powers of debate, and all his eloquence, had not the strength in that contest which it might be supposed such a man would possess, and which in previous political contests he himself had possessed." As De Quincey says, a triumph is to be measured by the amount of antagonism to be overcome, and in previous political contests Colonel Gentry had not encountered an Andrew Johnson.

Party politics and partisan warfare were almost synonymous terms in the Southwest a few years back. Some of the most amusing as well as most exciting stories are connected with the political men and struggles of that region. Numbers have found their way into print, and a larger number live in the traditions of the people. In this connection a recent writer gives us some anecdotes illustrative of the nerve and personal bravery of the subject of this Memoir.

"At any time during the last fifty years a man could hardly be a Governor of Tennessee without being physically brave; still less could he climb to that position from a tailor's shop-board. In Tennessee the passions of men were hot, and, where arguments failed, there were not wanting ruffians to threaten the pistol and the bowie-knife. All that will be changed now; but when Andrew Johnson was on the stump there, he saw more men with than without pistols in their breast-pockets, and knives in their boots or parallel to their back-bones. It was after Andrew Johnson was born that Andrew



Jackson had his bloody affray with Thomas H. Benton in a public place of Nashville.

“When we were at Nashville, seven years ago, anecdotes of the coolness and courage of Governor Johnson were among the current coin of conversation. One gentleman, a political opponent of the Governor, an eye-witness of the occurrence, told us that a placard was posted in the town one morning announcing, in the well-known language of old Tennessee, that Andy Johnson was to be shot ‘on sight.’ Friends of the Governor assembled at his house, desirous to form a body-guard to escort him to the State House. ‘No,’ said he; ‘gentlemen, if I am to be shot at, I want no man to be in the way of the bullet.’ He walked alone, and with his usual deliberation, through the streets to his official apartments on Capitol Hill.”

Another eye-witness related a similar story. Johnson was announced to speak on one of the exciting questions of the day; and loud threats were uttered that, if he dared to appear, he should not leave the hall alive. At the appointed hour he ascended to the platform, and, advancing to the desk, laid his pistol upon it. He then addressed the audience, in terms as near like the following as our informant could recollect:

“Fellow-citizens—It is proper when freemen assemble for the discussion of important public interests, that every thing should be done decently and in order. I have been informed that part of the business to be transacted on the present occasion is the assassination of the individual who now has the honor of addressing you. I beg respectfully to propose that this be the first business in order. Therefore, if any man has come here to-night for the purpose indicated, I do not say to him, let him speak, but, let him shoot.”

Here he paused, with his right hand on his pistol, and the other holding open his coat, while with his eyes he blandly surveyed the assembly. After a pause of half a minute, he resumed:

“Gentlemen, it appears that I have been misinformed. I will now proceed to address you on the subject that has called us together.”

Which he did, with all his accustomed boldness and

vivacity, not sparing his adversaries, but giving them plenty of "pure Tennessee."

His second term in the gubernatorial chair drew to a close ; and as, after he had enjoyed the highest legislative honors in his State, he was sent to the national House of Representatives ; so now, after he had received from Tennessee the highest honor she could confer on him in her service at home, his faithfulness was rewarded by the most prominent position she could appoint him to in her interest outside of her borders. He was (in 1857) by almost unanimous consent elected United States Senator for a full term, to end March 3, 1863.

## CHAPTER IV.

### THE HOMESTEAD BILL.

1857-1858.

TAKES his Seat in the United States Senate — The Homestead Bill — Flippant Opposition to it — Johnson's continuous Advocacy of the Measure — Answers the "Constitutional Objection" — The People own the Land — Nine Millions of Quarter-sections and Three Millions of Voters — As a Revenue Measure — Johnson the acknowledged Leader on the Question — Tributes to him from A. G. Brown of Mississippi, J. L. Dawson and J. R. Chandler of Pennsylvania — Manœuvres of Southern Senators to Waylay him and his Bill — Hunter and the Appropriation Bills — Pleas for Regularity of Business — Satirical Compliment to Hunter — Johnson's Speech of May, 1858 — Refutes the Southern Charges of "Emigrant Aid Society" and "Demagogism" — Was Washington a Demagogue? — Vattel on Agriculture — The Nursing Father of the State — Washington, Jefferson, Jackson, the Advocates of a Homestead Bill — The Measure considered: Financially, Socially, Politically — Rural Districts *vs.* Large Cities — Build up the Villages — Character of the Middle Classes — Emigration Defended — Replies to the Fendal and Aristocratic Doctrines of Clay and Hammond — The "Property Aristocrats" and the "Mudsills" of Society — Johnson Independent of Southern Opinion — Operatives in the South — Are all Slaves who do not own Slaves? — Should Congress create or reflect Public Opinion — Wanton Opposition to the Bill.

THE credentials of Hon. Andrew Johnson, as Senator from the State of Tennessee to the Congress of the United States, were presented on the opening of the Thirty-fifth Congress, Monday, December 7, 1857. In the absence of Vice-President Breckinridge, the oath prescribed by law was administered by Hon. Jesse D. Bright, "the oldest member of the Senate present."

In this Congress Senator Johnson took most prominent action on his 'favorite subject, the Homestead bill, to grant to every person who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, on condition of occupancy and cultivation in a specified time. This noble

project to distribute land to the landless and give a home to the homeless without money and without price, met, like all projects which have ameliorated the condition of mankind, with decided and great opposition for a long time. Mr. Johnson, however, never lost sight of its vast importance, and with coequal assiduity, in the face of that odium which is so easily raised by flippant minds against one who is accredited with the possession of a "hobby" to ride other people's time and attention down, he steadily pressed it forward, year after year, gaining friends for it and strength, until he had the pride and satisfaction of seeing it pass by a triumphant majority in the House of Representatives, while it met, at the same time, with such advocates as Webster and Cass in the United States Senate.

During the debate of 1852, discussing one of the points raised, if I mistake not, by Hon. John A. Millson of Virginia, in the House of Representatives, Mr. Johnson said :

. . . . . "What then becomes of the constitutional objection? I say it is a dereliction upon our part, and we omit to perform a high obligation imposed upon us by the Constitution, if we do not do something of the sort to induce the settlement and cultivation of our public lands. Then what is the proposition? We have acquired territory by the exercise of this treaty-making power. When does the fee pass? The fee passed upon its acquisition into the Government as the trustee—the equity passed to the people in the aggregate, and this is merely a proposition to distribute severally the fee where the equity already resides. That is what it proposes; and gentlemen who can spin distinctions down to a fifteen hundred, can understand a plain common sense proposition like this. Ah! say they, you gave money for it and you must have money back again for it. Is money the only consideration you paid for it? Where are those gallant sons who now sleep in Mexico? Where are the ten thousand graves containing the bones and blood of your best citizens? You owe it to the gallant dead who now sleep in your own and foreign lands, who sacrificed their all in the acquisition of this territory, to dispose of it in the way best calculated to promote the interest and happiness of those left behind.

. . . . . "Now what comes next upon the left, the weakest, and

based upon the least principle, but upon broad and presumptuous assertion. You have up there 'agrarianism' and 'rank demagogism.' Is it demagogism to comply with the Constitution? Is it 'agrarianism' to permit a man to take that which is his own? They say, when you come to the principle of agrarianism, you take that which belongs to one man to give it to another. Such is not the principle of this bill. How does this measure stand? I will take either horn of the dilemma as embraced in the first section of this bill. Permit the settler to take a quarter of a section, or even more, and I will still say it does not conflict with justice or smack in the slightest degree of agrarianism. We have nine million quarter-sections, as I said before, and three million qualified voters. Suppose we were going to make a *pro rata* distribution, there would be three quarter sections for each qualified voter in the United States."

Again, in the same speech, he says :

"Pass this bill and you inspire the people of your country with faith in their Legislatures, with faith in their Government, and at the same time inspire their bosoms with hope of doing better hereafter. I said that the bill embraces sound principles of religion. It embraces the religion inculcated by St. James. It embraces a holy religion—I make use of the word in no irreverent sense—that divine arch of promise whose extremities rest upon the horizon, and whose span circles the universe. What do we find in this bill? We find the widow and orphan provided for, and that, too, in strict consonance with the Constitution and its great principles."

Mr. Johnson confuted the idea that the bill would impoverish the Treasury; on the contrary, he believed it would increase the revenue. On this point, he at this time said :

"I say it is a revenue measure. It will increase the receipts of the Treasury. How increase the receipts? By the enhancement of the value of the remainder of your public domain. Let us take a case to illustrate. Take the laborer in society that has no profession—no trade—that has no sort of work of his own, and how much tax does he pay to the support of your Government under the present system? How much? Scarcely any thing. But take one of these men, transplant him in the West upon one hundred and sixty acres of its fat, virgin soil, and in a few years, when he clears a few acres around him, gets a horse and a mule or two, and some fat,

thrifty hogs, which come grunting up to his log-cabin, and a few milch cows lowing at the barnyard, at once you have increased his ability to do what? To purchase one hundred dollars' worth of foreign imposts or goods of domestic manufacture, when previously he could have bought little or nothing. I beg the attention of the Committee while I take a simple case to illustrate this principle. Some stagger and startle at the proposition, and say this thing will not do. How stands the fact in the case? You have nine millions of quarter-sections of public land, and you have three millions of qualified voters. Take one qualified voter who is the head of a family—say a family of seven—you transplant him from a position where he is making hardly any thing, and consequently buying but little, to a possession in the West of one hundred and sixty acres of this land. He bought scarcely any thing before, but by bringing his labor in contact with the productive soil, you increase his ability to buy a great deal.”

Mr. Johnson, after continuing to demonstrate by simple but forcibly incontrovertible illustration, that the free distribution of the public lands among actual settlers would increase the national Treasury, closed this part of his argument by reference to a former speech he had delivered in Congress, in which he said :

“ That this *exposé* ought to satisfy every one that, instead of violating the plighted faith of the Government, it was enlarging and making more valuable, and enabling the Government to derive a much larger amount of revenue to meet all its liabilities, and thereby preserving its faith inviolate. He thought, too, that this *exposé* ought to satisfy even the avaricious Shylock who contended for his pound of flesh, that this was the best policy for the Government to pursue, while at the same time it ameliorated and elevated the condition of the laboring man.”

Already Johnson was the acknowledged foster-father and leading advocate of the measure. In 1852 the Hon. A. G. Brown of Mississippi, an earnest supporter of a homestead measure, but desiring to make sure that the occupant of the land should derive all the benefits of his labor, paid deserved tribute to Mr. Johnson in the following passage : “ I am not going to make an argument against my friend's proposition. I honor the head that conceived it. The heart that is

capable of such appreciation of the poor man's wants, is entitled to and receives the homage of my poor esteem. The nation, indeed all mankind, should yield a grateful tribute to the mind that, almost unaided, has forced the consideration of this subject upon the American Congress."

In the same session the Hon. John L. Dawson of Pennsylvania, addressing the House on the Homestead bill, at once indicated the judicious character of the manner, and paid due homage to its indefatigable champion. "What a useful lesson," said Mr. Dawson, "would such a plan prove to the Governments of Europe, and what an example would it furnish of republican care for the good of all, thus promoted by our happy institutions. It would present a spectacle in which the patriot, in the full exultation of his heart, might rejoice; at which the honorable gentleman from Tennessee [Mr. Johnson] might rejoice, as Lycurgus did when returning through the fields just reaped, after the generous provisions that he had made for the citizens of Sparta and Laconia, and seeing the shocks standing parallel and equal, he smiled and said to some that were by, 'How like is Laconia to an estate newly divided among many brothers.'"

The Hon. Joseph R. Chandler of Philadelphia, subsequently United States Minister to Naples, while addressing the House on the proposition, also gave significant expression to the benefits which would result from it, and the place which "the humble legislator" who presented it would occupy in the hearts of the people. Mr. Chandler believed that it would be adopted, if not during that session, at any rate at some future one, for "it was founded on the progressive character of the institutions of the country, and is therefore a part of the destiny of our legislation." "Sir," he further added, "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 prepared or 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 this condition Mr. Johnson left the project when elected Governor in 1853, and it remained with comparatively little action in either branch of Congress until his return as United States Senator, when he immediately re-suscitated it.

On introducing the bill into the Senate, Senator Johnson briefly referred to its past for the purpose of keeping the history of this great measure right. On the 27th of March, 1846, the bill was first introduced into the House of Representatives; and on the 12th of May, 1852—six years, two months and fifteen days after said introduction—it passed that House by a majority of two-thirds. In 1853 the same bill, in substance, was introduced by the Hon. John L. Dawson of the State of Pennsylvania, and it passed again by an overwhelming majority. "Thus," said Senator Johnson, "the bill has twice received the sanction of the popular branch of the National Legislature. It was transmitted to this body, and here it failed on both occasions. I merely make these remarks for the purpose of keeping the history of this great measure right, and with the hope that it will meet its consummation by the sanction of this body in a much shorter period of time than it did in the House of Representatives."

In one respect Senator Johnson's desires were fulfilled; but the final consummation was prevented by the Presidential veto. He fought it into favor against the fixed and unrelenting opposition of the chief Southern Senators, in the Senate, as he had previously done in the House. His



efforts and anxiety kept pace with the network of antagonism woven around it by such able men as Hunter of Virginia and such unreasoning foes as Iverson of Georgia, such willful partisans as Biggs of North Carolina, such subtle enemies of popular rights as Benjamin of Louisiana, and such vindictive sncerers against labor as Clay of Alabama and their friends and political henchmen. It was no easy labor, and needed no little control of temper to meet the ever ready methods by which these resourceful parliamentarians waylaid his almost every attempt to bring the Homestead bill before the Senate.

The popularity of the measure had been long assured ; but this very popularity was an element which recommended it to the jealous opposition of the leading Southern men with but very few exceptions ; and Senator Johnson's name was so interwoven with it that he shared the ill-feelings directed against it, and also the subtle fear which it, united with his well-known indomitable energy and forcible character, clearly conspired to create. His name and character were so identified with the Homestead bill that the citizens of various States requested the presentation of petitions on the subject through him, and not through the medium of the representatives from their own States. Thus, even in the first session of the Thirty-fifth Congress alone, he laid before the Senate petitions emanating from citizens and meetings in the States of New York, Pennsylvania, Indiana, Kentucky, Connecticut, Wisconsin, Michigan, Iowa and Texas, variously recommending the measure, some praying that the public lands may cease to be considered a source of revenue, and that all entries of them be confined to actual settlers, and others directly praying for the passage of the bill.

The Southern oppositionists barely gave him time to accompany the presentation of these evidences of popular desire with any remarks ; but, in fighting for the regularity of his bill, he more than once enunciated some sound views to

the Senate touching the order of its business. Hunter and his appropriation bills were constantly haunting the Homestead bill out of the Senate Chamber, and overriding every thing else. Hunter having moved the postponement of all prior orders to take up a consular and diplomatic appropriation bill, Seward and Broderick rushed to the rescue of the Pacific Railroad, and Johnson showed his desire for regularity in the order of business, saying :

“So far as the appropriation bills are concerned, they always get through Congress. I never knew one to fail. They will get through some how or other. The Chairman of the Committee of Finance I know has great solicitude for the appropriation bills, and has the public interests much at heart. I will go with him as far as anybody in expediting and pushing his bills forward ; but my little experience in deliberative bodies satisfies me that the fastest and best way to get along with the public business, is to take it in the order in which it comes. Here is the Pacific Railroad bill : let us take it up and dispose of it. Here are other special orders : let us take them up and dispose of them. I have been anxiously waiting from day to day, hoping that things would progress in their proper order, so that we might reach what I conceive to be the most important measure of this or any other session of Congress, that is, the Homestead bill. I am in hopes we shall go on regularly and take up the business as it stands on the calendar, and then we shall advance much more rapidly and, I think, much more satisfactorily to the country.”

About three weeks later Hunter came in to “postpone all prior orders” for another appropriation bill. The regular order having been invaded, Douglas reminded the Senate that Oregon was knocking at the portals of the Republic, and that it would take but a few minutes to let our Pacific sister in. Clay was interested in opposition to the Fishing Bounty bill, which was the “special order,” but withdrew

it to aid Hunter. This threw Senator Johnson's bill (which was next in order) back, and drew from him a firm protest against the departure from the calendar and an avowal to press his measure. He believed the Treasury would not suffer by delaying the appropriation bills, and doubted if the country would protest if they were not pressed through in "such hot haste."

"I wish to say in this connection," said Senator Johnson, "that if I understand the calendar right, the Homestead bill comes up next after the Fishing Bounty bill. The friends of that measure have been here quietly, patiently—or perhaps I ought to say, impatiently—waiting for a considerable length of time to have that bill reached. I am in hopes that business will go on in its proper order, and that that bill will be taken up and disposed of. The gentleman from Alabama [Mr. C. C. Clay] is now ready, and I understand the Senator from Maine [Mr. Hamlin] is ready, to go into the consideration of the first special order. Why not take it up and let the Indian appropriation come up in its proper place, and be disposed of in due time? Let us take up first the Fishing Bounty bill, which is the first special order; next the Homestead bill, and dispose of it as we reach it. I am inclined to think that the great mass of the American people are as deeply interested in the proper distribution of the public lands, particularly when the proposition is to provide homes for the people, as in the appropriation of thousands and millions out of the Treasury, especially when the condition of the Treasury is, to say the least, not plethoric. I hope we shall go on with business in its proper order. I do not intend to be importunate, I do not intend to be obtrusive on the Senate; but I have the Homestead bill, as I know many others have, deeply at heart, and I intend to press it earnestly on the consideration of the Senate from this time until it shall be disposed of."

But the appropriation bills were, as one of the Michigan

Senators\* suggested, used as "a broad-ax to cut down every other measure." About ten days subsequently, when Senators mainly from the South, Messrs. Iverson, Yulee, Brown and Slidell, were arguing about the private calendar, and Hunter declared he would not interfere, Senator Johnson took occasion to pay the latter a satirical compliment, by expressing his gratification on finding out that there was something before the Senate of sufficient importance to induce the Senator from Virginia not to press a bill providing appropriations of the people's money for botanical gardens and green-houses. "I am really gratified," he added, with satirical earnestness, "to find that there is something of importance enough to make one of those bills give way."

These glimpses will give a fair idea of the opposition encountered by Senator Johnson's measure. Where its leading antagonists could not attack it in detail, they earnestly strove to postpone it beyond the session by "killing time"—a method they preferred; as by that means, under specious pretexts of every description, they delayed the occasion of openly attacking so popular and thoroughly republican a measure. Some Senators there were, like Mr. Crittenden, who undoubtedly differed from Senator Johnson upon honest and conscientious motives, but the personal antagonism of such as I have alluded to who obstructed its consideration was too plain to be mistaken.

On the 20th of May, 1858, the Homestead bill having been the special order, Senator Johnson made one of his greatest efforts in its behalf. He prefaced his advocacy of the measure by showing that the Southern charge made against it, of its being of the nature of the "Emigrant Aid Society," was a plea and nothing else, as it had been introduced into Congress in 1846, long before we had any Emigrant Aid Societies, long before we had any Compromise

\* Mr. Stuart.

measures of 1850 on the Slavery question, long before the agitations of 1854 and 1858 on the same subject.

The policy he advocated was not new or unsupported. The origin of the great idea of a homestead he found in the first law-writer, Moses, who enunciated it in his Hebrew economy. He found that Vattel had earnestly approved, and that President Jackson had forcibly advocated it. Among the several sound passages quoted from the famous Commentator on Public Law, are the following :

“Of all the arts, tillage or agriculture is the most useful and necessary. It is the nursing father of the State. The cultivation of the earth causes it to produce an infinite increase; it forms the surest resource and the most solid fund for the rich commerce of the people who enjoy a happy climate.

“This affair then deserves the utmost attention from Government. The sovereign ought to neglect no means of rendering the land under his obedience as well cultivated as possible. . . . .

“Another abuse injurious to agriculture is the contempt cast upon husbandmen. The inhabitants of cities, even the most servile artists and the most lazy citizen, consider him who cultivates the soil with a disdainful eye; they humble and discourage him; they dare to despise a profession that feeds the human race—the natural employment of man. A stay-maker places beneath him the beloved employment of the first consuls and dictators of Rome.”\*

In the message (1832) of General Jackson, who was believed to be “not only a friend to the South, but the Union,” he found his doctrine strongly inculcated.

“It cannot be doubted,” said Jackson, “that the speedy settlement of these lands constitute the true interests of the Republic. The wealth and strength of a country are its population, and the best part of the population are cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty.

“It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at prices barely sufficient to re-

\* Vattel, Book i. Chap. vi.

imburse the United States the expense of the present system and the cost arising from our Indian contracts." . . . .

Turning to the Statutes of the United States, we find that the first Homestead bill ever introduced into the Congress was in 1791. Senator Johnson rebuked the sneering assertion that the measure was demagogical, and was introduced and advocated for the purpose of pleasing popular opinion. He wanted "to see who these demagogues were," and pointedly referred to Jefferson as having recognized and appreciated this great doctrine.

"In 1791," he said, "the first bill passed by the Congress of the United States recognizing the homestead principle, is in the following words :

"That four hundred acres of land be given"—

"That is the language of the Statute. We do not assume, in this bill, to give land ; we assume that a consideration passes ; but here was a law that was based on the idea that four hundred acres of land were to be given

'to each of those persons who, in the year 1783 were heads of families at Vincennes, or the Illinois country, or the Mississippi, and who since that time have removed from one of the said places to the other ; but the Governor of the territory northwest of the Ohio is hereby directed to cause the same to be laid out for them at their own expense, etc.'

Another section of the same act provides that heads of families who had removed without the limits of said territory, are "nevertheless entitled to the donation of four hundred acres, etc."

"That act," continued Senator Johnson, "recognized the principle embraced in the Homestead bill. If this is the idea of a demagogue, if it is the idea of one catering or pandering to the public sentiment to catch votes, it was introduced into Congress in 1791, and received the approval of Washington, the Father of his country. I presume that

if he lived at this day, and were to approve the measure, as he did in 1791, he would be branded and put in the category of those persons who are denominated demagogues."

Senator Johnson showed that during Washington's Administration another bill of similar import was passed; so that, so far as legislation is concerned, we find that the policy commenced with the great First President. "From General Washington's Administration there are forty-four precedents, running through every administration of this Government down to the present time, in which this principle has been recognized and indorsed."

Such a disposition of the public domain would in reality enhance the value of the unoccupied portions, and hasten its capacity for sustaining and nurturing a great and powerful people. Nor would it, in Senator Johnson's view, diminish the revenues of the country. On the contrary, by bettering the condition of the laborer, and thus enabling him to consume a greater amount of foreign importations, it would add largely to an annual revenue from imposts. He suggested that we take a million families, who can now hardly procure the necessaries of life, and place them each on a quarter-section of land—how long will it be before their conditions will be improved so as to make them able to contribute something to the support of the Government? "Now," said he, "here is soil producing nothing, here are hands producing but little. Transfer the man from the point where he is producing nothing, bring him in contact with a hundred and sixty acres of productive soil, and how long will it be before that man changes his condition?" With a variety of illustrations, Senator Johnson illuminated the subject financially.

But the financial results of the measure did not afford the most favorable light in which it could be viewed. It also tended to raise man socially and politically—socially, by ameliorating his material condition, and politically, by giving

him a stake in the welfare and stability of the country. It would build up the great middle class of the people, and do away at once with an aristocracy on the one hand or a rabble on the other. The public lands had been lavished on States and corporations. Senator Johnson thought it was now high time to place them within the reach of all the people. At the present rate of dispensing them it would require more than six hundred years to fill up and occupy our public domain.

“When you look,” he said, “at our country as it is, you see that it is important that the great mass of the people should be interested in the country. By this bill you provide a man with a home; you increase the revenue; you increase the consumption of home manufactures, and you make him a better man. You give him an interest in the country. His condition is better. There is no man so reliable as he who is interested in the welfare of his country; and who are more interested in the welfare of their country than those who have homes? When a man has a home, he has a deeper and more abiding interest in the country, and he is more reliable in all things that pertain to the Government. He is more reliable when he goes to the ballot-box; he is more reliable in sustaining the stability of our free institutions.”

Nor did he regard the enormous growth of cities and the accumulation of population about cities as most desirable for this country. The number of paupers in cities were in large proportion to the inhabitants; he was not in favor of increasing them. He would rather plant them on the soil, and give them an interest in it. Moreover, he did not like to see the cities take an undue control of the Government; and unless proper steps be taken, such will be the result. He held that the rural population, the mechanical and agricultural portions of the community, were the very salt of it. “They constitute,” he said, “the ‘mudsills,’ to use a term recently introduced here. They constitute the foundation upon which the Government rests; and hence we see the state of things before us.” It was fearful to think



of the extent of pauperism on the ratio of recent New York statistics. Jefferson never said a truer thing than that large cities were eyesores in the body politic; in democracies they were consuming cancers. "Build up your villages, build up your rural districts, and you will become men who rely upon their own industry; who rely upon their own ingenuity; who rely upon their own economy and application to business for a support; and these are the people whom you have to depend on." He followed up this earnest recommendation with the following remarks:

..... "We see then, Mr. President, the effect this policy is to have on our population. Let me ask here, looking to our popular elections, looking to the proper lodgment of power, is it not time that we had adopted a policy which would give us men interested in the affairs of the country to control and sway our elections? It seems to me that this cannot long be debated; the point is too clear. The agricultural and mechanical portion of the community are to be relied upon for the preservation and continuance of this Government. The great mass of the people—the great middle class are honest. They toil for their support, accepting no favor from the Government. They live by labor. They do not live by consumption, but by production; and we should consume as small a portion of their production as it is possible for us to consume, leaving the producer to appropriate to his own use and benefit as much of the products of his own labor as it is possible in the nature of things to do. The great mass of the people need advocates, men who are honest and capable, who are willing to defend them. How much legislation is done for them? How much is done for classes? How little care seems to be exercised for the great mass of the people? When we are among our constituents it is very easy to make appeals to the people and professions of patriotism, and then—I do not mean to be personal or invidious—it is very easy when we are removed from them a short distance, to forget the people and legislate for classes, neglecting the interest of the great mass. The mechanics and agriculturists are honest, industrious, and economical. Let it not be supposed that I am against learning or education, but I might speak of the man in the rural districts in the language of Pope:

"Unlearned, he knew no schoolman's subtle art,  
No language but the language of the heart;  
By nature honest, by experience wise,  
Healthy by temperance and exercise."

Continuing this appeal with clearness, and that eloquence which is the pure offspring of manly conviction, Senator Johnson exhibited the rapid growth and prosperity of the great Northwest under the influence of his Homestead bill, and the future grandeur and permanency of free institutions, and asked :

“ Who dares say this is not our destiny, if we will only permit it to be fulfilled ? Then let us go on with this great work of interesting men in becoming connected with the soil ; interesting them in remaining in your mechanic shops ; prevent their accumulating in the streets of your cities ; and in doing this you will dispense with the necessity for all your pauper systems. By doing this you enable each community to take care of its own poor. By doing this you destroy and break down the great propensity that exists with men to hang and loiter and perish about the cities of the Union, as is done now in the olden countries.”

If it be said that this measure, by offering a boon to emigration, would tend to depopulate the Southern States, it must be only on the supposition that the laborer could better his condition by a change of location ; and who would object to a policy which promised this beneficial result to the individual man ? It seemed to be feared that the bill would compel men to go on the lands. Senator Johnson did not suggest such an idea. He would leave every man to be controlled by his inclinations and interest ; but he regarded it as neither statesmanlike, philosophical or Christian, to keep a man in a State and refuse to let him go because, if he did go, he would tend to populate some other portion of the country. If a man could better himself by crossing from Tennessee into Illinois, Louisiana or Mississippi, he would say, Go ! Let him go where he can better the condition of himself, his wife and his children. “ What kind of a policy is it,” he asked, “ to say that a man should be locked up where he was born, and shall be confined to the place of his birth ?”

In this connection the Senator made the following touching

allusion to his own case in speaking of the large emigration furnished to the West by North Carolina :

“She is my native State. I found it to be to my interest to emigrate, and I should have thought it cruel and hard if I had been told that I could not leave her boundary. Although North Carolina did not afford me the advantages of education ; though I cannot speak in the language of school men, and call her my cherishing mother, yet, in the language of Cowper,

“ ‘ With all her faults, I love her still.’ ”

He did not care where a man went; so that he located himself in “this great area of freedom,” became attached to our institutions, interested in the welfare of the country, and pursued his prosperity under the protection of the Stars and Stripes.

Senator Johnson then proceeded to criticise certain portions of the speech of Mr. C. C. Clay of Alabama, on the Kansas question, in which that Senator had treated of property and its protection as the main object of Government, and had regretted “the growing spirit in Congress and throughout the country, to democratize our Government.” The Senator from Tennessee did not entertain such ideas, believing as he did in the capacity of the people for self-government ; but if, as the Senator from Alabama had said, property was the foundation of every social state, and that society was formed and government framed, to preserve, protect and perpetuate the rights of property, then he [Mr. Clay] should undoubtedly favor the Homestead bill, and give to every head of a family who would accept it, a property title in the land. Defending democracy as the highest form of society and government, Johnson held up to merited reprobation the statements made by Senator Hammond of South Carolina, in his last noted speech during the Kansas (Lecompton) debate. He totally dissented from

so much of that Senator's language as seemed to imply that men who labored with their hands and for a stipulated price were therefore slaves. Such statements and such doctrines were not only false in themselves, but were calculated to do infinite mischief in the South, where the number of slaveholders was small in comparison with the free white and non-slaveholding population. Though it was true that the number of slaveholders did not represent all who were directly interested in the maintenance of slavery, it was also true that such invidious comments on manual labor tended to engender opposition to slavery itself.

The speech of Hammond alluded to, was that in which he characterized the working classes, whose requisites were "vigor, docility, fidelity," as "constituting the very mud-sill of society and political government;" and in which he still further drew a comparison between the "slaves" of the North and South. In replying to the Senator from South Carolina who had given voice to the controlling Southern element, that which subsequently carried their un-republican views into open treason and war against the Republic, Johnson found it necessary to fall back on his individual character as a man, as considered in opposition to what might be his prospects as a politician residing in the South. The fact that he deemed such a course proper may well indicate the wide breach between him and the "aristocracy of property." Before dwelling on the "impolicy of the invidious remarks made in reference to a portion of the population of the United States," he said: "Mr. President, so far as I am concerned, I feel that I can afford to speak what are my sentiments. I am no aspirant for any thing on the face of God Almighty's earth! I have reached the summit of my ambition. The acme of all my hopes has been attained; and I would not give the position I occupy here to-day for any other in the United States. Hence, I say, I can afford to speak what I believe to be true."

This was a terrible rebuke to the Southern subjection to the "institution," which prevented individual independence, and linked all in the rule or ruin policy then so violently maturing. Well might Johnson glory in his position that day—a position won by honest integrity, in opposition to just such principles of aristocratic feudalism as those enunciated by C. C. Clay and Hammond. Well might he stand up to defend the people from whom he sprung ; who had confided in his faith and placed their honor where they knew it would not be sullied, in his keeping. He used the same argument with Hammond as with Clay, as to giving the people something to attach them to the soil, to make them "men of property ;" and in reply to the question of the former "to define a slave," said :

"What we understand to be a slave in the South, is a man who is held during his natural life subject to, and under the control of, a master. The necessities of life, and the various positions in which a man may be placed, operated upon by avarice, gain or ambition may cause him to labor ; but that does not make him a slave. How many men are there in society who go out and work with their own hands, who reap in the field and mow in a meadow ; who hoe corn, who work in the shops ? Are they slaves ? If we were to go back and follow out this idea, that every operative and laborer is a slave, we should find that we have had a great many distinguished slaves since the world commenced. Socrates, who first conceived the idea of the immortality of the soul, Pagan as he was, labored with his own hands ; yes, wielded the chisel and the mallet, giving polish and finish to the stone : he afterward turned to be a fashioner and constructor of the mind. Paul, the great expounder himself, was a tent-maker, and worked with his hands ; was he a slave ? Archimedes, who declared that if he had a place on which to rest the fulcrum, with the power of his lever he could move the world ; was he a slave ?" Looking

at the South, he asked if every man there not a slaveholder, was to be denominated a slave because he labored? "The argument," he said, "cuts at both ends of the line." There were operatives in the South; there were laborers there, and mechanics there. He asked, "Were they slaves?"

To show the impolicy as well as the untruth of applying such a phrase to the people of the South, he introduced some statistics from the census exhibiting the number of slaves, slave-owners and operatives in the leading States. "In the State of South Carolina there were twenty-five thousand slave-owners, and more than sixty-eight thousand operatives, showing that the large proportion of that State worked with their hands. Were they slaves? Were all slaves who did not own slaves?" These facts and queries created nervous and vindictive feelings inside, and much comment outside of the Senate. In it Mason of Virginia could not help charging the Senator from Tennessee with doing what Senators on the other side of the Chamber had done before; which was tantamount to calling him "an Abolitionist." Outside of the Senate, this episode in the speech attracted not less attention and notice than the subject which formed the body of it. In addition to the intrinsic force of the manly refutation of the un-American doctrines avowed by Hammond and others, the trepidation of the Southern leaders on the application of their views to their own section, attracted a vivid interest.

Returning to the main question under consideration, and concluding this great speech, Senator Johnson said, were the Homestead bill passed into a law, all he desired was the honor and credit of having been one of the American Congress who consummated a great scheme to elevate our race and to make our institutions more permanent.

A week later, again reminding Senators of the passage of the bill twice in the House, he implored the action of the Senate.

“Let us vote directly on it,” he said, “and let the country understand what we intend to do after having had it under consideration so long. I would almost venture—yet I will not dare to do it—to make a single appeal in behalf of the homeless thousands in the United States, to take up and pass this measure, and grant what they have long demanded—grant what they have appealed to you for again and again !”

But the aristocratic phalanx was too strongly knit together at the time. One of the Senators alluded to would not believe that public opinion was in favor of the measure, and even supposing that it was, boldly avowed he did not think it was the duty of the Senate or the House to reflect public opinion. He thought it the duty of Congress not to run after, but to lead and create public opinion ; yet one of the succeeding arguments against the bill used by this illogical and vindictive person showed why it ought to be logically supported. Explaining that when Senator Seward of New York introduced the bill in 1850 into the Chamber, it received but two votes, he declared that the present agitation arose from the efforts in Congress since, and asked, “Now, sir, whence did this cry for land originate? Not among the people, but among their representatives. The public voice we hear is a mere echo of the voice that was first raised in this body, or in the other end of the Capitol.” The Senator, by this admission, fell into his own trap, and showed that if public opinion had not led Congress on the question, certainly Congress must have led and created public opinion. It is to be remembered in this connection, and, as exhibiting a wanton opposition to the consideration of the Homestead bill, that this Senator, and others of his class, voted for it on its final passage.

## CHAPTER V.

### HOMESTEAD BILL—CONTINUED.

1860.

THIRTY-SIXTH Congress—Johnson's Speech—Denies that the Homestead Measure has any Connection with Slavery or Anti-Slavery—A Virginian Senator receives Light from a "Black Republican"—Johnson won't follow the New Lights of the Old Dominion—Precedents for the Homestead Policy—Law under Washington—Later Laws—Senator Mason's Action Now and Then—A "Sleepless Sentinel" and his Duties—Senator Pugh's Unanswerable Speech—Revival of Mason's Record—Shall Virginia Rebuke any other State—Tennessee can Take Care of Herself—Compliment from Douglas—Voters on the Bill—Committees of Conference—Report Passed by Two-thirds of both Houses—President Buchanan Vetoes the Bill—The Veto Sustained—Unjust Reason for the Veto and its Sustainment—Davis Sustains the Veto—Pugh and Harlan Denounce it as a Quibble—The Wisdom and Grandeur of the Homestead Measure—Historical Lessons from Land Laws—Powers of Congress to Give Land Away—Brougham on Feudal Aristocracy—Bacon on the Growth of "Nobility and Gentlemen."

IN the First Session of the Thirty-sixth Congress, April 11, 1860, after introducing from the Committee on Public Lands another form of Homestead bill, Senator Johnson delivered an exceedingly able and telling speech, mainly in reply to Senator Mason of Virginia, touching that Senator's action, and the declarations of others with him, connecting the measure under discussion with the Slavery issue and the Republican party. The speech is historical and demonstrative in an eminent degree, and also affords a good specimen of Senator Johnson's clearness and force as a debater. For these reasons—and as much for its manner as



its matter—I make some extracts, although the opening restates some points already indicated :

“But yesterday the Senator from Wisconsin [Mr. Doolittle] must involve in this discussion the Negro question ; and then, in reply, the Senator from Virginia must give us a dissertation on the same subject, administer a rebuke to the State of Tennessee, and assume to know where she stood and what her opinions and doctrines were. Sir, she has never disguised her opinions or her doctrines, and she does not disguise them now. It really seems to me that if some member of this body were to introduce the Ten Commandments for consideration and discussion, somebody would find a negro in them somewhere ; the Slavery agitation would come up. The chances are, that if they were introduced by a Northern man, he would argue that they had a tendency to diminish the area of slavery, to prevent the increase of the slave population, and in the end perhaps to abolish slavery ; while on the other hand, if some Senator from the South were to introduce the Lord’s Prayer, somebody would see a negro in it somewhere. It would be argued just as the question might be presented, either upon the Ten Commandments or the Lord’s Prayer, that the result would be a tendency to promote and advance slavery on the one hand, or on the other to diminish or abolish it. It is now time that the legislation of this country was directed to something else, and that some other thing were considered. I do believe that the country, North and South, is becoming sick and tired of this constant agitation of the Slavery question, to the exclusion of all other ; and I do trust and hope, in God’s holy name, that there is a public judgment and public spirit in the country that will rise above this agitation, and the purposes for which it has been kept up.

“But the Senator from Virginia informed us that he had had a flood of light shed on him ; I repeat that I was highly gratified to hear him say so, and I recur to it now more from the fact of being gratified at it than any thing else. He seemed to rise and come forward into the discussion with that kind of renewed energy, information and light that Paul had when he was travelling from Jerusalem to Damascus, and was struck blind with the refulgence of light thrown on his mind ; but Paul inquired of the Lord what he would have him do. Whether the conduct of the Senator from Wisconsin has had the same influence on the Senator from Virginia I will not undertake to say, but if it were improper and dangerous to associate the Homestead measure with Black Republicanism, as it is commonly called, or the Republican party, I will say—for I do not use the term in derision—would it not really be dangerous and ob-

jectionable to receive a flood of light from a Republican? One of that party has shed light on this occasion, as the Senator from Virginia admits. Will the Senator receive light from such a source?

“But when we come to examine the Homestead proposition, where do we start with it? I want the Senator’s attention. We start with it in 1791, under the Administration of General Washington, and I think he was from the Old Dominion. In 1791 the first Homestead proposition was introduced, and in the language of the law, it was enacted—

“That four hundred acres of land be given to each of those persons who, in the year 1783, were heads of families at Vincennes, or the Illinois country, or the Mississippi, and who since that time have removed from one of the said places to the other; but the Governor of the Territory northwest of the Ohio is hereby directed to cause the same to be laid out for them at their own expense, etc.’

“That law makes use of the word ‘give,’ and it received the approval of General Washington. I think that is tolerably good company. Tennessee is willing to associate with Washington, and especially upon Homestead propositions. The law was approved by the immortal Washington. I think he was about as great a man as any of the modern lights; and so far as I am concerned, I prefer following in the lead the larger instead of what I consider the lesser lights. What next do we find on this subject? Mr. Jefferson recommended in one of his messages to the Congress of the United States the Homestead policy. In the Administrations of Washington and Jefferson this policy was inaugurated by this Government. I prefer to follow the lead and be associated with Washington and Jefferson, than the lights that now shine from the Old Dominion. There are forty-four precedents of laws approved and sanctioned by various Presidents, running through every Administration from Thomas Jefferson down to the present time, carrying out the same principle. Where did this policy have its origin? Where did it start? Its very germ commenced with Virginia, and it has been followed up and brought down to the present time. But, without dwelling on all the cases, I will refer to what was done in 1850. The fourth section of ‘An Act to create the office of Surveyor-General of Public Lands in Oregon, and to provide for the survey and to make donations to settlers on the same public lands,’ approved in 1850, is in these words:

“SEC. 4. *And be it further enacted*, That there shall be and hereby is granted to every white settler or occupant of the public lands, American half-breed Indians included, above the age of eighteen years, being a citizen of the United States, or having made a decla-

ration, according to law, of his intention to become a citizen, or who shall become a resident thereof on or before the first day of December, 1850, and who shall have resided upon and cultivated the same for four consecutive years, and who shall otherwise conform to the provisions of this Act, the quantity of one half-section, or three hundred and twenty acres of land, if a single man, and if a married man, or if he shall become married within one year from the 1st day of December, 1850, the quantity of one section, or six hundred and forty acres, one-half to himself, and the other half to his wife, to be held by her in her own right.'—*Statutes at Large*, Vol. ix. p. 497.

“There is a Homestead bill! There is a grant of six hundred and forty acres to a married man, and three hundred and twenty acres to a single one, not being the head of a family, but twenty-one years of age. That was passed in 1850. I should like to know where the vigilant and watchful Senator from Virginia was when that law passed. I presume that this flood of light had not been shed. He did not see its bearings and tendencies as he seems to understand and see them now. How did the Senator vote upon that question? I suppose the Senator knows; for surely a measure so important, and embracing principles so sacred and vital, could not have passed through this body without the Senator's knowing how he recorded his vote. Where was this faithful sentinel that should have been standing on the watchtower, and should have sounded the alarm and aroused the people of the United States to the dangerous inroad that was being made on their rights and institutions? Where was he? Did he speak? Did he say 'yea' or 'nay,' either by speech or vote? No; but he sat with his arms folded, and allowed this “infamous measure, this agrarian measure,” that was to work such dangerous influence upon certain institutions of the country, to pass without saying either 'yea' or 'nay.'”

“There was one Homestead proposition passed in 1850. Yesterday I quoted a law passed in 1854, and it seemed to be a little difficult for Senators to understand it. One Senator understood it one way, another understood it another. Sometimes it is a good plan to examine and see how a thing is. One said that the law of 1854 was to give homesteads to New Mexico, and if they were given in New Mexico and not in Kansas, that would change the principle! Now I should like to know the difference in principle. But let us see how the thing stands. I read one section from the Act of 1850; and before I could get to read another section, the Senator from Missouri [Mr. Green] took the floor, and made an issue with me; and then the Senator from Virginia resumed the floor, and did not permit me to read another section and make it

understood. The Act of 1854 is entitled 'An Act to establish the office of Surveyor-General of New Mexico, Kansas and Nebraska, to grant donations to actual settlers therein, and for other purposes.' Well, what do we find in the second section of the act?

"SEC. 2. *And be it further enacted*, That, to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, and who was residing in said Territory prior to the 1st of January, 1853, and who may still be residing there, there shall be and hereby is donated one quarter-section, or one hundred and sixty acres of land. And to every white male citizen of the United States, or any white male above the age of twenty-one years, who has declared his intention to become a citizen, and who shall have removed, or shall remove to and settle in said Territory between the 1st day of January, 1853, and the 1st day of January, 1858, there shall, in like manner, be donated one quarter-section, or one hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years.'—*Statutes at Large*, Vol. x. p. 308.

"There is a clear and distinct grant; but the answer was, that it was not a homestead, because the grant was made in New Mexico. Would there be any difference of principle between holding out inducements to go to New Mexico to free homes, and holding out inducements to go any where else? What is the difference? Even in regard to New Mexico, where there was a prospect of slavery, here was a bill inviting settlers to go into the Territory and take the land free, and to carry out this very disastrous idea in reference to slavery that the Senator from Virginia speaks of. And where is he? Yesterday when we referred to it, the Journal was produced to show that there was no vote taken on it; and the answer to the principle and the inconsistency I was exhibiting was, that 'donated' was bad English; as if thereby to escape from the inconsistency in which the Senator was involved."

"Mr. MASON.—I think, if the Senator heard me, he will recollect that I said: I did not remember how I had voted upon that law, but the probability was I had voted for it; but so far from attempting to escape from any responsibility as to my vote, I distinctly declared that it was a matter of not the slightest consequence to me, so far as that policy was concerned, how I voted, and that I presumed I voted for it."

"Mr. JOHNSON of Tennessee.—Well, it is a Homestead proposition, embracing the precise idea of this measure and going to a greater extent, being more enlarged than the bill under consideration. The Senator sat by and permitted a bill to pass, so obnoxious,

and so disastrous, as he now says, especially in reference to the slavery interest, and that, too, with his great literary qualifications, when the bill not only established the Homestead policy, but he actually permitted it to pass in bad grammar.

“Mr. MASON.—That was wrong, I admit. [Laughter.]

“Mr. JOHNSON of Tennessee.—But let us travel on a little further. That was in New Mexico. Next we come right over into Kansas, now in the midst of the Emigrant Aid Society; and see how it operates when we get over into Kansas. We find this is the law now providing for pre-emption there. I read from the same law which I have just quoted :

“‘SEC. 12. *And be it further enacted,* That all the lands to which the Indian title has been or shall be extinguished in said Territories of Nebraska and Kansas, shall be subject to the operation of the Pre-emption Act of 4th September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided, however,* That where unsurveyed lands are claimed by pre-emption, notice of the specific tracts shall be filed within three months after the survey has been made in the field,’ etc.—*Statutes at Large,* Vol. x. p. 310.

“These acts were referred to by the Senator from Ohio [Mr. Pugh] the other day. He was referring to them in the range of precedents, in the speech that he made on this subject, vindicating the measure against the objections that were made both as to its expediency and constitutionality. He referred to this as one of the precedents, and made an argument (permit me to say here in parenthesis) that cannot be answered. Some may attempt, as some have attempted, to answer it; but it cannot be answered. Why try to associate the measure with prejudices that may exist North or South? if it is unconstitutional, come up and meet it on constitutional grounds. If it be inexpedient and dangerous, show it to be so. But here is a pre-emption granted, in Kansas, and when? In 1854, at the time of all the alarm in reference to emigrant aid societies; where was the vigilant, sleepless sentinel then? Where was he who came forth with such power and eloquence yesterday, after receiving that new flood of light—from a Republican source, too?

“In 1850, a homestead was granted. In 1854, in the midst of the excitement about emigrant aid societies, an act was passed granting homesteads and pre-emptions to young men who were not heads of families. Any body could go into Kansas and squat down upon land. Inducements were held out for them to run in. Where was this sentinel that has now become so alarmed, and who wants to know how Tennessee can stand up by such a proposition? Was he here, and did not understand the measure? Was he here, understand-

ing it and standing upon the watchtower as the faithful sentinel, and did not sound the alarm? Was he here, and did not say to those inside the citadel that the enemy was at the gate? If he were, and knew it to be so, I ask why a sentinel of that kind, entertaining the views he does in reference to this subject, when he saw such a dangerous encroachment upon the institution peculiar to the South, did not sound the alarm? Failing to do so, knowing how the facts stand, he is no longer entitled to the confidence of those who placed him here. If he were here, and had not sagacity or acumen enough to see it, or if his mind was not so constructed as to go from cause to effect and look a little into the distance and see the operation of this pre-emption law; if he has not been enlightened until he has received light from Republicans, his mind is dark and not to be trusted. A sentinel, standing on the watchtower, to have eyes and not see, ears and not hear, a tongue and not speak, deserves to be taken down and another put in his place. Sir, think of the mariner who is placed on deck, when he descries in the distance the approaching storm, or the man who is familiar with the forest, and hears the roaring of the trees—an indication of the whirlwind—and will be so listless, so indifferent, as not to sound the alarm that danger is approaching! I say he is an unworthy and unfaithful sentinel!

“When the Senator talks about the representatives of Tennessee, or Kentucky, or any other State, I desire to know where he was when these things were being done? Did he vote? It seems some gentlemen thought yesterday that they got him out of the dilemma, because he did not vote. When a bill is before the Senate, and it passes and no objection is made, it is understood that it receives the sanction of the body—it has at least the tacit consent of all—and every member here is committed to the passage of the bill. If there was all this danger, would it not have been the duty of the Senator to rise in his place, sound the alarm, call for the yeas and nays, and let the country know where all parties stood?

“Then we see where the Senator stood in 1854, and where he stood in 1850. Now let us follow this history a little further, and see where it will carry us. What is the proposition now before the Senate? It is to grant a homestead. It is true the Senator from Missouri [Mr. Green] became very learned the other day in reference to the term “homestead,” as though there was any thing in the christening of a child. The long and short of the bill is, to grant a man a homestead, embracing so many acres. That is the object of it. I do not care whether you call it a homestead or by any other name. The substance is what we want. It is a home, an abiding-

place for a man, his wife and children; and I think if we take the ordinary meaning, as given by our lexicographers, homestead is the proper name. It embraces the building and the inclosure about it, which is commonly denominated a homestead. As to the idea that it must be made perpetual, there is nothing in it. Homesteads can be changed as well as any thing else. Then the bill provides that men shall get homes at low rates, reasonable prices; that it shall be placed in the power of every one to get a home; and it is not to be taken out of that which belongs to every body else. There was a Homestead bill before the Senate in 1854—at a time of great excitement and danger. To that bill Mr. Hunter, then and now a Senator from Virginia, offered an amendment, and in his amendment there was one section which I will read:

“SEC. 9. *And be it further enacted*, That the person applying for the benefit of the eighth section of this act shall, upon application to the Register of the Land Office in which he or she is about to make such entry, make affidavit before the said Register that he or she is the head of a family, or is twenty-one years of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned herein, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon making the affidavit as herein required, and filing it with the Register, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued thereafter, until the expiration of five years from the date of such entry, and until the person or persons entitled to the land so entered shall have paid for the same twenty-five cents per acre, or if the lands have been in market more than twenty years, twelve and a-half cents per acre.’

“This was the amendment offered by Mr. Hunter to the Homestead bill of 1854, which passed the House of Representatives by nearly a majority of two-thirds; and the Journal gives the vote upon it, which I will read:

“On the question to agree to the said amendment as amended,

“It was determined in the affirmative—yeas, 34; nays, 13.

“On motion of Mr. Adams,

“The yeas and nays being desired by one-fifth of the Senators present,

“Those who voted in the affirmative are: Messrs. Adams, Atchison, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Houston, Hunter, James, Johnson, Jones of Iowa, Mallory, MASON, Pettit, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Thompson of New Jersey, Toombs, Toucey, and Walker.’

“Before, we had not the Senator’s vote, but we had his tacit consent; but here stands the vote of the gentleman who is arraiguing Tennessee, to reduce the price of the public land and let a man have it at twelve and a-half cents an acre, according to a proposition introduced by his own colleague. Where does he stand now? I think Tennessee will compare, at least, favorably with the Old Dominion in that particular. But again:

“On motion of Mr. Fitzpatrick to amend the amendment proposed by Mr. Hunter, by inserting after the word “acre,” in the first section, sixteenth line, “and all lands which shall have been offered at public sale, and shall remain unsold thirty years thereafter, shall be reduced to a price of twelve and a-half cents an acre,”

the yeas and nays were again called; and the Senator from Virginia a second time recorded his vote to reduce the price of the land to twelve and a-half cents an acre. Then came the question on the first passage of the bill:

“The bill (H. R. No. 37) to grant a homestead of one hundred and sixty acres of the public lands to actual settlers, was read the third time, as amended; and, having been further amended, by unanimous consent, on the motion of Mr. Pettit, the title was amended; and,

“On the question, Shall the bill pass?

“It was determined in the affirmative—yeas, 36; nays, 11.

“On motion of Mr. Weller,

“The yeas and nays being desired by one-fifth of the Senators present,

“Those who voted in the affirmative are:

“Messrs. Adams, Atchison, Bright, Brodhead, Brown, Butler, Cass, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Hamlin, Houston, Hunter, James, Johnson, Jones of Iowa, Mallory, MASON, Pettit, Rusk, Sebastian, Shields, Slidell, Stuart, Sumner, Thompson of New Jersey, Toombs, Toucey, Walker, and Weller.’

“The Senator was enlightened a little yesterday; I want to enlighten him more to-day. I doubt very much if he remembers exactly what he did on all these questions sometimes, and the refreshing of the memory is of no disadvantage to any of us. I think that his speech yesterday came with no very good grace from a Senator with this sort of record. How do you stand when you talk about the influence on the Slavery question. Does not reducing land to twelve and a-half cents induce settlements? What is the proposition under consideration? It is to reduce the price to twelve and a-half cents an acre in one bill, and in the other ten dollars for the whole one hundred and sixty acres, and paying office fees. Where



is the difference in principle? Where is the enormity of the one that does not exist in the other? Where is the danger to the institution of slavery growing out of the adoption of the one measure that does not grow out of the other?

“Virginia, under a system of bounty land warrants to her Revolutionary soldiers and others, has received nearly two million five hundred thousand acres of land; and when we stand with Virginia, and, commencing with Washington, with every Administration to the present time, are we to be arraigned and taunted with our association? When and where did the pre-emption policy start? Did it not start with General Jackson? When and where did the graduation policy start? Did it not start with General Jackson? Is not Tennessee standing now where she stood then? What is the Homestead policy? It is a part and parcel of the same great idea of carrying the public lands into the possession of every man that will take them and make a proper use of them. We stand where Washington stood. We stand where Jefferson stood. We stand where all the Democratic Administrations have stood, and even where the Senator himself has heretofore stood.

“Where does the gentleman get his association, and what is it for? Instead of relying on the argument of the question, he tries to associate with it a prejudice with which he thinks it can be struck with much more ease and force than by meeting the question upon argument. Virginia is to rebuke Tennessee on this subject, talking about making free States! Is Virginia to rebuke any other State in this Confederacy in reference to free States? Go back to the ordinance of 1787, first brought forward by Mr. Jefferson in 1784; go back to the surrender of public lands in the Northwest, which I never conceded were Virginia's more than any other State's—but let that be as it may, I will not argue it now; she assumed that they were hers; but the surrender of her territory resulted in the creation of five free States, all now admitted into this Confederacy with their Senators on this floor. Is Virginia to rebuke Tennessee, alarmed at the creation of free States? Those States have fallen from your hands. Are you dissatisfied with them? Do you want to turn them out of the Union? Tennessee prefers to follow principle, understanding, that, in the pursuit of correct principle, we can never reach a wrong conclusion; and although some become alarmed and are carried off by the *ad captandum* slang of the day, Tennessee intends to stand on principle and intends to pursue it unalterably and unswervingly, as her own noble rivers that come rushing from her mountain sides, and make their way down her valleys and through her plains in their majestic career to the great Father of waters. Here Tennes-

see intends to stand firm upon principle—as firm and unyielding as her own native mountains, with their craggy and projecting brows, rock-ribbed, and as ancient as the sun. She does not stand here to be rebuked by any State or the Senator from any State. Now, as heretofore, in the field or in council-chamber, she can take care of herself.\*

He again met the property argument of Senators, rebuked the idea that “the Senate was to be obeyed and not the people;” defended the poor man against the charge of being dishonest simply because he was poor; at the same time explaining that his bill was not for “paupers, for miserable lazzaroni, for persons from lazar-houses, for vagabonds,” but for men who had arms, muscles and willing hearts to work. What business would a vagabond have on one hundred and sixty acres of land? As a *refugium peccatorum*, to hedge Johnson and his bill round with a party wall, and separate his measure from a national stand-point, the charge of “Black Republicanism” was leveled against both. In reply, he said, “Not to be vain or egotistic, or to claim any thing from the Democratic party, I want to repeat, in conclusion, that this is emphatically a Democratic measure, inaugurated by the Democracy; and the Republican party have only shown their sagacity, as I remarked before, in one sense, in coming forward and trying to appropriate that which they know meets the approbation of the popular heart. They show their good sense in it; but because they will now go for my measure, or for a Democratic measure, I shall not turn against it.”

This spirited effort led to sharp and personal rejoinders from Senator Mason, who, as Johnson said, spoke in “oracular language, as if all should not only hear, but obey him;” and from Senator Wigfall of Texas, who carried out into opposite extremes the principles upon which Johnson defended the poor, struggling and uneducated masses, by saying the Senator from Tennessee made an attack upon

\* *Congressional Globe*, First Session, Thirty-sixth Congress, p. 1650, *et seq.*

education generally. Douglas, while declining to prolong the debate, as his views had been known for years on the measure, declared that "he could not, if he desired to do so, add any thing to the force and power of the argument presented by the Senator from Tennessee to-day on the subject."

On the 10th of May the bill passed the Senate by a vote of 44 to 8, as follows :

## YEAS.

Anthony, of Rhode Island	Hammond, of South Carolina
Bigler, of Pennsylvania	Harlan, of Iowa
Bingham, of Michigan	Hemphill, of Texas
Bright, of Indiana	Johnson, of Arkansas
Brown, of Mississippi	Johnson, of Tennessee
Cameron, of Pennsylvania	King, of New York
Chandler, of Michigan	Lane, of Oregon
Chesnut, of South Carolina	Latham, of California
Clark, of New Hampshire	Nicholson, of Tennessee
Clay, of Alabama	Polk, of Missouri
Collamer, of Vermont	Pugh, of Ohio
Davis, of Mississippi	Rice, of Minnesota
Dixon, of Connecticut	Sebastian, of Arkansas
Doolittle, of Wisconsin	Seward, of New York
Douglas, of Illinois	Slidell, of Louisiana
Durkee, of Wisconsin	Sumner, of Massachusetts
Fitzpatrick, of Alabama	Ten Eyck, of New Jersey
Foster, of Connecticut	Trumbull, of Illinois
Green, of Missouri	Wade, of Ohio
Grimes, of Iowa	Wilkinson, of Minnesota
Gwin, of California	Wilson, of Massachusetts
Hale, of New Hampshire	Yulee, of Florida—44.

## NAYS.

Bragg, of North Carolina	Mason, of Virginia
Clingman, of North Carolina	Pearce, of Maryland
Hamlin, of Maine	Powell, of Kentucky
Hunter, of Virginia	Toombs, of Georgia—8.

On the next day the House was informed of the action by the Senate. On the 19th the bill was referred to the

House Committee on Public Lands. On the 21st the House adopted a substitute by a vote of 162 to 63, and thus amended, the Homestead bill was passed by the following vote :

## YEAS.

Adams, of Massachusetts	Grow, of Pennsylvania
Aldrich, of Minnesota	Helmick, of Ohio
Allen, of Ohio	Holman, of Indiana
Alley, of Massachusetts	Howard, of Michigan
Babbitt, of Pennsylvania	Humphrey, of New York
Barrett, of Missouri	Hutchins, of Ohio
Beale, of New York	Irvine, of New York
Bingham, of Ohio	Junkin, of Pennsylvania
Blair, of Missouri	Kellogg, of Michigan
Blake, of Ohio	Kilgore, of Indiana
Brayton, of Rhode Island	Larabee, of Wisconsin
Briggs, of New York	Leach, of Michigan
Buffinton, of Massachusetts	Lee, of New York
Butterfield, of New York	Longnecker, of Pennsylvania
Campbell, of Pennsylvania	Loomis, of Connecticut
Carey, of Ohio	Lovejoy, of Illinois
Cochrane, of New York	Maclay, of New York
Colfax, of Indiana	Marston, of New Hampshire
Conkling, of New York	Martin, of Ohio
Covode, of Pennsylvania	McKnight, of Pennsylvania
Cox, of Ohio	McPherson, of Pennsylvania
Davis, of Indiana	Montgomery, of Pennsylvania
Delano, of Massachusetts	Moorhead, of Pennsylvania
Duell, of New York	Morrill, of Vermont
Dunn, of Indiana	Morris, of Pennsylvania
Edgerton, of Ohio	Morris, of Illinois
Edwards, of New Hampshire	Morse, of Maine
Eliot, of Massachusetts	Nixon, of New Jersey
Ely, of New York	Pendleton, of Ohio
Fenton, of New York	Perry, of Maine
Ferry, of Connecticut	Pettit, of Indiana
Florence, of Pennsylvania	Porter, of Indiana
Foster, of Maine	Potter, of Wisconsin
Frank, of New York	Pottle, of New York
French, of Maine	Reynolds, of New York
Gooch, of Massachusetts	Riggs, of New Jersey
Graham, of New York	Robinson, of Rhode Island

Robinson, of Illinois	Tompkins, of Ohio
Royce, of Vermont	Train, of Massachusetts
Schwartz, of Pennsylvania	Trimble, of Ohio
Scranton, of Pennsylvania	Vandever, of Iowa
Sedgwick, of New York	Van Wyck, of New York
Sherman, of Ohio	Wade, of Ohio
Sickles, of New York	Waldron, of Michigan
Somes, of Maine	Walton, of Vermont
Spinner, of New York	Washburne, of Illinois
Stanton, of Ohio	Washburn, of Maine
Stewart, of Pennsylvania	Wells, of New York
Stout, of Oregon	Wilson, of Indiana
Stratton, of New Jersey	Windom, of Minnesota
Tappan, of New Hampshire	Woodruff, of Connecticut—103.
Thayer, of Massachusetts	

## NAYS.

Adams, of Kentucky	Hatton, of Tennessee †
Anderson, of Missouri	Hawkins, of Florida
Anderson, of Kentucky	Hill, of Georgia
Ashmore, of South Carolina	Hughes, of Maryland
Avery, of Tennessee*	Jenkins, of Virginia
Bocock, of Virginia	Leach, of North Carolina
Brabson, of Tennessee †	Love, of Georgia
Branch, of North Carolina	Mallory, of Kentucky
Bristow, of Kentucky	Maynard, of Tennessee †
Burch, of California	McQueen, of South Carolina
Clark, of Missouri	Millson, of Virginia
Clopton, of Alabama	Moore, of Kentucky
Cobb, of Alabama	Nelson, of Tennessee †
Craige, of North Carolina	Noell, of Missouri
Curry, of Alabama	Peyton, of Kentucky
De Jarnette, of Virginia	Phelps, of Missouri
Edmundson, of Virginia	Pryor, of Virginia
Etheridge, of Tennessee †	Quarles, of Tennessee †
Gartrell, of Georgia	Reagan, of Texas
Gilmer, of North Carolina	Ruffin, of North Carolina
Hamilton, of Texas	Rust, of Arkansas
Hardeman, of Georgia	Scott, of California
Harris, of Maryland	Singleton, of Missouri
Harris, of Virginia	Stewart, of Maryland

\* Democrat.

† "Native Americans."

‡ Whig.

Stokes, of Tennessee †  
 Taylor, of Louisiana  
 Thomas, of Tennessee \*  
 Vance, of North Carolina

Webster, of Maryland  
 Winslow, of North Carolina  
 Wright, of Tennessee \*—55.

It is worthy of remark that the whole of the Tennessee delegation in the House of Representatives, the entire ten members, voted against the Homestead bill. The controlling power of the delegation was "American." The ten embraced one Whig, three Democrats, and six elected by the so-called "American" party. Mr. A. O. P. Nicholson, the Senatorial colleague of Senator Johnson, voted for the bill.

After three committees of conference, of which Senator Johnson was a leading member, had met and discussed the provisions of the bill, a majority of the managers on the part of both Houses agreed on a report, which was presented by Senator Johnson to the one, and by Mr. Schuyler Colfax to the other, respectively, on June 19.

As passed, the Senate bill provided that the pre-emptors then upon the public lands might remain there two years before they should be required to purchase their lands, but should then pay for them at the rate of one dollar twenty-five cents per acre. The House, regarding this as removing the pre-emptors from within the purview of the benefits which would apply to subsequent settlers, refused to accede to it. A compromise was effected, and the House changed the bill so as to protect the thousands of pre-emptors now on Government land "to be advertised in the fall for sale, from land sales for at least two years, and to allow them then to secure their homes at one-half the Government price, namely, sixty-two and a-half cents per acre. Compromises on some other points of disagreement were effected, as the best that could be done at the period, and the report agreed upon was con-

\* Democrats.

† "Native American."

curred in by both Houses on the day of its presentation.\*

The bill was presented to President Buchanan for approval on the 20th, but was vetoed by a message to the Senate on the 23d; and thus was the patient labor and enthusiastic devotion of years nullified by the Presidential veto.

Of course, Senator Johnson did not permit his measure to fall under the veto without a vigorous effort to keep it in a position to withstand the powerful blow, but it was in vain. There seemed to be an understanding between Johnson's antagonists, many of whom voted for the bill, and the President, that the former would sustain the latter if he vetoed it. In this, as in all other measures of his Administration, President Buchanan proved himself to be completely under the control of the conspirators; and the conclusion of his official term in its cowardly and parricidal postponement of action against the traitors, was only the natural result of the plans into which Mr. Buchanan had been led by a hatred of Douglas on the one hand, and an obsequious abandonment of his power into the hands of the Southern leaders on the other, to crush the great Illinois Senator. In furthering Mr. Buchanan's purposes for the annihilation of Douglas, the Southern leaders were less successful than in using the power of the Government to foster treason. On every necessary point they used Mr. Buchanan to forward their designs; and it cannot be doubted that the veto was incited through fear of the effect of a Homestead bill, if carried into a law, on the population of the South. One of the charges made against the measure was, that it would induce numbers of men to leave the Southern States. In view of the armed revolt which was then in contemplation, the Southern leaders did not want any such exodus of

\* The vote to concur in the report of the Committee of Conference which finally framed the Homestead law, stood thus: In the Senate—yeas, 36; nays, 2. In the House—yeas, 115; nays, 51.

their fighting material "to fresh fields and pastures new." Johnson's Southern antagonists seemed to have acted all through their opposition to his bill with the full knowledge that Mr. Buchanan would waylay, by a veto, that which they felt would assuredly pass by a vote. As early as May, 1858, Senator Biggs of North Carolina, in reply to Senator Johnson's statement that the public mind was made up in reference to the measure, said: "The Senator from Tennessee assumes that the Homestead bill—the favorite of his—is to pass through both branches of Congress, and is to be approved by the President. Now, I do not profess to know any thing about the opinion of the President on this particular measure, but for the purpose of excluding a conclusion, I desire to say that if I understand the position of the President of the United States in regard to squandering the public lands, this is the last measure to which he will ever consent to give his approbation; but I trust it will be strangled in the two Houses of Congress, as it ought to be. If, however, it should pass through both Houses, I entertain a confident hope that the President of the United States will exercise his constitutional power of vetoing such a measure." Mr. Biggs could not have based such an opinion on Mr. Buchanan's publicly expressed position on the question, but on some more recent instruction; as Mr. Buchanan in his Inaugural Address on the 4th of March, 1857, in presence of the highest legal and legislative functionaries of the Republic and the representatives of the civilized nations of the world, used the following language, which would seem to indicate the exact provisions of the bill which he now vetoed. He said:

"No nation, in the tide of time, has ever been blessed with so noble an inheritance as we enjoy in the public lands. In administering this important trust, while it may be wise to grant portions of them for the improvement of the remainder, yet we should never forget that it is our cardinal



policy to reserve these lands as much as may be for *actual settlers*, and this at *moderate prices*. We shall thus not only best promote the prosperity of the new States, by furnishing them a hardy and independent race of honest and industrious citizens, but shall secure homes for our children and our children's children, as well as those exiles from foreign shores who may seek in this country to improve their condition and to enjoy the blessings of civil and religious liberty. Such emigrants have done much to promote the growth and prosperity of the country. They have proved faithful both in peace and in war. After becoming citizens, they are entitled, under the Constitution and laws, to be placed on perfect equality with native-born citizens, and in this character they should ever be kindly recognized."

Would it not seem that the bill under consideration was drafted with an eye to the propositions contained herein—a portion of the lands being appropriated for the improvement of the remainder, and the balance being, as far as possible, reserved to "actual settlers," and as homes "for our children and our children's children;" and at the same time opening the door to the exiles of other countries to come and cultivate these lands, and, in Mr. Buchanan's language, "to improve their condition, and to enjoy the blessings of civil and religious liberty?" Senator Johnson, alluding to these views of Mr. Buchanan, said: "There is bread and work for all; let them all come, and comply with the law."\*

In the face of such stated views and the paramount fact, not to be overlooked, that the measure passed by more than a two-thirds vote in each House, the control of the conspirators over Mr. Buchanan must have been overwhelming to compel him to veto a measure which, in substance, was approved by George Washington, sustained by Thomas Jefferson, advocated by Andrew Jackson, and promised by himself. The judgment of history will be, that from his

\* *Congressional Globe*, First Session, Thirty-sixth Congress.

treasonable surroundings, and his leagues against the rights of the people at the periods of their severest trouble, James Buchanan could not be expected to appear in the category of those—the Washingtons, Jeffersons, and Jacksons—who had laid the foundations and guarded the fabric of the people's liberties.

Notwithstanding that Mr. Buchanan held out inducements in his inaugural for "exiles from foreign shores" to come and cultivate the soil, that portion of his veto which supplied Jefferson Davis and his followers with the chief reason to sustain it was this very inducement "to foreigners." The plea—stupid and irrational on the very face of it, and egregiously ridiculous, when we remember the ordeal to which the bill was submitted in both Houses on these several committees of conference—was, that the bill put a foreigner on a better footing than a native citizen. Jefferson Davis, taking Buchanan's hint (after having voted for the bill), thought this a great objection, which, however "did not strike him until the message (veto) suggested it."\* Davis voted for the bill lest his colleague from Mississippi, A. G. Brown, who was always the advocate of a Homestead measure, should reap undivided honor from the people of his State; and took the lead in sustaining Mr. Buchanan's veto, on the shallowest of pretences, in the interest of the conspiracy. Senator Pugh of Ohio, a distinguished lawyer, examined the section of the bill upon which the Presidential pretext, and that of Davis and his followers, was founded, and declared it "a quibble." "It does not," he said, "rise above it;" and Senator Harlan† declared it "beneath the dignity of a legal quibble." "No one," he said, "doubts that the President gives this part of the bill a construction not intended by the framer of the bill, or either of the Committees on Public Lands, or any one member of either branch

\* *Congressional Globe*, First Session, Thirty-sixth Congress, p. 3271.

† At present, Secretary of the Interior.

of Congress ; and hence, if susceptible of such a construction, it could be remedied by the passage of a joint resolution in less than thirty minutes." But it was not the object of the President or of those controlling him to pass the Homestead bill ; hence the veto was sustained, two-thirds not having voted against the veto.

I have dwelt on the history of Andrew Johnson's efforts in behalf of a Homestead bill, because the magnitude and grandeur, the wisdom and beneficence of the measure, cannot be over-rated or too greatly appreciated. In this chapter its merits have been variously indicated ; but it is a subject which admits of the widest illustration. It is a peculiarly grateful and beneficial to the people as the atmosphere they breathe, and has met, as has been shown, the sincere approval of our most trusted and beloved patriot leaders. In a lecture delivered by Bancroft on Andrew Jackson,\* the beatings of the old hero's heart for the welfare of the people, in this respect, was timed with the picturesque force characteristic of the eminent historian, who said :

" General Jackson was a pupil of the wilderness ; his heart was with the pioneers of American life toward the setting sun. No American statesman has ever embraced within his affections a scheme so liberal as that of Jackson. He longed to secure for them not pre-emption rights only, but more than pre-emption rights ; he longed to invite labor to take possession of the unoccupied fields without money and without price, with no obligation except the perpetual devotion of itself by allegiance to its country. Under the beneficent influence of his opinions, the sons of misfortune, the children of adventure, find their way to the uncultivated West. There in some wilderness glade, or in the thick forest of the fertile plain, or where the prairies most sparkle with flowers, they, like the wild bee, which sets them the example of industry, may choose their home, mark the extent of their possessions by driving stakes or blazing trees, shelter their log-cabin with the boughs and turf, and teach the virgin soil to yield itself to the plowshare. Theirs shall

\* At Washington, June 27, 1845.

be the soil; theirs the beautiful farms which they teach to be productive. . . . .

“Yet, beautiful and lovely as is this scene, it still by far falls short of the ideal which lived in the affections of Jackson. His heart was ever with the pioneer; his policy ever favored the diffusion of independent freeholds throughout the laboring classes of our land.”

It was remarked at the time, that popular as the subject was, still it did not appear to have attracted all the attention it deserved; for the reason that American citizens in the full enjoyment of republican freedom, men into whose soul the iron of European despotism had never entered, did not fully realize the grandeur of this fundamental law. It is a great charter of liberty for the people, very unlike the Magna Charta of England, extorted by the barons from King John for a privileged few. The undisturbed possession of a free farm, which no power can tax without the consent of the possessor, through his representatives freely chosen, is the very essence of human liberty. It is only people who think deeply on the matter who thoroughly appreciate its wisdom and desire to be advised by it. The land question has been one from which all the feuds of caste and class in the old countries have arisen; and although, as many persons will argue, that there exists no urgent necessity for a Homestead bill, land being abundant and comparatively cheap, unless in the immediate vicinity of cities and thickly populated districts, still the necessity does exist and constantly increases.

Irrespective of the present humanity of such a law, any student of history must see how beneficial will be its results in the future; in adjusting an extensive source of welfare for the people, before powerful interests have a chance to grow up, and be affected by its operation. It is wise to settle such a question before a necessity exists of upturning one class of society for the benefit of the community. Good and timely legislation would adjust the land question in America for ever. One comprehensive organic law saves

the necessity of hundreds of tinkering enactments adopted to remedy an original defect. And as to begin right is the great secret of good legislation, so some such act as Johnson's Homestead bill would prevent any complicated code regulating relations between landlords and tenants—for they would to a large extent be one. In European nations legislators cannot begin at the beginning, for they have to deal with the existing interests of castes and classes, and hence the continual patching without any perfect result. It is only by paternal despots, as it has been done in Austria and Prussia, or by bloody revolutions, as in France, that the strongholds of feudalism are overthrown, and the soil distributed among the people in Europe. The effect of such a Homestead bill would soon be felt by the increase of the best kind of population; an independent agricultural proprietary, the hardy, healthy tillers of the soil, the only sound basis on which a nation can stand. The increase of all the productions of the country; the increase of employment for the distributive classes; the increase of commerce and manufactures; the decrease of poverty and disease, idleness and crime, would follow; also the reduction of surplus labor and excessive competition in large cities, and better, because more equable wages, more room, more food, and better habitations for the labor that remains.

In a popular view of the land question, after Johnson's early efforts in the House of Representatives had drawn attention to the subject, it was shown that in all countries where the land tenure is secure the people advance in comfort, stability and content. It is the distribution of the land among the people, and the security of their tenures, that constitute the strength of the French people. For Paris is not France save in the eyes of politicians; "the peasant proprietors do not participate in the revolutionary sentiments and designs of the capital." It is the freehold and happy homes of Switzerland that preserve that

Republic amidst the "cunning despotisms" which surround her. The greatness of Holland was laid by the industry of her small proprietors. "It was the breaking up of land monopoly by the energetic measures of Solon that saved Attica in his day from destruction. It was the bold measure of the overthrow of feudalism, by her king, that has made little Prussia, in our own time, one of the 'five great Powers of Europe.' It was the monopoly of the soil by a few proprietors that destroyed the Roman Republic in the meridian of its high civilization. Capital accumulated but men decayed. Landlordism has made beautiful 'Erin of the Streams' what she is, and it is the millstone around the neck of the British Empire that will yet drag her down to the bottom of her own element."

Thus history, ancient, feudal and modern, presents examples which should not be overlooked, and warnings which should command an equally devoted attention from all of our statesmen as that given to the subject by Andrew Johnson. Past history probably did not so much inspire his thought and action as the necessity which experience taught. In this is to be found the very touchstone of the popularity of the idea, and all embraced within it; while at the same time it is but strengthened by the teachings of history and the fates of other nations.

The United States Government is the largest landed proprietor in the world. Its acres of untilled soil are numbered by the hundreds of millions. Of the area embraced within the limits of the Union, only about one-third is in the hands of private individuals. Nearly two-thirds belong to, or are subject to the disposition of the Federal Government. Under the general authority to dispose of, and make all needful regulations respecting the territory and other property of the United States, Congress has from time to time disposed of the territory for cash and on credit. Congress has disposed of the territory for school purposes and for

internal improvement purposes, giving it to the States, to corporations, and to private companies, for these and other purposes. Congress has from time to time voted bounties to soldiers, to be paid in land ; and these bounties have been voted in time of war as an inducement to volunteer, and in time of peace as a naked gratuity. This legislation and these modes of disposing of territory have received the sanction of all the Presidents and of every class of politicians. So far as precedent can go, it settles the question of power in this case. If Congress can sell the public lands on a credit, or for one dollar and a-quarter cash per acre, why may it not be sold for ten cents or one cent an acre. If Congress can give the new States, as it did in 1842, five hundred thousand acres each for internal improvement purposes ; if, as in the case of every new State, the sixteenth section in each township can be given for common-school purposes ; if, as in the case of Mississippi and most of the new States, Congress can give lands for seats of government, and for colleges and universities ; if, as in the case of the Mexican war, and in the case of our Indian wars, the honorably discharged soldiers can have lands *given* to him, is it not idle to dispute, as many have disputed, and to deny the plenary power of the Government to dispose of the public lands—to *give* them, if need be, to actual settlers?\*

We cannot, even with our vast extent of territory, be too anxious on the land question, or too solicitous to take action for the prevention in any future time of any such debasing state of existence within the Republic as that which results from the growth of a large landed proprietary. The degrading influences of feudalism may exist in fact while not in name. The corner-stone, basis and bulwark of feudalism is the concentration of the soil in the hands of an aristoc-

\* *Congressional Globe*, First Session, Thirty-second Congress. Brown. See *passim* references to Public Lands.

racy.\* The safety of a nation is the distribution of land in the hands of those who work it.

The author of the *Novum Organum* distinguishes, among other remedies for the prevention of instability, sedition and trouble among the people, the cherishing of manufactures, the banishing of idleness, the improvement and husbanding of the soil;† and further discourseth suggestively in a manner which may be applied to the subject under notice :

“Let States that aim at greatness take heed how their nobility and gentlemen do multiply too fast ; for that maketh the common subject grow to be a peasant and base swain, driven out of heart and in effect but a gentleman’s laborer. Even as you may see in coppice woods ; if you leave your straddles too thick, you shall never have clean underwood, but shrubs and bushes. So in countries, if the gentlemen be too many, the commons will be base ; and you will bring it to that, that not the hundredth poll will be fit for an helmet ; especially as to the infantry, which is the nerve of an army ; and so there will be great population and little strength. This which I speak of hath been nowhere better seen than by comparing of England and France ; whereof England, though far less in territory and population, hath been, nevertheless, an overmatch, in regard the middle people of Eng-

\* The feudal aristocracy was an adjunct of land. Hence the idea so inveterately rooted in modern Europe of the superiority of land-owners above men as rich, and as well educated, and as well bred, whose property comes from other sources, or whose income is derived from trades or professions. The effects of this prejudice are still felt far and wide in the society of every country at this day. It gives an undue preponderance to what is called the landed interest everywhere ; and it makes merchants and professional men always seek alliances with that body, and desire to take the earliest opportunity of belonging to it.—*Political Philosophy*. Lord Brougham, Vol. 1. Chap. vii.

I do not use the word “aristocracy” in any *ad captandum* sense ; but to distinguish those who live more by idleness and have a contempt for labor, than those who by great deeds or endowments are looked up to by the people as above though of them. These latter form the aristocracy which pertains in the history of the Republic of the United States ; it is the aristocracy of democracy and of which Jefferson, Henry, Roger Sherman, Nathaniel Green, Jackson, Douglas, Lincoln and Johnson are striking examples.

† *Essays, Civil and Moral*, by Francis Bacon. Lord Verulam.



land make good soldiers, which the peasants of France do not; and herein the device of King Henry VII. (whereof I have spoken in the history of his life) was profound and admirable, in making farms and houses of husbandry of a standard; that is, maintained with such a proportion of land unto them as may breed a subject to live in convenient plenty and no servile condition; and to keep the plow in the hands of the owners, and not mere hirelings; and thus indeed you shall attain to Virgil's character, which he gives to ancient Italy,

“Terra potens armis atque ubere glebæ.”\*

\* A land powerful in arms and in richness of soil.—(*Essays, On the True Greatness of Kingdoms and Estates.*)

## CHAPTER VI.

RETRENCHMENT—The Army Bill to make more Officers and Skeleton Regiments—Substitute offered by Johnson—His Reason for Opposing Davis' bill—No Permanent Increase of the Army—The Revenue of the State is the State—Congress Responsible for Reckless Expenditures—Cost of the Army from 1800—The Total Expense of Government from the Same Period—Warning to the Democratic Party—Extract from Speech against a Standing Army—Constitutional Powers—Militia and Volunteers—The Power of Government Vested in the Citizen Soldiery—Washington on the Citizen Soldiery, the Army of the Constitution—Jeff. Davis on Volunteers—"Cheap" Men for the Army—European Armies—Davis slights General Scott—Johnson's Compliment to the Latter—Houston shows that Washington and Jackson were only Military Men on Occasions of Necessity—Hunter Cornered—Iverson makes a Speech without a Subject—Defense of the Tennessee Heroes in the Revolutionary, 1812, Indian and Mexican Wars—Iverson Apologizes—The Tennessee Resolutions—Senator John Bell's Opposition to them—Johnson on Senatorial Aspirants for the Presidency—Bell not Johnson's "Competitor"—Sharp Debate—Explanations.

IN the Thirty-fifth Congress, Senator Johnson not only took an early opportunity to resuscitate the Homestead bill, but soon became distinguished by the earnestness with which he impressed on his colleagues the necessity of reform and retrenchment in financial affairs; and his sedulous opposition to all measures which might by legislative sanction be made a means of incurring public expenditure. The same experience which made him see the necessity of homesteads for the people also suggested to him the duty of holding the guardians of the people's Treasury to a strict accountability. Senator Johnson, however, was not simply or demagogically desirous of making a show of public vir-

tue regarding present expenditure ; he was anxious that every precaution should be taken to prevent the necessity of further expense, or the possibility of the Government plunging into extravagance. Having, as Sir Thomas Brown recommends, "bid early defiance unto those vices" in himself, he knew he represented not only the wants but the wishes of the masses, and desired that the Government should reflect that simplicity and economy which the masses feel it a duty to cultivate. Hence he early took grounds in favor of retrenchment on the Army bill, as proposed by Jefferson Davis, in anticipation of a Mormon war.

On January 21, 1858, Senator Davis reported from the Committee on Military Affairs, a bill for the increase of the military establishment of the United States. The bill proposed to add to each regiment of dragoons, cavalry, infantry and mounted riflemen two companies, and to increase the number of privates in each company in the field or on remote or frontier stations, from fifty-two to ninety-six. Among other provisions of the bill was, that regular promotions to vacancies occurring in the regimental grades of commissioned officers of the United States Army, were to be by regiments or corps, instead of by arms of service. Senator Davis advocated the measure on the theory which he said was "handsomely illustrated by Mr. Calhoun," of creating a skeleton army in time of peace capable of sudden expansion in time of war to the exigencies of the occasion. He had no disposition to merely reduce expense by disbanding a few officers, when the present anticipated necessity ceased to exist : on the contrary, his desire was to have a greater number of skeleton regiments with more officers and fewer privates, which could be readily filled up and would give us the benefits of discipline at the commencement of a war.

This bill and the mode of its advocacy attracted a great deal of attention and much vigorous debate. The increase of the standing army was especially objectionable, not only

as regarded the expense at a period when the Treasury was not in a very flourishing condition, but as opposed to the spirit of the American system. Much recriminative criticism was evoked on the regular service and the volunteers respectively, Senator Davis defending and paying homage to the former. It was suggested by Senator Hale of New Hampshire, that if an increase was made in the Army, the idea that it would ever go back, or become smaller, as long as there was money or credit to maintain it, was too absurd to be spoken of. "There are," said he, "no backward tracks when our Government begins to expend money."

Davis' bill was amended in various ways by the Senate, and for the bill as amended, Senator Wilson offered a substitute, which he relinquished in favor of a substitute presented by Senator Johnson on the 18th February, which, striking out all after the enacting clause, authorized the President, for the purpose of enforcing the laws of the United States to call for and accept the services of infantry volunteers, not exceeding four thousand both officers and men, to serve for and during the pending difficulties in the Mormon Territory. It was further provided that the companies should have the regulation number and elect their own officers; be equipped at the national expense; that in case of wounds or disabilities during service, they should be entitled to all the benefits conferred on United States soldiers; and that "said officers, musicians and privates" authorized by the act be immediately disbanded at the termination of the Utah difficulties.

Senator Johnson was opposed to the Davis bill, because it provided for a permanent increase of the rank and file of the standing army. He was opposed to that on any occasion. Standing armies were contrary to the genius of our Government and to the temperament of the people. Moreover, it seemed that undue advantage was taken of the crisis, such as it was, to advocate a permanent increase, and, by

the light thrown on the course of Davis and his associates since, this increase was, without doubt, intended to add strength to the ultra Southern party which would control the appointments. No doubt Senator Johnson saw through this, for he reminded the Senate that the President, while requesting an additional force, did not ask for a permanent increase.

It is usual to rebuke legislators who constantly advocate retrenchment; to regard them as "wanting in public spirit," and as not coming up to that "grasp of purpose" which characterises statesmen. Senator Johnson was not to be swayed from his principles or purposes by any of these charges or innuendos. He believed, with Edmund Burke, that the revenue of the State is the State, and in its careful usage or extravagant expenditure can the life and character of the State be preserved or dissipated. After opposing the Standing Army bill, on principle, as against the spirit of the people, he also threw himself against it as a means of unnecessary expenditure. He brought home to Congress the responsibility of such extravagance, as without legislation on the subject the Administration would be powerless. "I wish to ask Democratic Senators," said he, "if this is a time to increase the expenditures of the Government? You are responsible for the expenses of the Government. You have the majority. You have the control of the Treasury in your hands. It is idle to go before the country and talk before the people about the expenditures of the Administration. Who hold the purse-strings of the nation? When we run through the appropriations of this Government, from its origin to the present time, we find that the appropriations have generally outgone the expenditures. Who make the expenditures? The President may recommend for this and for that, and he may make extravagant recommendations; but the query comes up. Is Congress bound to appropriate? You, the appropriating power, hold the purse-strings of this

nation in your hands ; and if the expenditures of this Government go on increasing as they have been going on for a considerable number of years back, you are responsible, not the Administration." After admonishing the Chamber of the responsibility in the premises, Senator Johnson presented for its examination some striking facts illustrative of the growth of public expenditure bearing on the subject before it.

Dividing our history into decades, he showed that in 1800, at the end of the first decade, the expenses of our Army was \$2,560,000 ; in 1810 it cost \$2,294,000 ; in 1820, \$2,630,000 ; in 1830, \$4,767,000 ; in 1840, \$7,695,000 ; and in 1850, \$9,687,000. " You will remark," added the Senator, " that, at the end of all these decades, in the year for which the calculation is made no war existed, but the sums embraced all the expenditures of the War Department. In 1857 what do we find them to be ? They reach the pretty little sum of \$19,159,000 !" Taking the aggregate expenditures of the Government, he found that the entire expenses for the year 1800 was \$7,411,000 ; for 1810, \$5,592,000 ; for 1820, \$10,723,000 ; for 1830, \$13,864,000 ; for 1840, \$26,196,000 ; for 1850, \$44,049,000. In 1857 the expenses ran up to \$65,032,000, and the estimates for 1858 were \$74,963,000. He further showed from his statistical researches, that in a country where the prejudice of the people and the genius of the Government are against a standing army ; in a country where the standing army has been put down to its lowest possible point, that two-thirds of the entire revenue collected from the people of the United States have been expended on this army in miniature, and a navy " not out of its swaddling clothes." Keeping in mind the outcry made by those who vote for all things and look into but few, and accuse the more patient and conscientious legislators with want of " liberality" and lack of generous views of public policy, he said : " I know it is very easy for Senators, and those who are not Senators,

to speak disparagingly of those who count the dollars and cents when an appropriation is proposed for this or for that purpose ; but we see where our appropriations have brought us. They have brought us just where we are—in the midst of extravagance, in the midst of profligacy, in the midst of corruption, in the midst of improper applications of the people’s money.” He warned the Democratic party, especially when they found the opposition willing to unite with them on the question, to enter at once upon the path of curtailment. If expenses kept on increasing, the people would awaken to it, and ascertaining the true state of affairs, would sustain the party in favor of arresting the extravagant expenditures of the Government. Thus awakening the minds of Senators as to the results of a hasty and inconsiderate action on the Army bill, Senator Johnson supported his opposition to standing armies in a telling speech, some extracts from which may be appropriately reproduced here.

“ But, sir, I come back to the more immediate question before the Senate, and that is as to calling out an additional military force. We are told by the friends of the Committee’s bill that we do not want volunteers. General Washington, in 1794, ordered out fifteen thousand of the militia to suppress the insurrection of what we called the ‘ Whisky boys’ in Pennsylvania, and General Washington at that time acted upon what he understood to be the theory of the Government, as contained in the Constitution.

“ In the enumerated powers of the Constitution, we find the grant to Congress of power—

“ To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

“ To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.’

“ What is meant there ? Does the Constitution contemplate a large standing army ? Congress has power to declare war ; and the body on which this power is conferred is authorized to raise and maintain an army. This is given as an incident as necessary to the express grant to carry out the war-making power. Does that imply that you can keep fixed on the people a large and expensive stand-

ing army? Proceeding with the Constitution, we find that Congress has power—

“To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions. To provide for organizing, arming, disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.”

“Do we not see the militia was considered the proper force to sustain the strong arm of the Government? It never was contemplated to have a standing army. But it is said we do not want this description of force. When we look into the Constitution further, we find that the States are prohibited from keeping a standing army. Our Federal and State Constitutions were made by our fathers, who were familiar with the oppression of the Old World, who had witnessed the encroachments and dangers of standing armies in those old Governments. Hence, we find in all our bills of rights—perhaps not in all of them, but certainly in most of them—that standing armies are dangerous, and shall not be allowed; and the Constitution of the United States provides for calling the militia to suppress rebellion or insurrection against the Government. What does this contemplate? It contemplates most clearly that the power of this Government is to be vested in the citizen soldiery, that they are to be called forth when the Government needs them, and to answer the purpose for which the Government calls them into service. I am for that description of force; I am for confiding in and relying upon the volunteers of the country. They are the citizen soldiery in the proper acceptation of the term. I am for that description of soldiers that go when war comes. I am for that description of soldiers that come when war goes; who are not willing to enter the Army for a living and depend upon the Army for their support. General Washington gives us in his message of 1794 an illustrious example in what he said on this subject. He says of the fifteen thousand men who were called out to suppress and put down the ‘Whisky boys’ in Pennsylvania:

“It has been a spectacle displaying to the highest advantage the value of Republican Government—to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the Army of the Constitution.”

“That was what Washington thought. He would be considered



a demagogue, a peace calculator, a narrow-minded politician, if he were to live and speak that language now; but he thought the true army of a Republican Government should be composed of the most respectable and the least respectable, of the most wealthy and the least wealthy, fighting together when occasion required them to tender their services. This was the army that Washington presented as an admirable spectacle of a Republican Government; but when we come to modern times and to more distinguished men, we find a different doctrine preached. The honorable Chairman of the Military Committee—I am sorry he is not in his seat—in speaking of the citizen soldiery, or of volunteers, makes use of the following language:

“Nothing would be more unjust than to call people from their peaceful avocations, and keep them for a long period at frontier posts to guard frontier settlements. It would take lower material, too, than compose the volunteers who turn out in time of war. Among my objections to the employment of volunteers for such service, is the very elevated character of the young men who are often induced thus to enter the service; men who are worthy of better employment, whose habits are injured, whose train of thought or pursuit of some profession is broken in upon by this temporary service, where a cheaper man would do as well.”

“General Washington presented it as a noble spectacle that the force which he had ordered out, in obedience to the wants of the Government, was composed of the most and the least wealthy and respectable. That was the idea that General Washington had, and he presents it as an illustrious example in a republican form of Government. But hear the Chairman of the Committee:

“If I may be permitted, without an appearance of egotism, to refer to my own observation, I would say that when I have traveled among the people from whom the volunteers were drawn who went to Mexico, I have had this fact more deeply impressed upon me by the sad countenance of some father, the tears of some mother, over the fate of a promising young man, who fell in performing the duties of a private soldier. The material is too high, except when the honor of the country demands it.”

“This carries us back to the condition of and material of which armies are composed in European countries. What is the material of which they are composed? There is a broken-down and brainless-headed aristocracy, members of decaying families that have no energy by which they can elevate themselves, relying on ancestral honors and their connection with the Government. On the other hand there is a rabble, in the proper acceptation of the term—a

miserable lazzaroni, lingering, and hanging, and wallowing about their cities, that have no employment; and they are ready and anxious to enter the service of the Government at any time, for a few sixpences to buy their grog and a little clothing to hide their state of nudity. Such is the material of which their armies are composed—the rabble on the one hand, and the broken-down, decaying aristocracy on the other. Where does the middle man stand? Where does the industrious bee that makes the honey stand; from whose labor all is drawn? Where is he? He is placed between the upper and the nether millstone, and is ground to death by the office-hunter on the one hand, and the miserable rabble in the shape of soldiery on the other. I want no rabble here on the one hand, and I want no aristocracy on the other. Let us elevate the masses, and make no places in our Government for the rabble, either in your Army or the Navy; but let us pursue these great principles of government and philanthropy that elevate the masses on the one hand, and dispense with useless offices on the other. Do this, and you preserve the great masses of the people, on whom all rests; without whom your Government would not have an entity.”

He regarded a standing army as an incubus, a canker, a fungus on the body politic. He would rely on the citizen soldier, the man that loves his country. In the following passage, the Senator indicated Davis' omission of any mention of General Scott one of the vindictive weaknesses of the Ex-Secretary of War.\*

“In the course of the discussion on this bill, there were occasionally some strange developments. The eloquent Chairman who sustained the bill with so much ability all the way through, whenever he came to notice a man who had distinguished himself, seemingly had prepared a standing eulogy to pronounce on his character. As to every thing that pertained to the standing army properly, he seemed to be *au fait*. He was ready at any point to pre-

\* This debate on the Army bill was exceedingly able and spirited, especially in the hands of Senators Davis, Hale, Houston, Johnson, Seward, Iverson and Toombs. The latter was violently opposed to the regular Army not only as to its efficiency, but as to its bearings. On one occasion he declared it was just as impossible for the Ethiop to change his skin, or the leopard his spots, as for a regular Army to be the friend of liberty. Senator Seward said, “If there ever was a bill well debated, I think it must be this one.”

sent them and identify them with the Army, and especially with West Point. He commenced with Washington, and pronounced a eulogy upon him, the great and good ; 'first in war, first in peace, and first in the hearts of his countrymen.' My heart responds to all that. He spoke of Jackson, from my own State ; and if there is any man that ever lived that I venerate, it is the illustrious Andrew Jackson. He spoke of Colonel Johnson, who has command of your forces now away in the region of Utah, and he pronounced a eulogy upon him ; of General Taylor, distinguished and brave (and I have not aught to say against him), and he pronounced a eulogy upon him—his courage, his valor, his chivalry ; and last, though not least, of my distinguished friend from Texas [Houston], on whom he pronounced a eulogy, and I say Amen to all of it.

"I will not undertake to add any thing to what he said on that occasion, but in this brilliant galaxy of military chieftains, men who have been in the thickest and hottest of the battle ; men, over whose gallant efforts your banner has triumphantly waved ; upon whose standard the eagle of liberty has again and again perched ; did it not occur to you that there was another man who was somewhat distinguished ? I understand that that man, too, concurs with the Secretary of War in asking for regiments ; not to fill up the rank and file with cheap men, but to have regiments, not companies. Who is that man ? It occurred to me as being somewhat strange that nothing was said of him. I am no admirer of the individual to whom I allude, in a political point of view, but his military reputation is a part of the history of this country, and his military renown is only bounded by the limits of the civilized world. Who is he ? When you come to look at him exclusively in a military point of view, he stands up in this great cluster of military chiefs like some projecting cliff from a lofty mountain. Did we never hear of Winfield Scott ? Has he no

place in the military annals of our country? Has he fought no battles? Has he shed no blood? Has he not shown himself to be illustrious as a soldier as well as a tactician? Why was he omitted? Why was he excluded from the category of great men? Why was there an omission to pronounce a eulogy upon him? I know there is nothing I could say that would add one gem to the brilliant chaplet that encircles his illustrious brow, and therefore I will not undertake to say any thing in reference to that distinguished man. As a military chieftain, he belongs to the nation; his success on the battle-field, to the history of the world.\*

Davis having pointed to Washington and Jackson, with the others alluded to, as examples of purity in military offices, General Houston replied: "Why, sir, Washington began his military career as a militia officer under Braddock, and as soon as Braddock's campaign was done, he retired to the scenes of private life. He did not seek the Army as an avocation. When the Revolution began, destiny called him to the head of our forces. . . . He retired from office whenever the necessities of his country permitted him to do so. Jackson, too, was called from private life to military service; and I venture to say he never mustered with a company in his life before he went into actual service. . . . Jackson was called into the field at forty years of age, and when the emergency was over he retired again to pri-

\* The deadly enmity of Davis to General Scott is indicated by the latter when speaking of the movement in 1852 to give him a *brevet* Lieutenant-Generalship. "Mr. Jefferson Davis, soon in the Cabinet, allowed of no intermission in his hostility. The rank could not be withheld: but he next resolved that it should carry no additional compensation, however clearly embraced. Yet he permitted the question of compensation to go to the Attorney-General, but coupled the reference with a volunteer argument of fourteen pages, against the claim—he, himself being profoundly ignorant of law—for the benefit of the law officer of the Government. It is true he informed me that he had made the reference, but I was purely indebted to accident for my knowledge of his legal argument." He calls Davis his "deadly enemy," and states that he (Scott) was not out of his hands until the "declaratory resolution" was embodied in the military appropriation bill; otherwise, Davis would have "certainly caused it to be vetoed." (See Scott's *Autobiography*, Vol. II.)

vate life. He never sought office. He even resigned a seat in this august body, that he might give place to a man, as he supposed, of more experienced and enlightened views, General Smith. He afterward resigned the office of Major-General in the Army, or intimated his disposition not to serve longer. He resigned the Governorship and Captain-Generalship of Cuba and Florida, after he had accomplished the purpose of his Government there. He sought private life ; or, if he occupied public station, it was for the purpose of being useful to the country, and not to be an incubus upon it.”\*

Senator Hunter of Virginia had congratulated the Senate on the economical views of Senator Johnson, but accused him of not practicing what he preached, inasmuch as he proposed to raise more men than the Davis' bill which he opposed. Johnson retorted by showing that he meant to raise men to meet a supposed emergency, while the other bill comprehended a permanent increase. Senator Simmons of Rhode Island then proposed to Johnson to modify his bill to the raising of three regiments, the amount advocated by the Senator from Virginia, instead of four thousand men ; to which the Senator from Tennessee said he would accede if Hunter would vote for it. The latter, thus cornered, said :

“ Why should the Senator suppose that I will vote for it, when I have just told him that I believe the volunteer troops are more expensive than the regulars.”

To which Johnson replied : “ I am aware that the gentleman told me so ; but I had supposed that the facts to the contrary would have satisfied him.”

In a further parly Hunter declined to go into the subject, referring to Senator Iverson of Georgia, who, he said, was prepared on it, and would satisfy the Senate.

After his usual fashion, Iverson made an excited and ex

\* *Congressional Globe*, First Session, Thirty-fifth Congress.

citing display, in the course of which he reflected severely on the military character of Tennessee, and manifested more ill-feeling than argument, more personality than judgment. Johnson replied, and the passage at arms became of such a character as to arouse the anxious interest of the Chamber. The Senator from Tennessee, however, not only overwhelmed the irate and unreasoning Georgian with ridicule, but drew from him an apology to the State of Tennessee. After the debate had progressed with considerable warmth and recrimination on both sides, Senator Iverson made an explanation to substantiate his position on the bill, and here I will give the words of the official report :

“ Mr. JOHNSON of Tennessee.—The Senator’s explanations show that he has not made himself familiar with the provisions of my substitute. It provides expressly that the volunteers shall be received into the service of the United States during the pending difficulties of the Mormons, and in no event shall they be continued in service longer than two years.

“ Mr. IVERSON.—I will read the amendment of the Senator, if he will allow me :

“ ‘ To serve for twelve months, unless they be sooner discharged, after they shall have arrived at the place of rendezvous, or been mustered into the service of the United States.’

“ Mr. JOHNSON.—What bill is that ?

“ Mr. IVERSON.—Yours.

“ Mr. JOHNSON.—I reckon not.

“ Mr. IVERSON.—Here it is.

“ Mr. JOHNSON.—Read it.

“ Mr. IVERSON.—‘ Substitute to be proposed by Mr. Wilson,’ and that is the same thing !”

The official record does not chronicle the laughter with which the Georgian’s discovery was greeted, nor the overwhelming discomposure of that gentleman in his ridiculous position ; but the scene was too suggestive to be overlooked

by the reporters and editors of the journals of the day. The helplessness of Senator Iverson's position was rendered more ludicrous by the vigor with which Senator Johnson followed up the point.

"Ah!" said he, "that is another matter. So the Senate will discover that the Senator from Georgia has made a speech without a subject. He has missed the subject entirely. He shows that his argument was made upon another amendment. . . . What, then, becomes of the Senator's argument? What becomes of all the feeling he manifested? The feeling manifested was as unnecessary as the argument was absurd."

A dashing and bright episode in this debate was Johnson's defense of his State. It exhibits the racy readiness with which the self-educated Senator, when aroused, could handle an antagonist in debate, without preparation; drawing promptly upon the various and plentiful resources of a laboriously well-stored mind, guided by the passions, genius and instincts of native intellect.

"But, sir, the Senator has referred to my State. I ask the Senate, I ask the people of this nation, if it is any part of Tennessee's history that her people have been ever wanting in prowess or courage? She needs no vindication from me; it exists in her own history. I could recite many of her military deeds that would be ample, if her reputation was not beyond the assaults of the Senator. I could begin with the battle of King's Mountain, which was fought before Tennessee was a State. It was then a portion of the Territory of North Carolina, but the people went from the eastern counties of Tennessee, and there, amidst the din and the dust and the heat of battle, they showed themselves to be brave men. Is it necessary to allude to the Seviere, the Shelys, the Hardings, and the long list of those gallant patriots who participated in that battle? When you examine the history of the country carefully, you will find that it was that

battle which turned the tide of the Revolution. The country had been laid waste, disaster had attended our arms ; but from the battle of King's Mountain, down to the surrender of Cornwallis, our troops triumphed everywhere.

“How was it in the War of 1812? Go to the cold region of the north, and do you not find Tennessee soldiers, in connection with their compatriots in arms, traversing the frozen ground, and pouring out their blood freely in defense of the northern frontier? Go to your southern campaigns, in an inclement climate, beneath a burning sun, where disease and death cut them down, and were not Tennessee's sons there? Go through your Indian campaigns, and were they not there? Go through the battles of Talladega, Emuckfau, or Horse-shoe and Hickory-ground, and where ever it was necessary to make a display of bravery and gallantry, were they not there? I could hardly undertake to name her gallant sons who have distinguished themselves in your military service, because they are so numerous that their names do not now occur to me. Where is your Carroll? Where is your Houston that was wounded in the battle of Horse-shoe? I can claim him as a Tennessean. How was it in the Mexican war? Go to Monterey ; go to any point where there was fighting to be done, and were not Tennesseans there? Where was your Campbell? Where was your Anderson? Were they not at Monterey, leading on their gallant fellows in the thickest and the hottest of the fight? On what occasion is it that the sons of Tennessee have faltered? Was it at the battle of New Orleans? There were Jackson and Carroll, and a long list of others. On the 23d of December, 1814, they were gallantly engaged in the contest of the enemy in the swamps and the lagoons ; and on the memorable 8th of January, 1815, the sons of Tennessee, in connection with those of Kentucky and other States, distinguished themselves. When the embattled host was



advancing, when the rockets were going up, indicating the commencement of battle, Tennessee's gallant leader, her own noble and glorious Jackson, who stands in this great forest of men the admiration of the American people—where was he? In the thickest and hottest of the battle his stern voice could be heard, rising above the roar of artillery, urging his men on to the encounter."

Senator Iverson, with that promptness of feeling which, in excitable natures, is almost as ready to admit an error as to plunge into one, took occasion to withdraw his remarks, or, as he himself afterward said, he disclaimed having made any imputation conveyed, and accorded "to the people of Tennessee as much bravery and personal courage as any people in the United States."

The Army bill, as finally adopted,\* completely checked the desire to increase the standing armies. It provided for the raising of two regiments for eighteen months, unless sooner discharged by the President.

- In this same session the debate on the "Tennessee resolutions" between the Senators from that State attracted widespread attention, not only from the nature of the resolutions, which referred to the great topic of the day, but from the character of the men drawn into conflict on them and the method by which they were discussed. The resolutions are as follow :

"Whereas, the Act of 1820, commonly called the 'Missouri Compromise Act,' was inconsistent with the principles declared and laid down in the Act of 1850, better known as the Compromise Act of that year; and, whereas, the Missouri Compromise Act was a palpable wrong done to the people of the slaveholding States, and should have been repealed; and, whereas, the principle of the Kansas-Nebraska bill meet our unqualified approbation, and should have received the cordial support of our Senators and Representatives in Congress; whereas, one of these Senators, Hon. John Bell, in a speech delivered against the Kansas-Nebraska bill, May 25, 1854, said: 'A noble, generous and high-minded Senator from the South,

\* Approved April 7, 1858.

within the last few days before the final vote was taken on the bill, appealed to me in a manner which I cannot narrate, and which affected me most deeply. The recollection of it affects and influences my feelings now, and ever since I told the honorable Senator that there was one feature in the bill which made it impossible that I should vote for it, if I waived all other objections. I said to others who had made appeals to me on the subject, that while it would afford me great pleasure to be sustained by my constituents, yet if I was not, I would resign my seat here the moment I find my course upon this subject was not acceptable to them. As for my standing as a public man, and whatever prospect a public man of long service in the councils of the country might be supposed to have, I would resign them all with pleasure. I told that gentleman, that if upon this or any other great question affecting the interests of the South, I should find my views conflicting materially with what should appear to be the settled sentiment of that section, I should feel it my imperative duty to retire. I declare here to-day that if my countrymen of Tennessee shall declare against my course on this subject, and that shall be ascertained to be a reasonable certainty, I will not be seen in the Senate a day afterward.' Therefore,

*"Be it resolved by the General Assembly of the State of Tennessee,* That we fully concur with the Hon. John Bell as to the duty of a Senator, when the voice of his constituency has decided against him on a question materially affecting their interest.

*"Be it further resolved,* That in our opinion the voice of Mr. Bell's countrymen of Tennessee, in the recent elections, has declared against his course on the Kansas-Nebraska bill, a question of vital interest to the South.

*"Be it further resolved,* That our Senators in the Congress of the United States are hereby instructed, and our Representatives are requested to vote for the admission of Kansas as an independent State, under what is termed the Lecompton Constitution, transmitted to the Senate and House of Representatives in Congress assembled, by President Buchanan, in his message to them, dated the 2d of February, 1858.

*"Be it further resolved,* That the Governor of this State forward a certified copy of these resolutions to our Senators and Representatives in the Congress of the United States.

"Adopted February 10, 1858.

"DANIEL S. DONELSON,

*Speaker of the House of Representatives.*

"JOHN C. BURCH,

*Speaker of the Senate."*

On presenting these resolutions, Senator Bell reviewed them at length with his accustomed piquancy, refused to be instructed, and justified his opposition to them. Senator Johnson, regretting the occasion which forced him to say a few words in vindication of his State, as it was "a very delicate thing to be compelled to make an issue with a colleague," in the Senate or elsewhere, could not remain silent when an explanation of some matters alluded to by his colleague was necessary as a matter of justice. He defended the instructions of his State, and a lengthy debate ensued, in the course of which the latter charged the former with bidding higher for the Presidency than any man in the South, and regarded it as the most unfortunate thing that ever befell Senators that they became candidates for the Presidency. "Whenever," he said; "a Senator fixes his eyes upon the Presidential Mansion as the acme of his ambition, nineteen times out of twenty he falls by the wayside. It has been so with the most distinguished men that have ever gone before us, who have participated in the most trying scenes and struggles of the country—bidding for Northern and Southern votes."

Mr. Bell was distinguished at times for a hastiness of expression, less indicative of his nature than the habits of self-esteem which successful experience too often engenders; and in this debate, the remark uttered by him that he was not "the competitor in any respect or any way" of his colleague, inspired the proud sensibility of the latter to severely rebuke the expression, and vindicate any reflection, if such were conveyed in the remark. After stating that Mr. Bell had not stood up to the political contests in Tennessee, he said: "I have had competitors again and again, and many of them not inferior in ability and reputation even to the honorable Senator's conception of himself. I will not refer to the issues that took place between these competitors and myself. I leave that for the history of the

country to tell. 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 will make do it.

“ Upon what meat doth this our Caesar feed,  
That he is grown so great.’

“ Is he beyond the reach of popular sentiment ? In rather a taunting and sneering manner he says he is not my competitor in any sense. If you never have been my competitor your equals have ; and in the conclusion of their contest they have adjusted their robes and prepared themselves for their fate, and I repeat again, fell like honorable men. I stand here to-day not as the competitor of any Senator ! I know my rights, and I intend to learn the proprieties of the Senate ; and in compliance with those proprieties, my rights and the right of the State I have the honor in part to represent, shall be maintained (to use terms very familiar with us) at all hazards and to the last extremity. . . . I must say, in conclusion of these desultory remarks, that I have been forced before the Senate more and oftener than I intended to have been under any reasonable circumstances, for the first twelve months or two years of my service here. My intention was to come here and pass through that probation which older and more experienced men and Senators more talented than myself should assign and prescribe for me. I have, however, been forced thus often before the Senate. It has been contrary to my inclination ; but I believe that duty to myself, duty to my State, duty to principle, required me to do so ; and acting under this impression, I have ventured to trespass on the patience and time of the Senate. I have come here to vote and act, and shall try to do so. I thank the Senate for the attention they have paid me.”

A large portion of the remarks on both sides were in ex-

planation of Tennessee affairs; Senator Johnson holding that the Legislature of that State manifested no disrespect in the resolutions, and only exercised the privilege that had been exercised by most of the States. The discussion extended through a large portion of the 23d and 24th of February, and unpleasant results were anticipated, but on the 25th both gentlemen made personal explanations, each evincing a spirit becoming the Senatorial character.

## CHAPTER VII.

### RETRENCHMENT IN GOVERNMENT EXPENDITURES.

RESOLUTION to Reduce the Department Expenses—A Presidential Test to the Presidential Party—Leaving the Old Senate Chamber—Vice-President Breckinridge's Address, its Lessons—Retrenchment Inaugurates the New Senate Chamber—Senator Shields Sustains it—Johnson's Proposition—The Finance Committee Objects—Means by which Measures are Postponed—Fessenden, Mason, Davis—Compliment from Mason—Growth of Population and Government Expenses—Fifty Million Dollars Proposed as the Maximum for Annual Expenses of Government—The Pacific Railroad—Arguments For and Against it—Johnson believes it Unconstitutional—We might as well Build a Road from Boston to Little Rock, as to the Pacific—The Railroad as a Defense for California—Proposes to have the People Vote on it—Senator Gwin's Millstone—Was the Pacific Railroad a Party Doctrine—Before his Election, Mr. Buchanan Opposes it on the Atlantic Side and Favors it Secretly on the Pacific—Johnson does not believe Presidential Conventions should periodically Dictate Terms to Democrats—The States ought to Nominate Candidates—Passage on Presidential Aspirations between Johnson and Davis—The Former not in the way of the Latter for that Office—Would rather be an Honest Man—Senator David C. Broderick—Supports the Bill—A Self-made Man—The Gold Connection between California and the Atlantic States—Johnson to Broderick—Broderick's Death—Hunted Down by the Buchanan Party—Sketch of his Career—Speech in Reply to Hammond—Addresses on his Death—Fine Tribute from Seward.

IT will be seen that with the rigid simplicity of his character, Mr. Johnson always espoused the cause which seemed to him to most fully express, explain or illustrate the wants, protests or purposes of the masses. This course was to him not only a duty, but a necessity. The man was as prominent as the legislator, and feeling always superior to politics. He was watchful, active, conscientious. He



THE FIRST HOUSE EVER OWNED BY PRESIDENT JOHNSON, AT GREENVILLE, EAST TENN.





was a workingman in the hall of legislation. He did not seek the honor of representation for honor alone. While he felt proud of his position, it is probably but true of him that his chief pride was in the exact ratio of the power it extended to him of doing good, or striving to do good. I have already indicated his views touching economy in Government expenditure. In justice to Mr. Johnson, the subject needs a somewhat more extended illustration.

The President's Annual Message at the Second Session of the Thirty-fifth Congress, having given Senator Johnson a favorable opportunity to bring the subject of retrenchment plainly and fully before the Senate, he, on the 4th of January, 1859, submitted the following resolution, and asked for its immediate consideration :

*Resolved*, That so much of the President's second Annual Message as relates to the expenditures of the Government of the United States, which is in the following words, to wit: 'I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the Departments cannot be still further reduced, and I promise them all the aid in my power in pursuing the investigation,' be referred to the Committee on Finance; and that said Committee are hereby instructed, after first conferring with and obtaining all aid and information from the President and Heads of Departments, as indicated in the President's Message, to report a bill, reforming as far as possible, all abuses in the application of the appropriations made by Congress for the support of the various Departments, and which will reduce the expenditures to an honest, rigid and economical administration of the Government."

Hoping that President Buchanan had made the suggestion in good faith, Senator Johnson made this hope a fulcrum on which to place a lever and raise the Administration Senators to a discussion of the subject. If the President was not in earnest, he desired to put him to the test. The latter had said he was willing to give every aid toward an investigation and in furtherance of a reduction. It was the very thing to captivate Johnson's heart; and while he used the Presidential recommendation to incite the Presidential

party, he also adjured the other side of the Senate to acquiesce in his resolution testing the sincerity of the Executive. He desired to hold all parties to their professions, feeling confident that every vote, act or speech of his own in Congress as elsewhere had corresponded with his profession.

Senator Johnson submitted this resolution on the morning when the Senate, having bade farewell to the old Chamber, around which so many hallowed memories were gathered, took possession of the new one. The occasion was solemn, full of historic references to the past, and admonition as to the future. John C. Breckinridge, then Vice-President, delivered an address, some portions of which read with a terrible retributive significance by the light which his treason throws over the page recording them. The conclusion of this address sufficiently indicates both the high tone in which it was conceived, and the self-made weight of moral and patriotic obloquy the speaker should now feel in having broken the devout hope expressed by him, as embracing the duties of a true and upright American Senator.

“And now, Senators,” said the Vice-President, “we leave this memorable Chamber, bearing with us, unimpaired, the Constitution we received from our forefathers. Let us cherish it with grateful acknowledgments to the Divine Power who controls the destinies of empires, and whose goodness we adore. The structures reared by men yield to the corroding tooth of Time. These marble walls must moulder into ruin; but the principles of constitutional liberty, guarded by wisdom and virtue, unlike material elements, do not decay. Let us devoutly trust that another Senate, in another age, shall bear to a new and larger Chamber, this Constitution, vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the Representatives of American States still united, prosperous and free.”

This passage furnishes its own commentary. Senator Johnson's retrenchment resolution derived from the occasion a value in addition to its intrinsic worth ; nor did its appropriateness to the occasion escape the sharp comprehension of Senator Shields. "I think," said he, "we are indebted to the honorable Senator from Tennessee, for introducing the necessary subject as an inauguration of the Chamber. The Senate could not be better occupied on the first morning of the first day of its session in this Chamber, in my humble judgment, than in discussing the subject of retrenchment." Shields doubted whether much could be accomplished during the short session, but "the very discussion of the subject, the very introduction of it, the exhibition of a general feeling among Northern and Southern men in favor of retrenchment," on the first day of the session in the new Chamber, would, he thought, be a pleasant augury for the country.

Senator Johnson had been waiting a long time for a favorable opportunity to commence the work of retrenchment. He had also made up his mind that such a labor must at least have the countenance of the head of the Government. A Senator may arise in the upper Chamber ; a few Representatives may arise in the House ; they may talk about retrenchment, introduce resolutions, and nothing result therefrom. The Executive now offered to facilitate the investigations upon which retrenchment might be based, and Johnson was eager to take him at his word. It was proposed to send his resolution to the Finance Committee, and quite a debate ensued, the Chairman of that Committee proposing otherwise, and various Senators offering various suggestions. A select committee was suggested, with complimentary allusions to Senator Johnson as its chairman ; but the latter thought that if the Finance Committee could not grasp the question during the session, no select committee could. He was especially anxious to have the

question sounded by the ability and experience of the Finance Committee, and in the course of his advocacy referred to the means, past and present, by which useful measures were and are postponed. "Mr. President," said he, addressing Senator Fitzpatrick of Alabama, who occupied the chair; "you have been a member of this body a long time. I see many faces here with whom I served in the House of Representatives; and from the time I took my seat there up to the present moment, whenever this subject was mooted, the cry has been, 'this is not the time.' There was always something in the way. An appropriation was needed for this, or an appropriation was needed for that, or the session was too short; it was not time to commence this work. When will the time come? When can we commence this work? In the estimation of some it will never come, and, even among the friends of retrenchment and reform, when you present a proposition, it is not exactly in the right shape; its reference is not to the right committee, or the session is too short for any thing to be done. If we are in earnest in this matter, if (following the intimations of the honorable Senator from Maine, Mr. Fessenden\*) we are sincere, let us give the public some evidence of our sincerity. Let us not talk about expenditure; let us not talk about extravagance; but let us reduce our professions, and our talk, and our theories to practice."

The cry of reform and retrenchment is too often made on insufficient grounds and without any definite purpose. No one acquainted with Mr. Johnson's career could accuse him of either want of knowledge, such as is gained by careful research, or want of purpose. As those disposed to sneer at his chief measures of amelioration did not deny him the ability to illustrate fitly and fully an object the usefulness

\* Since Secretary of the Treasury under President Lincoln, succeeding Hon. S. P. Chase, when the latter was appointed Chief Justice of the Supreme Court of the United States.

of which they did not controvert, Mason of Virginia had "great reluctance to interfere with the plan of the Senator from Tennessee," and respectfully asked him to modify his resolution. Davis of Mississippi, while showing where abuses existed, thought the resolution an arraignment without proof, but would vote for it if modified, and even Iverson of Georgia, desiring a select committee so that the subject might have the zeal and ability of the mover of the resolution, as chairman, paid him a marked compliment. "He," said Iverson, "as a matter of courtesy and parliamentary propriety, will be chairman of the select committee; and I am sincere, when I say that there is no man in this body or probably in either House, who is so fit and appropriate to probe this wound of the public as the Senator from Tennessee; and I trust that on this account the amendment will be adopted, and that we shall have the benefit of his experience and the interest he takes in the question."

Senator Johnson was not so unreasonable as to imagine that the expenses of the Government should not keep pace with our natural and national progress. As the business of the Republic and the Republic itself increases and becomes more extensive in all that pertains to a government, we must expect the expenditures to correspondingly increase. But the statistics consulted by Senator Johnson advised him that while the population had increased seven-fold from 1790 to the time at which he spoke, the expenditures had increased thirty-five fold. In 1790 the population of the United States was a fraction less than 4,000,000; and the expenditures in 1791 were \$2,000,000. In 1858 the population was 28,000,000, and the expenditures of the Government amounted to about \$75,000,000. At least, \$75,000,000 was the estimate; but the actual expenditures reached, as we are told, \$81,000,000, and the amount appropriated at the previous Congress was \$83,000,000. Taking the estimate, however, as Senator Johnson did, the facts in the case forced upon him the con-

viction that the sooner the work of retrenchment was commenced the better.

The resolution attracted much attention, was debated with considerable spirit and elicited a very general expression of acquiescence on the part of Senators. In addition to the means alluded to of making it practical, it was proposed to refer it to a committee composed of the chairmen of the seven principal committees of the Senate; but Senator Douglas having shown that such a plan would be unfair, in having the committee all of one side in politics, it was withdrawn. It was ordered to a select committee, but Senator Johnson positively declining the chairmanship, several Senators who voted in the hope that he would accept the position moved a reconsideration and it fell through. After urging the adoption of this searching resolution from the time of its introduction to the 12th of February, 1857, he again proposed it, preceded by an additional one, which reads:

*Resolved*, That the President of the United States be and he is hereby requested to cause the Heads of the various Executive Departments to submit estimates of the expenditures for the Government to the Thirty-sixth Congress, upon a basis not exceeding \$50,000,000 per annum, exclusive of the public debt and the interest thereon."

In advocating this proposition, which was designed to be practical, and to immediately begin the work of retrenchment, Senator Johnson said: "I am aware, as was remarked by the Senator from Illinois, that the principal expenditures of all Governments have been in the Army and Navy. They are the main arteries by which all Governments are bled to death; but there are extravagances and abuses which, as I think, exist in other Departments beside the Army and Navy, and these resolutions are intended to embrace all, little and big; but I do not want to begin with wafers and quills and pens. Let us begin with the leading expenditures of the

Government—the principal Departments. Let the work commence there, and these little incidental retrenchments will follow as a matter of course.”

After some vicissitudes which waylaid it on what seemed one or two auspicious occasions, its indefatigable mover succeeded, on the last day of the session, in having the last proposition passed, a significant but, at the same time, useless admonition to the Administration.

We have already seen the determined stand taken by Johnson, when in the House of Representatives, against internal improvements of a local nature and the indiscriminate expenditure of the public money. He continued to hold the same views and to enunciate them with all the force which conviction, strengthened by fourteen years' additional experience, made him the master of.

Senator Johnson's caution in regard to expenditure of public money, for improvements he regarded of a local nature, compelled him to review most carefully all that might be said in favor of or against a Pacific Railroad. It was not his intention to have addressed the Senate on the subject, or but briefly, if at all; but the question assumed such an importance in the various amendments proposed by Senators Davis, Wilson, Bell, Doolittle and others, as well as the scope to which the project extended during its debate, that Senator Johnson felt it somewhat incumbent on him to state why he would vote against the measure.

Notwithstanding there were some positions in the original bill assumed by the party to which he belonged, yet the fact of their having been so adopted did not induce him to accept them, when, to his own mind, they were untenable and unauthorized. As a strict constructionist, he could regard the measure in no other light than as clearly unconstitutional. With regard to works of internal improvement to be constructed by the Federal Government, he admitted that it was difficult to determine where the power of the

latter commenced or ended ; or, in other words, what particular character of improvement was national or what local. It was his settled conviction, however, that in all matters of doubt as to the constitutional power of Congress in such matters, Congress should desist from the exercise of a doubtful power. He agreed with Jefferson, who laid it down as a fundamental rule in all doubtful questions, to pursue principle, as "in the pursuit of a correct principle you can never reach a 'wrong conclusion.'" Looking at the question before the Senate in its best aspect, he saw that a doubt as to the power of Congress existed, in which case he could but stand upon Jefferson's rule and principle, to "call upon the source of all power before you exercise a doubtful authority."

The power to construct the road was placed by the friends of the measure on that provision of the Constitution which says that Congress shall have power to declare war. But it did not follow, in his mind, that, because Congress has the power, it has the right to declare war unless it is necessary and proper. The fact that we have the power does not imply that we must improperly exercise it. He went on further to show that this war-making power was accompanied by the power to raise armies ; but that also all appropriations for their maintenance cannot constitutionally exist more than two years. And why ? "Because it was looked upon as a dangerous power. In the event of a declaration of war, the Constitution of the country makes the President of the United States Commander of the Army and the Navy ; in other words, it places the sword in the Executive hand, but it gives Congress the power to control appropriations. The question naturally arose, was it either necessary or proper to declare war ? He did not see that it was either the one or the other. Hence, as it was not necessary to exercise the war power, "it likewise was not necessary and proper to construct the Pacific Railroad as



an incident to carry into effect the war power when it was not necessary to exercise it." He showed that the President, in his Annual Message, disclaimed all power on the part of the Government to make the road unless it was under the war power ; but said that there were "important collateral considerations urging us to undertake the work."

Not believing in the existence of any emergency, Senator Johnson did not feel authorized to expend "two, six or eight hundred millions" for the road. He could not see, because the road would be a convenience in the event of a war for carrying troops and munitions, that we had the power to construct it, or, as the bill did, appropriate land and money for such a purpose and then give it to the Territories through which the road may pass when they become States. "If we can do it," he said, "why may we not begin at Maine, on our extreme northeastern boundary, and construct a line of railroad to Boston, and from Boston to New York, and from New York to Philadelphia, and from Philadelphia to Baltimore, and from Baltimore to Washington, and from Washington to Richmond, and from Richmond to Lynchburg, and from Lynchburg to Knoxville, and from Knoxville to Chattanooga, and from Chattanooga to Memphis, and thence to Little Rock in Arkansas, a direct connection over a line stretching through the country." Such a line, he argued, would be just as much a war measure, and just as necessary and proper, as an exercise of the war power, as to construct a road to the Pacific. "If," said he, in further illustration of this point, "if we have the power in the one case to construct a road from Little Rock to any place on the western boundary of Missouri, or any other point to the Pacific Ocean, and pay out money and public lands for it, is it not just as constitutional, is it not just as necessary and proper for the Government to come forward and relieve those States which are now groaning under the heavy debts that they have contracted for the construction

of the roads I have mentioned? Can it not just as well do that as continue the roads to the Pacific and surrender the line to the States through which it may be constructed? If we can make the road and surrender it in the one case, we can appropriate for one that is already constructed in the other."

Passing to another argument made in favor of the measure, to wit, the defense of California and the danger which menaced the Pacific coast, Senator Johnson did not see that the road would mitigate the latter or strengthen the former. After the road was constructed, California, without forts, harbors, arsenals and dockyards, would be as open to attack from British or French vessels as ever. On the other hand, if we let the road alone and construct forts and arsenals on the Pacific, as we have done on the Atlantic, the people would be as competent to defend themselves as we are. "By the time we construct this road, which will not be less than twenty-five years, or perhaps a much greater number of years, they will be more competent to defend themselves against any foreign aggressions than we were when we succeeded in achieving the independence that we now enjoy." If the Pacific needed forts, coming within the constitutional provisions, he would give them; but he could not see any right to construct the road, and before entering upon such an exercise of power, he was in favor of submitting the measure to the people.

"It seems," he said, "from the multifarious views taken of the constitutional power to pass this measure by its friends, that it has no specific or definite location. It is a kind of migratory power that is wandering about in the Constitution, seeking some place to make a location. Then I come back to the text that I started with; placing it upon the best ground possible, it is a doubtful question; and being a doubtful question, I, as a Democrat favoring a strict construction of the Constitution, say Congress should desist from the exercise of the power; and before the power is exercised, if this Government is to be preserved a free government, let us go to the States

that made the Constitution, and ask them for an enlargement of our authority, or to definitely and distinctly define what power Congress shall exercise in reference to works of internal improvement.”\*

During the debate, one of the California Senators [Mr. Gwin], to add plausibility to the scheme, and as Johnson said, “to hang it as a millstone around the neck of the Democratic party,” stated that the Cincinnati National Convention in 1856 passed a resolution, as a part of the Democratic platform, favoring the construction of the Pacific Railroad. This was not correct and did not escape Senator Johnson. He showed that it was not accepted as a party measure, was not admitted into the platform, but recommended after the platform had been adopted and the candidate for the Presidency nominated. As a Democrat, he was particular in drawing a line between the faith of the party and an outside suggestion to it.† In his section of the country, during the Presidential canvass, it was repudiated and condemned by all as not being part of the Democratic faith. Neither in that region was Mr. Buchanan understood as entertaining opinions favorable to the project, or admitting its constitutionality; and it was with great surprise that these people received news from California after the election that Mr. Buchanan had written a letter to that State committing himself to the railroad. It was so surprising that some looked upon that letter, being published after the election, as a hoax, as not authentic, and only gotten up for the occasion.

In the same speech, 25th of January, 1859, Senator John-

\* *Congressional Globe*, Second Session, Thirty-fifth Congress.

† After Mr. Hallett, as Chairman of the Committee on Resolutions, had on the third day of the sitting of the National Convention at Cincinnati, reported the platform, he added, apart from it, a resolution “with respect to overland communication with the Pacific.” This resolution was taken up, and, on motion of Mr. Saulsbury of Delaware, it was laid on the table by a vote of—yeas, 154; nays, 120. The Convention then, after completing the platform, nominated Mr. Buchanan for the Presidency. “The nomination was over, the platform complete; the creed of the Democratic party, so far as that Convention went, was finished.” In the evening session the resolution relative to the Pacific Railroad was passed.

son, reviewing the political aspects of the times, beheld, as he thought, a serious departure from the maxims of the Constitution and wise precepts of the fathers and founders of the Republic. In this degeneracy the Democratic party had shared, and he could not recognize the right of its Presidential Conventions to expound periodically, beyond all appeal, certain tenets, the adoption of which constitute a true Democrat. The debate took a wide range, and among its passages is one which reads now with peculiar interest and significance. Jefferson Davis had replied to Senator Johnson, and the latter in a rejoinder reiterating his honest convictions as a strict constructionist, added, in conclusion :

“But the gentleman, by way of being a little facetious, speaking of my reference to a change in the Constitution, alluded to the number of candidates that might be before the country in reference, as I understood him, to a distinguished office.

“Mr. DAVIS.—I was answering you, sir; the office you spoke of.

Senator Johnson hoped that all improper appliances will be omitted by national conventions in bringing forward great men in future.

“I think,” he said, “the people of the different States are as competent to judge of their own citizens, and their qualifications and various merits, and their worth, as a national convention; and the chances are that they would be equally as pure and as good men as would be brought forward by a national convention or a Congressional caucus. At this point, and I know I do it in a spirit of kindness, I assure the Senator I am willing to widen the field, so that if he has any aspirations in that way he may have a chance; I have none.

“Mr. DAVIS.—I have disclaimed in your favor already.

“Mr. JOHNSON of Tennessee.—I increase your chance, particularly as I live in the South. But the idea seems to be, that you cannot come forward and discuss any great measure that has a tendency to popularize our free institutions, but you must be associated with the Presidency. That seems to have been the *summum bonum* of every thing in this country. It is the climax of comparison and of aspiration; and whenever you make a move that has a tendency to popu-

larize our free institutions, or carry the Government nearer to the people, it is said, 'Oh! you are a candidate for the Presidency.'

"Mr. DAVIS.—I ask the Senator now, as he is replying to me, whether he did not bring in that himself, and whether my remarks were not in reply to him on that point?

"Mr. JOHNSON of Tennessee.—Bring in what?

"Mr. DAVIS.—The whole subject of the mode of nominating a candidate for President.

"Mr. JOHNSON of Tennessee.—Most assuredly I did; but I made no particular allusion to any set of individuals being candidates; the Senator did. That is the difference between us. I introduced the subject, and he alluded to the chances of particular individuals. That is all the difference. He brings cases up; I have a right to comment on those cases, in making a reply; and as I before told the Senator, I am not in his way. We have got to making Presidents in modern times, so that nobody knows who is safe. I do assure the Senator that I prefer to discharge my duty faithfully as an honest representative of the States or the people. Occupying that position—the Senate will pardon me for the expression, and I do not use it in a profane sense—when contrasted with being President of the United States, I say damn the Presidency! it is not worthy of the aspirations of a man who believes in doing good, and is in a position to serve his country by popularizing her free institutions.

"The Presidency! I would rather be an honest man, an honest representative, than be President of the United States forty times! The Presidency is the absorbing idea, the great Aaron's rod that swallows up every other thing; and hence we see the best legislation for the country impaired, ruined and biased. The idea of President-making ought to be scouted out of the Halls of Congress. Our legislation should be for the country, and let President-making alone. Let the people attend to that. Confer the great privilege, the constitutional right, upon the people to make their own Presidents, and not have them made by national conventions or by Congress; let the people make them themselves; and we shall have better Presidents, better Administrations, more economy, more honesty, more of every thing that tends to constitute an upright and correct Government."

Among the supporters of the Pacific Railroad bill was, naturally enough, David C. Broderick, Senator from California, a man who by great personal force of character had worked himself from the ranks of labor into a most distinguished position. Like Johnson, he was a self-made man.

Toombs said—and I quote the Georgian, as his known proclivities and associations elevate the sentiments which he had the candor to offer on the grave of one in every political sense antagonistic to him, and as he was the only ultra Southerner in the Senate who had the courage to recognize the merits of a dead foe—Toombs said, Broderick was bold, honorable, truthful, attached to the interests of his country, “clear in his office,” and a man that he considered an honor to the American Senate. Springing from the humblest walks of society, by virtue of his strength of character, and in his native, and in early life, almost uncultivated intellect, he rose to be a peer of the proudest in the land, and conducted himself in the Senate “in such a manner as to win respect and approbation, notwithstanding the many prejudices which had surrounded his advent into this body, produced, it may be, by the many and stern partisan conflicts which marked his active but troubled career.” Toombs trusted him “as a faithful and honest and upright Senator.”\*

The temporary conflict of two such men as Johnson and Broderick in such an illustrious arena, presents too much valuable suggestiveness not only to the youth of the Republic, but to the revilers of republican government abroad to be passed over with mere mention. Broderick, a founder of empire on the Pacific, was an earnest advocate of a Pacific Railroad. Johnson, who had actually given life to a class where independent expression of opinion was regarded, to say the least, as presumption, was, as we have seen, an equally earnest antagonist of the measure. Both were strongly illustrative of popular thought; and the brief passage between them has additional interest, as exhibiting the characteristics of the localities in which they had respectively achieved success. Broderick desired the Senator from Tennessee, and every Senator within hearing, to understand that the State of California was no mendicant at the door

\* *Congressional Globe*, First Session, Thirty-sixth Congress, p. 749.

of the Senate Chamber, asking for an appropriation to build a railroad from Mississippi to her borders. He rather demanded it, and he believed, if there was any generosity in the Senate, it should be given. "The State of California," said he, "has sent between six and seven hundred million dollars to the Atlantic States; and what have you sent us in return for our money? Nothing. If the State of California for fifty days should withhold her money from you, the banking interests, the commercial interests, and the manufacturing interests of the thirty-one States on this side of the Rocky Mountains would be paralyzed." Senator Broderick had heard that Johnson was in favor of the purchase of Cuba, and did not think it in accordance with a strict construction of the Constitution. He was further surprised that the latter, with whom he voted to give one hundred and sixty acres of land away to actual settlers, should be so alarmed at giving twenty miles of land on each side of the road to the contractors who would build it to California.

Senator Broderick's remarks conveyed more feeling than argument. He wanted the road built. His desires were uppermost. Senator Johnson did not see any constitutional authority to build it. He had gone over that ground previously, and in replying to Broderick confined himself to the gold connection between California and the Atlantic States. He thought the United States successful before they attained California. They had been subjected to and had survived many trials, and had also had a "good deal of manufacturing, a good deal of very successful banking and commerce" before that event. In continuation, he said :

"Where does the gold from California go to? While they dig in their gold-fields in California, we dig in our corn-fields, in our cotton-fields, and in our rice-fields, on this side of the Rocky Mountains. South Carolina, Georgia, Tennessee, Alabama, Mississippi, and other States, might ask, what would you do but for our cotton. Cotton is just as necessary in commerce as gold. All that gold, when

it goes to New York or any other point, goes abroad; and we have run through our mints in seven years six or seven hundred millions of gold.

"Where did it go? Turn to your tables of exports, and there you find it went off with your bags of cotton, your hogsheads of tobacco, and tierces of rice. What would your country have done but for rice, cotton and tobacco? What would the country have done but for your manufactured articles? Gold is the peculiar product of California; cotton is the peculiar product of the South; hogs and horses are the peculiar products of the Western States. You find that there is a reciprocity in trade. California brings her gold to the United States because she can do better with it here than anywhere else. If she could send it from San Francisco to England direct it would go there. Withhold gold from that point where it will command the greatest price! Withhold gold from going where it will command the greatest price! The Senator might as well attempt to lock up the winds or chain the waves of the ocean as to place gold beyond the influence of those laws which control the commercial world. Gold, like every other article of trade, will go where it is in the greatest demand. Gold will go where it gets the greatest price; so will cotton, tobacco, and every other article of commerce.

"Let us reverse the argument, and ask what would California have done for flour, what would California have done for manufactured articles, if it had not been for the States on this side? What would she have done for iron? What would she have done for all those things that constitute her a great people? With the exception of gold, she would not have been much. While you are digging gold, you must have something to eat and to wear, and you send your gold off because you must use it to buy those articles somewhere else. That is all."

Within eight months from the period of this debate Broderick had passed from the scenes of his usefulness, his labors and his ambition. He fell in a duel in California, the circumstances inciting which had been forced upon him. Indeed, it was prognosticated at the time of his return home that machinations were on foot to victimize him to the unscrupulous politicians of the Buchanan party, whom he had denounced and defied, and the State politicians who could only propitiate success by ruining him personally, politically, or in both ways, for Broderick's person and politics were com-



mitted to each other. Naturally a bold man, his isolated position contributed to strengthen this characteristic by rendering him little likely to yield to those restraints which often compel men of family to expediencies. For the same reason he was reliable and immovable. His ambition was great and laudable; and the position he attained sufficiently indicates the strong will which could triumph over a community largely fashioned of the elements which were combined in himself. He was born in Washington city, of poor Irish parents; his father, a stone-cutter, worked on the Capitol, which was to echo in a tribute to his memory—a gallant rebuke to the “mudsill” doctrine of the South. He removed to New York, worked at his trade, mixed in politics successfully, but was defeated for a seat in Congress, and departed for the Pacific shores, declaring he would come back a Senator. He did; and no more appropriate record can be raised to him than that expressed by himself in the following passage, which it is difficult to characterize, exhibiting as it does a fine tribute to the working classes, while displaying the unhealed wounds of early ambition in their ranks; and the deep retrospective feelings of a disappointed man, blended with the triumphant, almost imperious air of one who after great labor had defiantly organized success. It occurs in his very able speech against the Kansas-Leecompton Constitution, and in reply to the “mudsill” speech of Senator Hammond already alluded to:

“I, sir, am glad that the Senator has spoken thus. It may have the effect of arousing in the working-men that spirit which has been lying dormant for centuries. It may also have the effect of arousing the two hundred thousand men with pure white skins in South Carolina, who are now degraded and despised by thirty thousand aristocratic slaveholders. It may teach them to demand what is the power

“‘Link’d with success, assumed and kept with skill,  
That moulds another’s weakness to its will;  
Wields with their hands, but, still to them unknown,  
Makes even their mightiest deeds appear his own?’

"I suppose, sir, the Senator from South Carolina did not intend to be personal in his remarks, to any of his peers upon this floor. If I had thought so, I would have noticed them at the time. I am, sir, with one exception, the youngest in years of the Senators upon this floor. It is not long since I served an apprenticeship of five years at one of the most laborious mechanical trades pursued by man—a trade that from its nature devotes its follower to thought, but debars him from conversation. I would not have alluded to this, if it were not for the remarks of the Senator from South Carolina; and the thousands who know that I am the son of an artisan and have been a mechanic, would feel disappointed in me if I did not reply to him. I am not proud of this. I am sorry it is true. I would that I could have enjoyed the pleasures of life in my boyhood's days, but they were denied to me. I say this with pain. I have not the admiration for the men of the class from whence I sprung that might be expected; they submit too tamely to oppression, and are too prone to neglect their rights and duties as citizens. But, sir, the class of society to whose toil I was born, under our form of government, will control the destinies of this nation. If I were inclined to forget my connection with them, or to deny that I sprung from them, this Chamber would not be the place in which I could do either. While I hold a seat here, I have but to look at the beautiful capitals adorning the pilasters that support this roof, to be reminded of my father's talent, and to see his handiwork.

"I left the scenes of my youth and manhood for the 'far West,' because I was tired of the struggles and the jealousies of men of my class, who could not understand why one of their fellows should seek to elevate his condition above the common level. I made my new abode among strangers where labor is honored. I had left without regret; there remained no tie of blood to bind me to any being in existence. If I fell in the struggle for reputation and fortune there was no relative on earth to mourn my fall. The people of California elevated me to the highest office within their gift. My election was not the result of an accident. For years I had to struggle, often seeing the goal of my ambition within my reach; it was again and again taken from me by the aid of men of my own class. I had not only them to contend with, but almost the entire partisan press of my State was subsidized by Government money and patronage to oppose my election. I sincerely hope, sir, the time will come when such speeches as that from the Senator from South Carolina, will be considered a lesson to the laborers of the nation."\*

\* Speech of March 22, 1858.

Broderick might well feel proud of his success. The great opposition he had overcome but added to his natural independence. He held similar views as Johnson regarding the assumption of cliques to read men who declined to follow their dictation out of the Democratic party. Hence he soon was in an attitude of defiance to Mr. Buchanan and his rulers; while his colleague from California, Mr. Gwin, was a ready and reckless co-operator with the dominant Southern conspirators. To the latter, Broderick became very obnoxious, while he won the steady respect of the wisest and best statesmen of all parties in the Chamber—men such as Douglas, Crittenden and Seward. His death was the sensation of the day; and its announcement in Congress elicited more than usual feeling and eloquence. The proceedings in both Houses were in striking contrast to the usual routine of such occasions.\* Mr. John B. Haskin, who had been his school-mate, spoke of the integrity and earnestness of his youth. Mr. Sickles illustrated his energy by describing him as “a man of no recreation,” while Senator Seward, regarding the extension of our empire as the great national event of the day, thus indicated his place in history. “He who shall write its history will find materials copious and fruitful of influence upon the integrity of the American Union and the destiny of the American people. He will altogether fail, however, if he does not succeed in raising Houston, Rusk and Broderick to the rank among organizers of our States which the world has assigned to Winthrop and Villiers, Raleigh and Penn, Baltimore and Oglethorpe, as well as in placing Taylor and Scott and Worth and Quitman as Generals, by the side of Washington and Greene and Marion. Impartiality will require him to testify that Broderick, more vigorously and

\* In the Senate, Haun of California, Crittenden, Seward, Foster of Connecticut, Foote of Vermont, Wade of Ohio, and Toombs; and in the House, Burch of California, Haskin and Sickles of New York, Hickman of Pennsylvania, Burlingame of Massachusetts, Isaac N. Morris of Illinois, and Stout of Oregon, delivered biographical or eulogistic addresses.

resolutely than any of his predecessors, overcame accidents and circumstances which opposed his success. Neither birth, nor fortune, nor education, nor training, nor patronage, nor association, nor prestige of any kind favored ambition in his case." Alluding to the settlement of California and the tumultuous element which flocked thither, Senator Seward said: "We asked how and when shall this political chaos be reduced into the solid substance of a civil State? Even while we were yet asking these questions, we saw that State rise up before us in just proportions, firm, vigorous, strong and free, complete in the fullest material and moral sufficiency, and, at the same time, loyal and faithful to the Federal Union. The hand that principally shaped it was that of David C. Broderick."\*

\* *Congressional Globe*, First Session, Thirty-sixth Congress, Feb. 13, 1860.

## CHAPTER VIII.

### THE SLAVERY QUESTION.

JOHNSON'S Position on the Slavery Question — Tolerant, not Radical — Propriety in 1842 — 1849 — Representation on a Slave Basis — Grounds of Support to the Compromise Measures — Not a Believer in Compromises — Right and Virtue always Suffer by Compromising with Wrong and Vice — "Conjunctivism" the Plea of Despots — Did not sing Pans to the Union — Did not Believe it in Danger — On Union Saviors and Saving — Judged others by Himself — His Position in Contrast with some Northern Democrats — His Idea of John C. Calhoun — A Sectarian not a Nationalist — Johnson's name presented to the Charleston-Baltimore Convention for the Presidency — Voted for through Thirty-six Ballotings — Letter of Withdrawal.

ON the Slavery question, Senator Johnson held to the dogmas as then received by the party with which he generally acted, but it was not an institution superior to all others, or on which he would sacrifice the integrity of the Republic. While never regarding the institution as permanent, he, as a Southern-born man, has uniformly sustained it. In his own words he then believed that slavery had its foundation and would find its perpetuity alone in the Union, and the Union its continuance in a non-interference with it. A review of his political life abundantly demonstrates his recognition of it as an existing institution. But while this is true, the support he yielded to it was not such as at all times to meet the approval of ultra and extreme Southern men. More than once his independent action was exposed to their censure, and to the charge of entertaining anti-slavery sentiments. As early as 1842, on a proposition to divide the

State of Tennessee into Congressional Districts, he introduced into the Legislature the following resolutions :

*“Resolved, by the General Assembly of the State of Tennessee, That the basis to be observed in laying the State off into Congressional Districts, shall be the voting population, without any regard to the three-fifths of the Negro population.*

*“Resolved, That the one hundred and twenty thousand and eighty-three voters shall be divided by eleven, and that each eleventh of the one hundred and twenty thousand eighty-three voters, shall be entitled to one member in the Congress of the United States, or as near as may be practicable without a division of counties.”*

These resolutions, together with his Homestead policy, subjected him to severe criticism by radical Southern men. He, however, pursued the tenor of his ways and thoughts, and did not permit himself to be forced into extreme views which he could not conscientiously hold, on the one hand ; or into the expression of passionately self-destructive antagonism on the other. He could not accept their views and would not part with his own. Hence he took the institution of slavery as it stood. It was so interwoven with all the political and social interests of the South, where he resided, that so long as it remained subservient to the Constitution and laws of the country, he continued to yield it his countenance and tolerant support ; but when it attempted to rise above the authority of the Government itself, and waged war against the nation, he promptly took his stand by the Government as paramount authority, and as the only hope for the perpetuity of free institutions, and the attainment of a higher civilization.

But on this question, as well as on all others I have introduced in this Memoir, he has spoken clearly and understandingly for himself. Addressing his constituents at the opening of his canvass for Congress in the spring of 1849, in a speech which was subsequently published in pamphlet form, he said : . . . . “The whole number of slaves in fifteen States of the Union is three million—estimated at four hun-

dred dollars each, amount to twelve hundred million dollars. At first, the mind is not prepared to conceive the vast amount of capital vested in slaves in the United States. The products of slave labor in this country, aside from their natural increase, and the amount to supply the home market in three articles alone—cotton, tobacco and rice—amount to nearly seventy-two million dollars, making more than one-half of all our exports during the last fiscal year, and constituting a large item in the commerce of the world.

“The institution of slavery was introduced into this country by our forefathers, anterior to the existence of our present form of government, and recognized by the Constitution of the United States, and made a part of the basis of representation. It has become so closely connected with the operations of the Government, and the commerce of the whole country, that it may now be considered as one of the ingredients of our political and social system.

“In this connection I might refer to one or two objections urged by the non-slaveholding States to the institution as it exists in the Southern States. One is, that in apportioning the representation among the several States, that three-fifths of the slaves are included in the basis, and thereby the slave power is increased in the councils of the nation, and by its abolition this power in the South would be weakened. This should be no cause of complaint on their part. There are three millions of slaves in the United States [now estimated at four millions]. By the Constitution, in apportioning representation among the several States, only three-fifths of them are counted; assuming the ratio to be one hundred thousand, would give them eighteen members of Congress—three-fifths of three millions being eighteen hundred thousand. If they were all free persons it would give the South twelve members more at the same ratio—twelve hundred thousand being two-fifths of three millions. It will at once be perceived that this objection is not well founded; instead of slavery

being an ingredient of political power to the South, it is an element of political weakness."

In 1850, during a discussion on a series of resolutions—introduced by himself into the House of Representatives—substantially similar to the Compromise measures, Johnson gave expression to his faith in the necessity of the supremacy of the Union: "We all," said he, "belong to the same great American family; we all profess to be attached to the Constitution of the country—that Constitution which has been established by our forefathers. Then in the spirit of the provisions of that sacred instrument, we ought all to come forward, and co-operate in erecting an altar to our common country, upon which each one of us, whether from the East or the West, may sacrifice something to preserve the harmony that has heretofore existed between the extremes of the Union. In this spirit I have left the details to be regulated when the bill shall be reported. If one shall be reported, or if one shall be sent to us from the other end of the Capitol, containing all the provisions specified in the resolutions, I shall sustain it; or if it be presented in a series of measures, I shall sustain them in the order in which they are presented. If, however, the propositions be disconnected, or if any effort be made to take one out of the series and force it upon the country, leaving the others unadjusted, I intend to hold myself uncommitted, and accommodate myself to the exigencies of the case as they may arise.

"In conclusion, I will only say, as relates to this Negro question, that I trust and hope in God's name, and I hope there is no irreverence in making this appeal, which I do with all solemnity, for if I know myself and the deep interest which I and others around me have in the welfare of our country and the harmonious working of our institutions, I trust and hope that Whigs and Democrats, the reflecting, the intelligent and the patriotic of both parties, will look to the extent, the length and breadth and height of this mo-



mentous question. I trust, in looking to the amount of public property and tranquillity and happiness, as well as the great value of property which is involved in the adjustment of our present difficulties, they will be brought to feel that the preservation of this Union is paramount to all other considerations."

Mr. Johnson was not a compromise man, not a believer in compromises, and at a later period we find an explanation of his action at this time. He was for each of the measures because he believed it to be right, but advised both sections to abandon the idea of compromise and rely upon the guarantees of the Constitution. He believed there never was a compromise in which either party to it was not wronged. He fell back on his old idea that there was a principle of right somewhere and that we should ascertain and maintain it. The history of compromises exhibited only an excuse for continual agitation. In 1820 we had a compromise. The Republic was agitated; dissolution threatened before it was made, and when effected it became a permanent subject of contention, agitation and discussion until it was repealed. As Senator Johnson said, "You get up a great agitation and settle it by a compromise; and then you keep up an agitation as to what the compromise means or what is the extent of its obligation. In 1850 several measures were passed as compromise measures. They produced a great agitation. A dissolution of the Union was threatened; and in 1851 some great pacificators came forward—men who were willing to be sacrificed on the altar of their country on another compromise. That compromise has since been a continual and increasing source of agitation." In continuation, he said :

"Whenever there is a difficulty between vice and virtue, vice can get up an agitation, an issue with virtue, and of course vice is always ready to compromise; but when virtue compromises with vice, vice obtains the ascendancy. Whenever there is a contest between truth and falsehood, and it is settled by a compromise, truth gives way

and falsehood triumphs. Is it not time to stop compromising? I think we have compromises enough, and I will say here in my place to-day, that I believe the agitation which has taken place, first in getting up compromises, and then upon the compromises after they are made, has done more to make the institution of Slavery permanent than all the other action of the Federal Government."

The constant pressure outside solidified the institution in the Southern States, and Southern men were more reconciled to it than ever. In agitation might be found all the evil which surrounded them. Hence he implored both sides to seek the right and abandon fruitless compromises.

"Let us agree, North and South, to abide by the Constitution of the country, and have no more compromises. We have been compromised and conservatised until there is hardly any Constitution left. We first compromise and settle a question wrong, and then we must all turn conservatives and stand by the wrong that has been accomplished by the compromise. Compromise! I almost wish the term was stricken out of the English language. Conservatism! It is the argument of despots and tyrants, one that entails an existing institution in its present form whether it be right or wrong."\*

Johnson, though opposed to compromises, finally voted for the individual measures on the basis stated by himself, and on the distinct and oft reiterated doctrine that the Constitution was superior to all compromises, and the country paramount to party. He voted for the measures, imploring Whigs and Democrats and the thoughtful men of whatever side to feel that "the preservation of the Union was paramount to all other considerations."

To this sentiment, uttered in the equable but earnest tones of advice from one who, even much later, in the unsuspecting honesty of his own patriotism, believed the Union not in danger, Senator Johnson has stood with a boldness and a heroism equal in every respect to the contingencies involved in it. For years after the adoption of the Compromise measures, as late as January, 1859, he declared he

\* *Congressional Globe*, First Session, Thirty-fifth Congress, 1858.

did not sing peans to the Union, because it was not likely ever to be in any real danger. This sentiment was elicited in the debate on the Pacific Railroad, when among the reasons adduced for its construction was, that it would be "a great bond of Union." Senator Johnson thought that if the Union hung together by no stronger tenure, it certainly would not survive. And this led him to the cry of Union saying that accompanied every matter brought before the public.

"'The Union! the Union!' is the constant cry. Sir, I am for the Union; but in every little speech I have to make, I do not deem it necessary to sing peans and hosannas to the Union. I think the Union will stand uninterrupted; it will go on, as it has gone on, without my singing peans to it; and this thing of saving the Union, I will remark here, has been done so often that it has got to be entirely a business transaction. Every now and then, as Addison used to say, great men come up in clusters; and there seems to come up a cluster of individuals who are exceedingly anxious for immortality, either in this or the other world, perhaps in both, and they must get up a crisis; the different portions of the Union must be arrayed against each other, and it becomes necessary to save the Union. Hence there are compromises on one side and on the other; and they all come up and seem to make a sacrifice on the altar of their common country, and the Union is once more saved!"

"I have," said he, "never considered the Union yet in danger." He did not believe that all the factionists in the country or the Government could pull it to pieces or dissolve the bands that bound it together—bands of mutual interest, of patriotism, the idea and association of a common suffering. He did not believe, to narrow the necessity even down to the selfish motives which are said to control men, that the sordid principle of self-interest could dissolve the Union. "I cannot be," he emphatically said; "it cannot be dissolved!"

He judged of others by the faith in his own head and heart. Knowing that the compact could not be legally broken by the band of disquiet and ambitious politicians

who were in the habit of bewildering their auditors and themselves with metaphysical theories on States' rights and periodically threatening to invoke the "God of battles," he could not, would not, allow himself to believe that, by persistent audacity and artifice, subdivisions of party could be so effected as to produce the desired contingency; and that even the high places of the Government could become so inoculated with infamy as to turn popular trust into par-ricidal treason.

His faith in the Union was too great, his pride in the bounty of its institutions, under which men like himself had risen to eminence, too glorious, to comprehend how a hand could be raised against it. This very faith and pride, however, but made him the stronger to face the crisis when it broke upon him in all its terrible reality.

Such were Senator Johnson's views on slavery up to the breaking out of the Rebellion. He could not, considering his relations with a Southern State, have said less. It showed remarkable strength in his own convictions not to have said more, especially when leading Northern Democrats, seeking political promotion, in and out of Congress—men like Benjamin F. Butler and Benjamin F. Hallett of Massachusetts, Daniel S. Dickinson of New York, Jesse D. Bright and Graham N. Fitch of Indiana, Jeremiah S. Black and William Bigler of Pennsylvania, Joseph Lane of Oregon, and others, outrivalled Southern leaders in devotion to Southern institutions. I refer to this fact, not to invite invidious criticism on many of the latter who have well served the Union cause since, but to show by contrast the independent and brave position of Andrew Johnson at the time. He gave slavery a respectful recognition and tolerant speech, when his Northern compeers chiefly studied and explained, and made capital by extolling it. But it was the fashion in those days to look for all wisdom and statesmanship in eminent Southern men and those who agreed with them. In

this connection, and as illustrative of Senator Johnson's individuality, his idea of John C. Calhoun has an interest. He not only did not think him infallible, but he denied him practical power as a politician.

"Mr. Calhoun had some peculiar notions about government ; and if he were now living, he and all the men in the United States could not put a government into successful and practical operation under the system he laid down. He was a logician ; he could reason from premise to conclusion with unerring certainty, but he was as often wrong in taking his premises as any body else. Admit his premises, and you were swept off by the conclusions ; but look at his premises, and he was just as often wrong as any other statesman ; and I think Mr. Calhoun was more of a politician than a statesman. Mr. Calhoun never possessed that class of mind that enabled him to found a great party. He founded a sect ; and if he had been a religionist, he would have been a mere sectarian. He would never have gone beyond founding a sect peculiar to himself. His mind was metaphysical and logical, and he was a great man in his peculiar channel, but he might be more properly said to have founded a sect than a great national party."

This free sketch of the South Carolina nullification idol was presented in the Senate just twelve days before the assembling in Charleston of the National Democratic Convention to nominate a candidate for the Presidency. The Democracy of Tennessee instructed their delegates to put the name of Andrew Johnson in nomination, which was accordingly done. Up to the thirty-sixth balloting he received the vote of his State, after which Mr. Ewing of Tennessee withdrew the name, in the hope of furthering the chances of a nomination. Previous to the balloting, there was great contention on the adoption of a platform, the Douglas doctrine of territorial sovereignty on the Slavery question prevailing, when the delegations of Alabama, Mississippi,

Florida, Texas, all of the Louisiana delegation except two, all of the South Carolina delegation except three, three of the Arkansas delegation, two of the Delaware delegation, and one from North Carolina, withdrew from the Convention. After sitting for ten days and finding it impossible to effect a nomination, the Convention adjourned on the 6th of May, to meet at Baltimore on the 18th June. On the first day of the re-assembling in Baltimore of the National Convention, Senator Johnson withdrew his name in the following letter to a leading member of the Tennessee delegation :

“ WASHINGTON CITY, *June 18, 1860.*

“ 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 peril to the harmony and integrity of the Democratic party—in this hour of serious apprehension for the future welfare and perpetuity of our Government—I cannot and will not suffer my name to add to the difficulties and embarrassment of my friends. I feel that it is incumbent upon you, upon me, that every thing that can honorably and consistently be done should 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, perpetuated for ever.

“ 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.”

## CHAPTER IX.

### JOHNSON'S COMPEERS IN THE UNITED STATES SENATE.

PARTY Leaders in the Senate — Douglas, Crittenden, Seward and Davis — A Scene in the Senate — Crittenden Replying to Green — Personal Sketch of Crittenden — His Political Schooling — Defends it — The Oldest Senator — On the Kansas Question — Defending his own Rights, learns to Defend those of others — The Crittenden-Montgomery Bill — The English Bill Votes — Crittenden Opposes Slidell's Cuba Bill — Parting with the old Chamber: His Love for the Union — Patriarch of the Senate — Stephen A. Douglas — Lessons of his Life — His wide-spread Fame — Chairman of the Committee on Territories — Early Grounds on Non-intervention by Congress with Slavery — Fundamental Principle of the Kansas-Nebraska Act — Buchanan breaks Faith with it — Douglas stands by Popular Rights — Debate on "Lecompton" — Scene in the Senate when Douglas Spoke — His Speech — The Duty of a Senator — The States and the Union — Presidential Tests of Party Fealty — Senatorial Contest in Illinois — What he had to Contend with — Defeats Lincoln on the Senatorship — Lincoln Defeats him for the Presidency — Hatred of Buchanan and the Disunionists for Douglas — Prophetic Views on the Rebellion — Visit and Advice to Lincoln — Wants two hundred thousand Men at the first call — His Last Words — William H. Seward — His Distinguished Career from 1820 — Governor of New York — Controversy with Virginia and Georgia touching Fugitive Slaves — Refuses to give up M'Leod the Ship-burner — The Advocate of Greeks, Hungarians and Irish opposed to Compromises of '50 — "Higher Law" and "Irrepressible Conflict" — On Lecompton — Character of his Eloquence — Jefferson Davis — Quincy Adams Prognosticates his Destruction — Leaves Congress for the Mexican War — At Monterey — Noted Movement at Buena Vista — Sir Colin Campbell Imitates Him — Refuses Commission of Brigadier on States-rights Grounds — Sent to the United States Senate — Repudiates the Union Bank Bonds — Defeated by Henry S. Foote for Governorship of Mississippi — Advocates Franklin Pierce — Secretary of War, his Administration — Opposed to General Scott — His Power in and Use of the Cabinet — On a United South — Contemplates Disunion with Emotion at Pass Christian — Feelings for the Flag — Dissolution before Submission — Views on Prominent Measures — In the Senate — Visits the North — Modified Sentiments — Views for North and South — Union Address to Massachusetts — Disunion Address to Mississippi — As a Congressional Leader — Hammond, Hunter, Mason, Toombs, Iverson, C. C. Clay, A. G. Brown, Slidell, Benjamin, Wigfall, the Characteristics and Manner of Davis.

BEFORE proceeding further with this narrative which now reaches the eve of the greatest events in the history

of the Republic, it is fit that we take a glance at the prominent party leaders in the Senate of the United States, where Andrew Johnson had already won a peculiar and distinctive reputation, and where he was destined to achieve a still further and more impressively brilliant and useful renown.

The Senate of the Thirty-fifth and Thirty-sixth Congresses was composed of forcible representative men from a majority of the States. There was much more than average ability and political experience in the body, as a whole; while in several special instances the Chamber was distinguished by the presence of statesmen and politicians who were received by the whole country as the successors of the Clays and Calhouns, the Websters and Casses, the Bentons, Haynes, Wrights and Prestons, whose names are linked with great and exciting, national and sectional parties, measures and conflicts.

Among the men of mark, distinguished in the past on other fields, either as party leaders or party workers, or at the time for their prominent or passionate co-operation in the conflicts of the day who were the compeers of Johnson in the Chamber, were Douglas of Illinois, Seward of New York, Davis and A. G. Brown of Mississippi, Crittenden of Kentucky, Hammond of South Carolina, Hunter and Mason of Virginia, Toombs and Iverson of Georgia, Slidell and Benjamin of Louisiana, Wade and Pugh of Ohio, Hale of New Hampshire, Wilson and Sumner of Massachusetts, Green of Missouri, Fessenden and Hamlin of Maine, Bell of Tennessee, Bayard of Delaware, Bright of Indiana, Doolittle of Wisconsin, C. C. Clay of Alabama, Broderick and Gwin of California, Foster of Connecticut, Stuart of Michigan, Clingman of North Carolina, Harlan of Iowa, Cameron and Bigler of Pennsylvania, and the soldier Senators—Houston of Texas, Shields of Minnesota, and Lane of Oregon. Others there were in the Chamber also, abler men than some mentioned, such as Preston King of New



York, Foot and Collamer of Vermont, and others, who did not seek occasion to speak, but permitted the occasion to have the benefit of their wisdom, experience and equable judgment.

Pre-eminent in the variously distinguished group, those upon whom the greatest amount of political power and hope, as well as the widest range of popular interest respectively concentrated, were Douglas, Crittenden, Seward and Davis. Douglas, the apostle of a true Democracy; Seward, the founder and best expounder of the new Republican party; Davis, then the guardian rather than the guide of the slave-owners' conspiracy, were undoubtedly the centres around which gathered inside and outside of the halls of Congress all the principle and interest lending strength to, or taking inspiration from the ideas with which they were identified. By the friends and disciples of Douglas and Seward, Crittenden was respected for his independence, loved for his patriotism and applauded for the touching and elevated tones of eloquence by which he sought to check the turbulent spirit of the South and the equally reckless extremists of the North. He appealed to the prudent men of both sections, and by his experience and the associations of his long and honorable career commanded attention even where his healthy views did not suit the designs born of frenzy and diseased ambition. This allusion to his associations and his eloquence calls to mind a scene in the Senate, a sketch of which will serve to keep the eminent Kentuckian before the mind's eye of the reader.

In one of the interesting episodes of the famous Kansas-Lecompton debate of March, 1858, an allusion made by Senator Green of Missouri, brought to his feet the venerable Senator who occupied a seat immediately next the bar of the Chamber, and nearly on the extreme left of the Vice-President's chair. A man of medium height, and rather spare figure, his face is strongly marked, years and thoughtful ex-

perience completing the original outlines of nature. There is a warm, healthy flush over his features, as though a strong heart contributed to their sedate enthusiasm, and making a pleasant and picturesque contrast with the white hair that decorates his head. His manner is as marked as his features, disclosing earnestness and pathos ; while his matter is presented with freshness, vigor and copiousness of language which command respectful attention. Even those who differ with the Senator's views yield to his eloquence. But it is when rising above the sectionalities of debate, he invokes a national inspiration, and gives voice to it, that he is peculiarly affecting and effective, evoking from his hearers the tearful solicitude he portrays himself. On the present occasion, he speaks of himself, and his words consequently are especially interesting. The eyes of the Senators of all sides, are inquiringly turned to him. The full galleries are expectant, and many a political enthusiast who slept in the lobbies—for it is the day after the midnight scene of splendor, when Douglas addressed the Senate—is thoroughly awakened by the voice of the venerable orator. He said the Senator from Missouri was surprised at his feelings, and intimated that his schooling had been bad. Briefly reviewing the political points made by Senator Green, he said he knew his own defects, but did not like them to be attributed to the school in which he had been brought up.

“If my education is defective,” he said, “it is on account of some defect in me, and not in the school. The gentleman is a young man, and a young Senator. I hope and wish for him a long life of public usefulness. He may have learned much more than I have done ; and, if so, it only shows the superiority of his capacity to learn, for I am sure he has not been in a better school. Sir, *this* is the school in which I was taught. I took lessons here when this was a very great body indeed. I will make no comparisons of what it is now, or was then or at any other time ; but I learned from your

Clays and your Websters, your Calhouns and your Prestons, your Bentons and your Wrights, and such men. I am a scholar, I know, not likely to do much credit to the school in which I was taught ; and it is of very little consequence to the world, or to the public, whether I have learned well or ill. It will soon be of no importance to this country or to any body."

This proud yet modest speech created an interest in the speaker on the part of those strangers in town who did not know his person or career. They naturally asked who he was ; and a dozen voices, with some surprise and much gratification, replied, " Crittenden of Kentucky."

He was then the oldest Senator in the Chamber. It was more than forty years since he first entered it in a representative character. He was a Senator before Webster, Calhoun and Benton, long—many years—before Wright and Preston. He was not the pupil, but the contemporary, of those men. He learned with, and not, as he modestly says, from, them.

With the great Kansas question and debate, which was the political centre around which all the elements of agitation revolved at the period under notice, Crittenden's name is inextricably woven. He opposed the admission of Kansas under the Topeka Constitution in 1856, and also under the Lecompton Constitution in 1858, because he did not believe it had the sanction of the people. On the latter occasion Crittenden declared he was a Southern man, as ready as any man to defend the South against any invasion of her rights. But the same feeling which inspired him to defend his own rights inspired him to defend the rights of others.

During the debate the Senator from Kentucky had been delighted with the display made by Senators, North and South, of the resources of their sections. He heard them with great pride. One showed the mighty resources in products of the South ; another exhibited the skill, labor,

navigation, and commerce of the North. If a man might be proud of either as separate nations, how should he feel at their union? His allegiance was not to any particular section. He desired to be ruled by a spirit of justice, and did not weigh this matter in any sectional sense. He was anxious to aid in a settlement of all differences.\*

Senator Crittenden also opposed Slidell's bill to facilitate the acquisition of Cuba. He was willing that President Buchanan should undertake negotiations for its purchase, but was too proud of his country on the one hand to admit that the island was a necessity to the United States, and on the other did not feel authorized to vote thirty millions at the disposal of the President merely to enable him "to commence a negotiation."

On the removal of the Senate from the old to the new Chamber in the Capitol, a very impressive sight, rendered particularly interesting by the admission of ladies on the floor, the galleries being over-crowded, Senator Crittenden made a short but touching farewell to the scene of their

\* For this purpose Senator Crittenden offered a substitute for the bill admitting Kansas. It was defeated in the Senate by a vote of—yeas, 24; nays, 34; but was introduced into the House by Mr. Montgomery, of Pennsylvania, and passed—yeas, 120; nays, 112. The Crittenden-Montgomery Bill," as it was called, provided for the submission of the Lecompton Constitution to the vote of the people of Kansas. If it had a majority, the President was to be informed, who would, by proclamation, declare Kansas admitted on that Constitution, without further Congressional interference. If rejected, it provided for a convention, to be called at an early day, under suitable guards, for the formation of another Constitution, and allowed the new State one Representative in Congress until the next census. The bill gave great satisfaction to the Anti-Lecomptonites. It was considered a national, and not a party, measure. On the 2d of April, on motion of Senator Green, the Senate passed a resolution disagreeing with the House bill—yeas 33, nays 23; and on the 8th, the House, on motion of Mr. Montgomery, "adhered to its amendment," by—yeas, 119; nays, 111. Thus there was direct conflict between the branches of the National Legislature. The *Washington States*, March 19, 1858, thus confronted the bills: "The Senate bill dictates terms to a portion of the United States. The House bill but recognizes the rights which every State enjoys. The Senate bill accepts, after altering, the Southern clause in the Lecompton Constitution. The House bill admits Kansas, and refers the instrument, untouched, to the people. The Senate bill illegally perpetrates a cheat on the South, and humbugs the North. The House

labors, mingling with it memories of the great men who had left their impress on the very walls, and many hopes that the Senate would always maintain a powerful and conservative influence for its own dignity and the glory of the country.

The key note of the Kentucky patriot's aspiration and inspirations throughout all the troubles which precluded the rebellion, is fully and fitly sounded in a speech in Chicago late in 1859.\* He most impressively implored a reliance on the Constitution and a love for the Union. He went to Chicago to forget that a cloud of politics hung over the country, and would not allow himself to be dragged into political discussion. Party politics were very transitory affairs. We are made to regard them as of great importance when to-morrow will bury them in oblivion. "I am at home here," he said, "though I came with very few acquaintances and friends in this part of the country; yet the whole land is my country. The Union makes us one people: may God preserve that Union!" The impassioned earnestness of this invocation struck a chord in the vast assemblage, and the speaker was interrupted by loud applause. "Pre-

bill honestly gives the whole thing, Southern clause and all, to the will of the people." April 13, the Senate insisted on its disagreement, and asked for a committee of conference, by a vote of—yeas, 30; nays, 24; and the presiding officer *pro tempore* (Senator Foot of Vermont) appointed Messrs. Green, Hurter, and Seward as the committee on the part of the Senate. On the next day, Mr. Montgomery moved "that the House insist on their adherence," which, after an excited discussion, was negatived by 108 to 107, the Speaker voting in the negative. Mr. English, of Indiana, who, that morning, in caucus of Anti-Lecomptonites, had expressed his determination to accede to the Senate's request, moved that "the House agree to the conference," which was passed by 108 to 108, the Speaker voting in the affirmative. This result was received by the galleries with applause. The managers on the part of the House were Messrs. W. H. English of Indiana, A. H. Stephens of Georgia, and W. A. Howard, of Michigan. On the 23d, Senator Green reported in the Senate, and Mr. English, in the House, a substitute agreed to by the majority of the Committee of Conference. This amendment was offered by Mr. English, and is now known as the "English Bill." On Friday, April 30, the bill passed both branches. In the House the vote stood—yeas, 112; nays 103. In the Senate—yeas, 31; nays, 22.—*Our Living Representative Men*, pp. 136-7.

\* At the National Agricultural Fair.

serve the Union," he added, "and the Union will preserve you, and make you the mightiest people in the world!"

In early life Mr. Crittenden was a Republican, and afterward a Whig. At the period of which I write he was called an "American." He was a devoted friend of Henry Clay, on whose death he made one of his greatest efforts; and his experience and eloquence always caught the ear of the Senate, of which he was at times denominated the Patriarch.

He was subsequently the motive power, the head and heart of the nucleus calling itself the "Constitutional Union party." After the expiration of his Senatorial term, Mr. Crittenden was returned to Congress as a Representative.

The name of no American statesman had been more familiar to the public ear for several years than that of Stephen A. Douglas. The opinions of none had been more eagerly listened to, more violently attacked, or more gallantly defended than those of "the Little Giant" of the West. The anxiety to hear him in the Halls of Congress was equaled only by the impatient desire of far-distant places to read what he had said. Newspapers of all shades of political opinion found it to their advantage not only to state his views, but to chronicle them in his own words: consequently, none of those who may be called his contemporaries, of whatever party, had such wide-spread publication. In the Democratic party, no one attracted so much attention in his day; and in the Republican party, Senator Seward alone approached him in commanding the public eye and ear. His career had been exceedingly brilliant—the romantic details of his youthful struggles very fitly prefacing the chivalric boldness of his manhood. His life was a splendid illustration of the developing influences of American institutions; and the memoirs of Stephen A. Douglas in some future day will nerve many an orphaned youth for the battle of life, and give him strength to combat and to conquer when engaged in it.

From early life a politician, he had developed into a wise, brave and unconquerable statesman. Having survived the visitation of ill health, and overcome the vicissitudes of ill-fortune in his youthful days, he arose step by step through numerous legal, judicial and legislative offices to the first place in the hearts and heads of the Democratic party, if not of the great majority of the people. At the time of which I write his name and fame were on every lip. This partly arose from the truthfulness of his views on the Slavery question in the Territories on the one hand, and the tremendous efforts made by President Buchanan, his Cabinet, and the Southern party to crush him on the other. As Chairman of the Committee on Territories, first in the House, and afterward in the Senate, Douglas had reported and carried through bills organizing the Territories of Minnesota, Oregon, New Mexico, Utah, Washington, Kansas and Nebraska, and also the bills for the admission of the States of Iowa, Wisconsin, California, Minnesota and Oregon. He early took grounds touching the Slavery question in the organization of Territories and admission of States, and held that Congress should not interfere. He declared as its fundamental principle in the Kansas-Nebraska bill in 1854, that "it was the true intent and meaning of the act not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Mr. Buchanan was elected President on this principle, but he had scarcely got his Administration into working order, if it can be said to have ever attained that point, before its power was directed to an invasion of this principle, by an attempt to force the people of Kansas to accept a constitution they did not make. The Administration and the Southern political friends with whom Douglas had acted, united in this attempt. He, however, did not hesitate as to

his duty, but struck a bold blow for popular rights. The contest spread all over the country. In it Douglas was sustained by the great mass of the North, and was denounced by the Democratic Administration, supported by a united South. He stood firmly by his position ; maintained it by argument in proof, and defied the consequences personal to himself. It was a great war between Douglas on the one side, and Buchanan and the Southern conclave on the other ; and in which the weapons wielded by the latter were jealousy and personality, and by the former, principle and an energy that rivaled it in power.

The debate in the Senate will long be remembered, The whole country was excited to a curiosity and anxiety without bounds. Nothing was talked of but " Kansas " and " Douglas." The debate on " Lecompton " continued from the 1st to the 23d of March. The closing scenes were peculiarly interesting. By day and night the galleries were crowded. Douglas' speech on the 22d was the climax of the debate, and the expectation that he would speak at the morning session filled the galleries, lobbies, stairways, ante-rooms and every avenue of the Capitol at an early hour. The crowd kept increasing, and the observed of all observers entered the Chamber immediately after a fainting lady had been carried out of the gallery, just after noon. The expected speech was not delivered, but the crowd remained.

At the evening session the scene presented in the Senate was one of the most brilliant and exciting ever witnessed. No sooner were the galleries cleared when the recess was taken, than the crowds who all the morning expected Douglas would speak, and patiently awaited a chance to get in, filled up the seats. At five minutes after five the galleries were empty ; in five minutes more they were filled with a brilliant, fashionable, and intelligent array. In the gentlemen's gallery the people were literally walking on each other. They formed a human pyramid reaching up to the



windows, on the inside sills of which some persons were fortunate enough to be lifted. For two hours the throngs of people were wedged together in expectancy of the great speech. Some ladies brought books, others their knitting, and thus, having secured seats early, industriously killed the time between 5 and 7 P. M.

When the Chamber was called to order, Gwin and Seward simultaneously arose with the same purpose—to move the admission of the ladies to the floor of the Senate. It was agreed to. The doors were thrown open, and a perfect flood of beauty, bearing on the tide all manner of broken hoops and dragged crinoline, poured into the Chamber. In a few moments every spot was occupied, while on all the lobbies such discontent arose from the unaccommodated crowds of gentlemen and ladies there, that several times the Chair was called on to dispatch officers to allay the disorder.

The appearance of Senator Douglas was the token for a round of applause. The sight must have been deeply gratifying to him, as it was entrancing to that mother and daughter\* who, from the reporter's gallery, looked upon the scene with an anxiety and pleasure which might tell the physiognomist that they, of all the great and brilliant crowd, had the deepest and most exalted interest in it.

For three hours Senator Douglas spoke. Commencing calmly, with an expression of doubt of his own physical strength to carry him through the duty before him, he warmed up by degrees, lifting the head and heart of the multitude with him, until one almost felt as if he were in Europe during the revolutions, listening to some powerful tribune of the people expounding their rights and inspiring them to such action as made America a republic. He went through his public course. The period embraced some of the most prominent and vital acts in the history of American politics. He showed—not as a defense, but in a proud,

\* Mrs. Douglas and her mother.

manly, and almost defiant spirit—what his acts had been ; he echoed his own words ; he was proud of his deeds—deeds and words which were recognized portions of the policy of the Democratic party.

As he proceeded, with emphatic and measured dignity, to define his position in the present crisis—what the duty of a Senator from a sovereign State was, and the responsibility he owed to the people whose voices culminated in him—he held the multitude chained with that peculiar eloquence which, based on common sense and the rights of man reaches its destination without the aid of winged rhetoric. Such eloquence does not dazzle, it convinces ; it does not stretch the fancy, but solidifies the head ; it does not hold the breath, but makes one breathe freer, for it cheers the heart.

The great burst of applause which broke from the galleries and rolled over the Chamber was a nobler testimony to the principles enunciated by the eloquent Senator than might be written. He was there the defender of the people, the representative of a State, and not the vassal of the Executive, nor the valet of the Administration, to do its bidding without consulting his own judgment or the interest of his people. He stood forth as the champion of State sovereignty. This Union was not an empire or absolute monarchy, in which States were but provinces without individual and distinct and different rights. It was a confederacy of nations, each one of which was equally represented in the Senate.

As he exposed the fallacy of making the question a test with the Democracy, and claimed the right to vote against it, he, with admirable adroitness and force, asked if Brown of Mississippi, was read out of the party for differing with the neutrality policy of the Administration ? if Toombs was read out for opposing the Army bill ? if Mason would be expelled for not swallowing the Pacific Railroad ? Why,

then, should he be expelled, read out, denounced, because he, like those Senators, thought for himself on an Administration measure? The effect was electric, and was greatly indebted to the manner of the Senator. He grew in enthusiasm with the progress of his subject; and up to the last sentence, in which he gracefully prayed the indulgence of the Senate to overlook the style of his argument, as his recent illness prevented it being more perfect and satisfactory to himself—up to the last word—the mass of people who heard him were not only patient, but delighted. It really was a study to behold the Administration leaders.

The great contest with Abraham Lincoln, on which his seat in the Senate depended, next took place. In Illinois, in addition to the acknowledged ability of Mr. Lincoln, Douglas had the power of the Administration and the organization of Government officials, which vindictively followed him, to encounter and overwhelm. It was an intensely exciting, hard fought\* and interesting canvass. It resulted in re-electing Douglas to the Senate and electing Lincoln to the Presidency; for the Republicans having made Lincoln their standard-bearer in a contest with the great Democratic leader, brought his name prominently before the whole country. To have met Douglas at such a time was in itself reputation, and the Illinois contest was but extended to the Republic, when his friends nominated the defeated Senatorial candidate for the higher office of President.

The hatred of the Administration to Douglas was used most effectively by the conspirators, who beheld in the latter

\* In illustration of the arduous nature of the canvass, Judge Douglas himself told me that in four months he made one hundred and thirty speeches, all save three of which were in the open air. He spent most of the time in railroad cars and carriages, on an average going to bed but three times a week. Once during the canvass he was five days and nights without having his clothes off or going to bed. I have heard these details corroborated many times by persons who accompanied Douglas during the exciting period.

their most powerful enemy. The designs of both culminated in the disruption of the Charleston-Baltimore Convention, the secession of the chief Southern delegates from which but indicated the secession of the States from the Union a few months later. After a wonderful canvass, in which the whole question of Union *vs.* Disunion was elicited and discussed, Mr. Lincoln was elected President, and the action of South Carolina precipitated the Rebellion. Douglas, like many others, at first had hopes that legislative action might avert war, but threw overboard all party feeling when the Southern leaders fully developed their plans. That he fully grasped both the terrors and duties of the occasion is shown by a conversation held on the 1st January, 1861, with Gen. C. B. Stewart of New York, who made a note of it. In reply to a query as to the results of the efforts of Davis and his associates to divide the Union, Douglas said :

“The Cotton States are making an effort to draw in the Border States to their scheme of secession, and I am too fearful they will succeed. If they do succeed there will be the most remarkable civil war the world has ever seen, lasting for years. Virginia will become a charnel-house; but the end will be the triumph of the Union cause. One of their first efforts will be to take possession of the Capitol, to give prestige abroad; but they will never succeed in taking it; the North will rise en masse to defend it; but it will become a city of hospitals; the churches will be used for the sick and wounded, and even the Minnesota block (now the Douglas Hospital) may be devoted to that purpose before the end of the war.”

His visitor asked, “What justification is there for all this?” Douglas replied :

“There is no justification, nor any pretense of any. If they will remain in the Union I will go as far as the Constitution will permit to maintain their just rights, and I do not doubt but a majority of Congress will do the same. But,” said he, rising on his feet and extending his arm, “if the Southern States attempt to secede from the Union without further cause, I am in favor of their having just so many slaves and just so much slave territory as they can hold at the point of the bayonet, and no more.”

Even in minute details the indications here made were prophetic. After the fall of Fort Sumter, when Washington city was profoundly agitated, and the action of the Government looked to with feelings which cannot be described, the position of Douglas naturally created the widest anxiety and much discussion. At the solicitation of the Hon. George Ashmun, he visited President Lincoln at this gloomy hour of our national life, and cheered him with the characteristic intelligence and patriotism of his brave nature. Mr. Ashmun sketches the occasion with suggestive brevity: "It was almost dark when we started for the President's House. We fortunately found Mr. Lincoln alone, and upon my stating the errand on which we had come, he was most cordial in his welcome, and immediately prepared the way for the conversation which followed, by taking from his drawer and reading to us the draft of the proclamation which he had decided to issue, and which was given to the country the next morning.\* As soon as the reading ended, Mr. Douglas rose from his chair and said: 'Mr. President, I cordially concur in every word of that document, except that instead of a call for seventy-five thousand men I would make it two hundred thousand. You do not know the dishonest purposes of those men (the rebels) as well as I do.' And he then asked us to look with him at the map which hung at one end of the President's room, where, in much detail, he pointed out the principal strategic points which should be at once strengthened for the coming contest. Among the most prominent were Fortress Monroe, Washington, Harper's Ferry, and Cairo. He enlarged at length upon the firm, warlike footing which ought to be pursued, and found in Mr. Lincoln an earnest and gratified listener. It would be impossible to give in detail all the points presented by him, and discussed with the President; but I venture to say that no two men in the United States parted that night with a

\* The first proclamation, dated 15th April, 1861.

more cordial feeling of a united, friendly, and patriotic purpose than Mr. Lincoln and Mr. Douglas."

The last letter written by Douglas\* impressed on his friends their duty to the country, irrespective of the Administration that might be in power. The support of the Government was not a party question, but one of country or no country. He was not the apologist of the errors of the Lincoln Administration, but said he, and the words ought to be inscribed on his monument, "I trust the time will never come when I shall not be willing to make any needful sacrifice of personal feeling and party policy for the honor and integrity of my country." Douglas died when the whole loyal people had learned to love and to deeply rely upon him.

Douglas and Crittenden, great, independent and courageous statesmen, passed away after having proved that their influence for good expanded in potency the more violent the ordeal through which their patriotism was compelled. Fortunately the third of the trio of loyal Senators, pre-eminently distinguished by experience and ability, survived, and still survives to give his country the benefit of both. Before William H. Seward entered the Senate of the United States he had a career sufficient to sustain an enduring reputation. From his youth he had been conspicuous for independence of thought in action. As early as 1820, during the discussion which arose on the "Missouri question," and while yet under age, Mr. Seward began to discover, as he thought, an undue subserviency in the dominant party to Slavery, its interests and power. All the resources which great knowledge and continuous research have placed at his disposal since, but confirmed and extended those views, until his effect on public opinion is read in the results which surround us to-day in a regenerated Republic. As a lawyer, Mr. Seward eminently distinguished himself, his industry strengthening a peculiarly bold and original mind. Few

\* To Virgil Hickox, Chairman Illinois State Committee.

lawyers could risk the declaration which Seward solemnly made in the famous Freeman case in 1846, "that before God and man, there was no single word which he had ever uttered in any court of justice which he would wish recalled." As Governor of New York, his administration was fraught with importance, and many leading minds regard it as having been more influential in shaping the political issues which have since grown up in the country than any event of the last thirty years. When he assumed office, at the age of thirty-seven—having defeated the veteran Marcy by more than ten thousand majority—a great monetary pressure, immense undertakings just assumed by the State in the enlargement and extension of the public works, crowds of applicants for office, always disagreeably numerous, but largely increased by the revulsion of trade, met him, and were sufficient to task a much older statesman. Brains, however, are equal to experience, and energy is the true test of usefulness whether in old or young. Governor Seward succeeded. Education, internal improvements, agriculture, the establishment and improvement of asylums, reforms in the courts, in the banking-laws and the militia system, the entire extinguishment of laws for imprisonment for debt, the settlement of the Anti-Rent troubles, the extension of political franchises to all classes of people, the encouragement of foreign emigration, and the repeal of several lingering statutes favoring slavery, as well as the enactment of new ones in opposition to it, were all subjects of attention.

During his Administration an important controversy arose between Governor Seward and the Governors of Virginia and Georgia. From both of these States it was alleged that slaves had been abducted by colored seamen belonging to New York, and carried to free States and set at liberty. The sailors charged with this offense against the laws of Virginia and Georgia were demanded of Governor Seward on requisitions issued by the Executives of those States.

The abductors were arrested in the city of New York, to be taken to the State where the offense was committed, as soon as Governor Seward should grant the requisitions, but he refused to give them up. In the correspondence which ensued, Governor Seward maintained that the crimes contemplated by the Constitution, in its provisions requiring the rendition of fugitives from justice, were not such as depended on the legislation of a particular State, but such as were determined by some common standard to be crimes—such as were *mala in se*. No State, he argued, could force a requisition on another State, founded on an act which was only criminal through its own legislation, but which, compared with general standards, was not only innocent, but humane and praiseworthy. A reference to the correspondence, as published in the works of Mr. Seward, will show the arguments adduced on both sides. This controversy attracted the attention not only of the Legislatures of the several States, but of the whole country, North and South. The Whig Legislature of New York sustained Governor Seward in the matter; but upon the accession of the Democrats to power they passed resolutions denouncing his course, and requesting him to transmit the resolutions to the Governor of Virginia, which he declined to do. Virginia, and other States in sympathy with her, threatened retaliatory measures, designed to injure the commerce of New York. But this produced no change in his decision.

Governor Seward's course in the famous McLeod case exhibited his tenacity of purpose in a similar manner. McLeod, a British Loyalist, charged with burning the American steamer *Caroline* during the Canadian Rebellion in 1837, was arrested and committed to jail in the State of New York to await his trial for the offense. The British Minister alleging that the act was one of war, for which his Government should be held responsible, demanded the release of McLeod, and menaced hostilities in case of a re-



fusal. President Tyler's Administration—Webster being Secretary of State—urged Governor Seward to surrender the accused. Many friends also advised him to the same course. But he resolutely resisted both the demand of the British Government, and the timid policy of Tyler. As the friend of freedom, Governor Seward has been eminently and humanely consistent, advocating the cause of the Greeks, the Hungarians, the Irish and other oppressed peoples, with the earnestness and eloquence which, in his own case, have survived all opposition. He has ever been equally and nobly distinguished as the friend of the emigrant. The enthusiasm which elevated General Taylor to the Presidency, also sent Governor Seward to the United States Senate. Although holding different views on many subjects, the ideas of Senator Seward and Andrew Johnson during the excitement of 1850 were almost in harmony, both disbelieving in the efficacy of compromises. The reader is acquainted with Johnson's declarations on this subject. Seward disagreed with Clay, Webster, Cass and others, as to the Union being then at stake, or that compromise measures were necessary to its preservation; and predicted as the result of a yielding to the claims of the Compromise party, the very ills which it is believed have since been realized in the Kansas legislation. At this period it was that Senator Seward used the phrase "Higher Law," which, like his subsequent phrase of "Irrepressible Conflict," supplied politicians of all classes and degrees with ready inspiration for abuse or approval. At the same time he declared his deep-felt assurance that slavery must give way to the salutary instructions of economy and the ripening influences of humanity; that emancipation was inevitable and near; that all measures which fortified slavery tended to the accomplishment of violence; and all that checked its extension and abated its strength tended to its peaceful extirpation. Senator Seward was also the friend

of the Homestead bill ; but differed from Senator Johnson on the subject of a Pacific Railroad. He proposed the reorganization of the United States Courts, acted with Douglas against the "Lecompton" despotism of the Administration, and compared the Conference or "English bill" to Redheifer's perpetual motive power and Maelzel's automaton chess-player, as deceiving no person save those wishing to be deceived.

Senator Seward's eloquence was at once positive and negative ; negative in a popular sense from the want of that clap-trap which delights by astonishing, and positive from the equable and strong current which carried an intelligent listener fully into the thoughts of the speaker. He generalized with fascinating effect ; and made in his speeches the best history of the measures which he either originated or supported. Whether people agreed with the principles or theory upon which his utterances were based or not, they could not deny—if in the attractiveness of his narrative they were permitted to think of—the consummate talent with which mere political details were overlooked, and the favorite view of the question presented in all the symmetry of a well-balanced, well-stored and self-contented intellect. All his great efforts showed that he relied on history for his justification, and already he has lived to see the consummation of his cherished views and principles. His faith was always strong ; and true to the instincts and privileges of the thinker, he did not allow what many conceived to be party issues to trammel his deeds or his words.

It is beyond the scope of this work to follow Senator Seward into the State Department. His eminent labors there will form a potent chapter in the eventful administration of which he was the chief mainstay and counsellor.

John Quincy Adams had a habit of always observing new members. He would sit near them on the occasion of their Congressional debut, closely eyeing and attentively listening

if the speech pleased him, but quickly departing if it did not. When Jefferson Davis first arose in the House, in 1845, the Ex-President took a seat close by. Davis proceeded, and Adams did not move. The one continued speaking and the other listening; and those who knew Mr. Adams' habit were fully aware that the new member had deeply impressed him. At the close of the speech, "the old man eloquent" crossed over to some friends, and said, "That young man, gentlemen, is no ordinary man. He will make his mark yet, mind me." That Jefferson Davis achieved the distinction prophesied is undeniable; that his talents were of a commanding order is equally incontrovertible, but that his chief mark has been written in the blood of hundreds of thousands of his fellow-citizens, and the use of his great abilities consummated in the most unjust and violent rebellion on the records of history are facts equally prominent; and which can only increase in infamy with the progress of the Republic out of the dread destiny into which the unhallowed ambition of those he led and misguided would have devoted it.

Educated at West Point, Davis had served with credit in the Black Hawk war—as did also Abraham Lincoln—and after leading a life of retirement for some years, was elected to a seat in Congress, which he soon resigned to lead a Mississippi regiment to the Mexican war. At the storming of Monterey, Colonel Davis greatly distinguished himself; and at Buena Vista, although wounded, he remained in the saddle to the close of the fight. The special action for which he received *eclat* at Buena Vista, and which towards the close of the rebellion was alluded to by "Confederate" journals as giving him a military reputation he did not deserve,\* was described by Caleb Cushing in a lecture at Bos-

\* According to the Richmond *Examiner*, the greatest misfortune to "the Confederacy" was, "that its first President was, or thought himself to be, a military man. If he had been some worthy planter, who never was either at West Point or Mexico, and had no special qualification save a manly, straight forward Southern spirit, then he would have never thought himself competent

ton in 1858 as among the dramatic incidents of the battle. He says Davis there ventured to do that of which there is, perhaps, but one other example in the military history of modern times: and presents a striking parallel. "In the desperate conflicts of the Crimea," says Cushing, "at the battle of Inkerman—in one of those desperate charges, there was a British officer who ventured to receive the charge of the enemy without the precaution of having his men formed in a hollow square. They were drawn up in two lines, meeting at a point like an open fan, and received the charge of the Russians at the muzzle of their guns, and repelled it. Sir Colin Campbell, for this feat of arms among others, was selected as the man to retrieve the fallen fortunes of England in India. He did, however, but imitate, what Jefferson Davis had previously done in Mexico, who, in that trying hour, when, with one last desperate effort to break the lines of the American army, the cavalry of Mexico was concentrated in one charge against the American line—then, I say, Jefferson Davis commanded his men to form in two lines, extended as I have shown, and received that charge of the Mexican horse with a plunging fire from the right and left of the Mississippi Rifles, which repelled—and repelled for the last time—the charge of the hosts of Mexico." For this service Davis was familiarly known among his comrades as "Buena Vista."

His extreme States-rights views broke out in a remarkable manner while returning from Mexico. When at New Orleans he received from President Polk the commission of Brigadier-General of Volunteers, but declined the honor on the ground that it was an infringement on the rights of the States, the constitution reserving to the latter the appoint-

to plan distant campaigns, or to interfere with generals in the field." But Mr. Davis studied war at West Point, and one day in Mexico he formed his regiment of two hundred and fifty men in the shape of a V, and, continues this Richmond critic, "we feel its evil effects to this day. If we are to perish, the verdict of posterity will be, 'Died of a V.'"

ment of officers of State troops. He was almost immediately sent to the United States Senate to fill a vacancy, was subsequently elected to the position, and as Chairman of the Committee on Military Affairs, and as a ready defender of the Slave States acquired prominence and became the mouth-piece of the "Slave-rights Democrats." At this time he won an unenviable notoriety by his advocacy of a repudiation of the Union Bank bonds of Mississippi. His course brought great disgrace on the character of the country, and he made a reply to the *London Times* which still more deeply illustrated and enforced his repudiation doctrine.\* In 1850 he resigned his seat in the Senate to contest the Gubernatorial election with Henry S. Foote, and was defeated by the latter. This threw him into privacy, from which he emerged, in 1852, to advocate the claims of Franklin Pierce to the Presidency, on whose inauguration he was rewarded with a seat in the cabinet as Secretary of War. His administration of the War Department was highly esteemed for the introduction and extension of improvements and regulations, although in the latter and by other means he exhibited a continual desire to insult the veteran officer Winfield Scott. He was the advocate of generous appropriations for forts, improvements in small-arms, increase of pay for officers, pensions for their widows, the introduction of camels and the addition of several regiments to the regular army. There is no doubt, that during his administration, he did all in his power to attach the army officers to him on the one hand and to strengthen the power of the Slave-rights Democrats on the other. He was a ruling power in the Cabinet. Subsequently, the ex-Secretary declared, that had he followed his own desires he would not have gone into Pierce's Cabinet; but the argument—used at Washington as well

\* First letter, dated 25th of May, 1849, in *Washington Union*. Defence, dated at his residence, "Brierfield, Miss," August 29, 1849, published in the *Jackson Mississippian*.

as in Mississippi with him—that to decline, might be injurious to the States-rights party of the South, that is, that he could use the power at his disposal for the benefit of that party—prevailed.

Having been re-elected to the United States Senate, the ex-Secretary moved—with but few months' intermission from the War Department into the Capitol. During this intermission, Senator Davis addressed several Southern audiences. His speech at Pass Christian embraced his views and policy. In it he claimed to be for the Union, but stated the belief that the "puritanical intolerance and violently unconstitutional character of the North would tear it asunder if a United South did not put it down. His great reliance was on a United South;" and he dwelt on it fearful lest the "Know-Nothing-ism" which so raged at several prominent Southern cities would divide them. He earnestly deprecated interference by the citizens of one State with the rights of another State, and, though fully identified with the South in any emergency, could not contemplate the possibility of disunion without deep emotion. He believed that some of his most endearing reminiscences had grown out of his connection with the Federal Government; and, dwelling on them, told his hearers, that while yet a boy, he had been called to duty in its military service, where he remained up to mature manhood. He had seen its flag wave its graceful folds in the peaceful civic pageant, and had witnessed it borne aloft in the clash and cannon-clouds of the deadly conflict; he had seen it in the East, brightened by the sun at its rising, and in the West, gilded by his declining but golden rays; and to see that flag Sundered, to see one star torn from its azure field would, he felt, imbue him with a sorrow such as only a parent feels for a lost and beloved child. These sentiments drew down prolonged applause. But lest they might be mistaken or too forcibly indicate a too one-sided devotion to the

Union and the flag, he took an opportunity of striking a balance between dissolution and submission ; by declaring he was as much opposed "to the brainless intemperance of those who desired a dissolution of the Union," as to the slavish submission of those who, like the victims of Juggernaut, unresistingly prostrated themselves to be crushed.

Senator Davis was in favor of annexing Cuba ; of Americanizing the continent ; of free trade, and the abolition of Custom Houses ; of a Pacific Railroad ; and though he made no set speeches during the great "Lecompton" discussion, he appeared in the Senate Chamber propped up with pillows, and with bandaged-eyes, to vote against Douglas, and for what Henry A. Wise justly termed "a schedule of legerdemain."

During the recess, Senator Davis visited the North, where he was received with great courtesy and hospitality. He went there as an invalid, and known chiefly, as he remarked in Maine, "by the detraction which the ardent advocacy of the rights of the South had brought upon him." He did not deem his going or coming would attract attention ; but he was mistaken. "The polite, the manly, the elevated men, lifted above the barbarism which makes stranger and enemy convertible terms, had chosen, without political distinction, to welcome his coming, and, by constant acts of generous hospitality, to make his sojourn as pleasant as his physical condition would permit." In the speech of which this is the opening sentence, Senator Davis denied that his friends and himself were Disunionists and Nullifiers. He visited Massachusetts and New York, and his addresses to the people of the chief cities in those States, attracted a great deal of attention. They were characterized by a decided modification of sentiment, and an equally temperate mode of expression ; leaning much more to the popular sovereignty views of Douglas, than to the slave code system for the Territories advocated by his ultra

Southern friends. Whether the state of his health was not favorable to the consideration of violent views, or the atmosphere of Northern Democracy was too strong for him, or Northern hospitality had subdued him to rationality, or that he was on a Presidential canvass amid the great cities of the Republic which had been built by the enterprise of free "mudsills," or whether it was all four combined that influenced his thoughts and speech it is difficult to say; but both were so different from the manner of his "ardent advocacy of the rights of the South," that they were the subject of general comment North; and he had to explain them when he went South. In a letter apologizing for his absence from the Webster Birthday Festival, held in Boston, January, 1859, Senator Davis said:

"May the vows of 'love and allegiance' which you purpose to renew as a fitting tribute to the memory of the illustrious statesman whose birth you commemorate, find an echo in the heart of every patriot in our land, and tend to the revival of that fraternity which bore our fathers through the Revolution to the consummation of the independence they transmitted to us, and the establishment of the more perfect Union which their wisdom devised to bless their posterity for ever!

"Though deprived of the pleasure of mingling my affectionate memories and aspirations with yours, I send you my cordial greeting to the friends of the Constitution, and ask to be enrolled among those whose mission is, by fraternity and good faith to every constitutional obligation, to insure that, from Aroostook to San Diego, from Key West to Puget's Sound, the grand arch of our political temple shall stand unshaken!"

Six months later, addressing a State Convention in Mississippi, he found a more suitable occasion for the expression of his views in furtherance of the conspiracy which was boldly but cautiously maturing. He made Mr. Seward's famous Rochester speech of the autumn previous, the inspiration of his rebellious queries and declarations—which speech, be it remembered, was before him when he wrote such solicitous sentences to the Websterians of Bos-



ton. Taking up the "Irrepressible Conflict" theme, he put the question to his Mississippians:

"Will you allow the Constitutional Union to be changed into the despotism of a majority? Will you become the subject of a hostile Government? or will you, outside of the Union, assert the equality, the liberty and sovereignty to which you were born? For myself, I say, as I said on a former occasion, in the contingency of the election of a President on the platform of Mr. Seward's Rochester speech, let the Union be dissolved. Let the 'great, but not the greatest, evil,' come; for, as did the great and good Calhoun, from whom is drawn that expression of value, I love and venerate the Union of these States, but I love liberty and Mississippi more."

Throughout the period of which I have been dealing in the latter preceding chapters, Davis was eminently distinguished. He held the same relative position to the South that Douglas did to the North, but their claims were based on very different foundations. He was the acknowledged Congressional leader of nearly all the Southern Senators and Representatives. Andrew Johnson stood alone in complete independence of vassalage to the conspirators and their leader. Crittenden could not be carried away with their disruptive schemes. He belonged to the old Clay school, and with few exceptions, his noble utterances were permitted to pass by without malignant comment. Houston also could not be robbed of his reputation. It was different in the case of Johnson; at least they thought so. His activity was feared, his popular ideas hated, and both brought him under the constant fire of the conspirators. Bell was not tractable in the traces of the Southern phalanx. Toombs would break them betimes, as would Brown; but with the body of Southern Congressional agitators Jefferson Davis was regarded as the leader. Taken altogether he had the greatest qualifications for the post, as he combined in a larger degree than any other the characteristics which were distributed throughout his principal colleagues. Hammond, of South Carolina, had a more graceful intellect, and

was a bolder thinker. Hunter, a more persistent student, was in the minds of many, an abler man; and a much greater favorite with Northern Democrats. He was, however, sluggish and unattractive. Mason the heir of several Virginia reputations, was pompous and oracular to a degree amounting to burlesque. Toombs was bellicose and unbalanced, and so passionate in what he conceived to be right that he was uncontrollable; Iverson was inflammable and unequal; C. C. Clay was self-opinionated, narrow-minded and vindictive; A. G. Brown exactly the reverse, was open-minded, a clear thinker, full of popular sympathies, and consequently dangerous to meddle with; Fitzpatrick was easy-going and respectable; Slidell's leading talent was astuteness; and that of Benjamin a wicked gift of speech, which, like flowering branches before a masked battery, hid treachery and remorseless deceit; Wigfall was violent, sometimes descending to vulgarity, and sometimes touching the heart with sentiment. Davis was singularly fitted to control if not to combine these conflicting elements. He was free from taint as a speculator, and had a self-contained ambition which, amounting to callousness regarding the actions of men on his own side, was mistaken for calmness; and assumed a solemnity of reply to the opposition, which carried in its manner the intimation that when he spoke nothing further need be said. He was known as cold, proud, unforgiving; qualities which in conjunction with great talents and knowledge, while they repelled the free and easy politicians, indicated him as a leader who need not be all things to all men, but who would check the familiarity of those nearest to him, and whose ostensible impartiality would command the respect of the masses. Notoriously of a despotic cast of mind, he was little given to the melting mood of even remotely extending forgiveness, or acknowledging the possibility of a cause for soliciting it.

When he arose in the Chamber, he invariably commanded attention. He was not hazardous in debate ; consequently when he spoke the conclusion was that he knew what he spoke about. Of easy manner, there was a precision in his phraseology which gave a vigor and force to his speeches that accorded well with the military character of the speaker. His language, as well as his manner, was orderly rather than ornate.

## CHAPTER X.

THE Presidential Conventions of 1860 — Their Nominations and Platforms — Bell, Everett, and the Constitution and the Laws — Lincoln, Hamlin, and Intervention — Douglas, H. V. Johnson, and Non-Intervention — Breckinridge, Lane, and Slave Protection — The Disruption in the Democratic Convention — Two Seceders' Conventions — The First Step toward Practical Disunion — Delay of Breckinridge to accept the Richmond Nomination — Calls for his Letter — Its Character — Causes of the Democratic Disruptions — The Plots of Disunionists under Yancey, and Buchanan's Hatred of Douglas.

A NUMBER of delegates from twenty States, representing what they called the "Constitutional Union Party," met at Baltimore, on the 9th of May, 1860, and nominated John Bell of Tennessee, for the Presidency, and Edward Everett of Massachusetts, for the Vice-Presidency. This convention put forth no platform of party principles, believing experience had demonstrated that such tend to mislead and deceive the people. Their faith was set forth in a resolution recognizing no political principle other than the Constitution of the country, the union of the States, and the enforcement of the laws.

Abraham Lincoln of Illinois was nominated May 18, 1860, for the Presidency, and Hannibal Hamlin of Maine, for the Vice-Presidency, by the convention which met at Chicago, on the 15th instant. Mr. Lincoln was put in nomination by the Republican party, and he presented in his life and opinions the precise aim and object for which that party had been formed. He was a native of a slaveholding State, and, while he had been opposed to slavery, he had regarded it as a local institution, the creature of local laws,

with which the national Government of the United States had nothing whatever to do. But in common with all observant public men, he had watched, with distrust and apprehension, the advance of slavery as an element of political power towards ascendancy in the Government of the nation, and had cordially co-operated with those who thought it absolutely necessary for the future well-being of the country that this tendency should be checked. He had, therefore, opposed very strenuously the extension of slavery into the territories, and had asserted the right and duty of Congress to exclude it by positive legislation therefrom. The Chicago Convention, which nominated Mr. Lincoln, adopted a platform of which this was the cardinal feature ; but it also took care to remove the apprehensions of the South that the party proposed to interfere with slavery in the States whose laws gave it support and protection. It expressly disavowed all authority and all wish for such interference, and declared its purpose to protect Southern States in the free enjoyment of all their constitutional rights.\*

The Democratic Convention which re-assembled at Baltimore one month later, presented a continuation of the scenes which took place at Charleston, and exhibited still further the machinations of the Southern Democrats to treat the Northern Democrats as Sepoys. Delegates from Virginia, North Carolina, Tennessee, Maryland, Delaware, Kentucky, Missouri and Massachusetts, as well as the President of the Convention, Hon. Caleb Cushing, withdrew. Governor Tod of Ohio, was appointed in his place, and the Convention nominated Stephen A. Douglas for the Presidency, and Benjamin Fitzpatrick of Alabama, for the Vice-Presidency. The latter, owing to the Southern pressure on him, declined the nomination, and Herschell V. Johnson, of Georgia, was put in his place by the National Committee.

\* "History of the Administration of Abraham Lincoln," by H. J. Raymond.

The platform of the National Democratic Convention re-affirmed the principles declared by the Cincinnati Convention of 1856, which, as regarded the great questions of the day, were based on Douglas' doctrine of non-intervention. It added a resolution in effect that the decisions of the Supreme Court of the United States on the constitutional restrictions, whatever they may be, on Territorial Legislatures, should be respected by all good citizens and enforced by the Government.

The seceders from the regular Democratic Convention met at the Maryland Institute, Baltimore, on the 28th of June. They increased their numbers by admitting persons not elected delegates, but who happened to be in the city as visitors; to give the meeting an air of regularity, they chose Mr. Cushing as their presiding officer, and after going through certain formalities, nominated John C. Breckinridge for the Presidency, and Joseph Lane for the Vice-Presidency. The platform of this seceding faction also re-affirmed the Cincinnati resolutions, and added others declaring the rights of slavery in the Territories as paramount to either congressional or territorial legislation, and also that it was the duty of the Federal Government to protect slavery in the Territories.

The candidates, then, stood before the people thus:

Lincoln was for the direct intervention of Congress to prohibit slavery in the Territories.

Douglas was for the non-intervention of Congress, and for leaving the protection or prohibition of slavery in the hands of the Territorial Legislature.

Breckinridge was equally opposed to the intervention of Congress or the legislation of the Territory on the subject of slavery, believing it the duty of the Government to protect it.

The seceders from the Charleston Convention had met at St. Andrew's Hall, in that city, where they received a visit

of sympathy from a portion of the New York delegation, headed by Fernando Wood, chose James A. Bayard, of Delaware, Chairman, and after adopting a "Southern rights" platform, and remaining in session four days, adjourned to meet Richmond, Va., on the second Monday in June. In pursuance of this arrangement, these seceders met in Richmond on the 11th of June. Delegates were present from Alabama, Arkansas, Texas, Louisiana, Mississippi, Georgia, South Carolina, Florida, second congressional district of Tennessee, and the seventh electoral district of Virginia. John Erwin, of Alabama, was chosen President. It adjourned on the 12th to the 21st. It met again and adjourned, and so continued to meet and adjourn, watching and waiting the action of the regular Convention at Baltimore, until the seceders from the latter nominated Breckinridge and Lane, when such of the delegates as had not gone to Baltimore adopted the candidates and platform of the "Bolters," and adjourned.

Thus was the first decided step towards practical disunion effected. The conspirators had loudly declared that the election of Mr. Lincoln would be regarded as cause for secession; and yet, while so declaring, they rendered the Democracy powerless to defeat him. Hence Breckinridge and Lane were emphatically disunion candidates. This fact was widely recognized, and for several weeks no official declaration was made as to whether Breckinridge and Lane had accepted their nomination by the Richmond Convention.\*

\* The *Washington States and Union*, the central organ of the Douglas or Popular Sovereignty Democracy, as late as August 8, had the following squib on the subject:

"What has become of the Richmond Convention which nominated the Yancy-Breckinridge ticket? Are they never going to inform Messrs. Breckinridge and Lane of their nomination?"—*Every Paper*.

## I.

"Oh, where is the Richmond Convention?  
And where have the delegates gone?  
Have they humbugged the passionate Joseph,  
Or been humbugged by passionless John?"

This fact elicited wide discussion, both the convention and the nominees being called on for an explanation. It was not until the 11th of August that Mr. Breckinridge's letter of acceptance appeared; and as if to set his seal of approval upon the disunion faction that met at the Virginia capital, he declared he would "strive to merit the confidence implied by the action of the convention." The letter, which was dated a month after that informing him of his nomination, showed he was fully aware of the odium that would attend his acceptance on the one hand, and on the other that his personal ambition was powerless to resist the surveillance of Yancey, Jefferson Davis, Slidell and the managers who set him up only as a stepping stone for their own pur-

## II.

"Are they waiting to still get a quorum?  
Have they vamosed to corners unknown?  
And given their mouths to the Jorum,  
Which were made for disunion alone?"

## III.

"Did ever they make nominations?  
Where are they? Can any one tell?  
Have they stuck up the Kentucky major,  
Or stuck down themselves for John Bell?"

## IV.

"Were the candidates ever informed,  
In the sweetest of letters, that they  
Were the demons selected to plunder  
The peace of the nation away?"

## V.

"If they were—did they ever make answer?  
Will any or some one explain?  
Some disunion delegate tell us?  
Oh, Breckinridge tell us, or Lane?"

## VI.

"It is far worse than mean—it is wicked—  
To hide your acceptances twain  
Of the "National Disunion ticket."  
Oh, Breckinridge give it, and Lane."

## VII.

"Or must we still cry—the Convention  
And the delegates, where have they gone?  
Have they humbugged the passionate Joseph,  
Or been humbugged by passionless John?"



poses. He thought to use *them*, but the current of circumstances they used him to unloose was too strong for him, and swept him and them finally into infamy.

Two things caused the secession from the Democratic Convention at Charleston and Baltimore. The prime cause was an attempt to bring about disunion. Yancey, Rhett, Jeff. Davis and others had long tried to fire the Southern heart to the point of severing the connection between the Northern and Southern States. An attempt was made to produce the desired dissolution when the John Brown invasion occurred. An effort was made throughout the whole South to have each of the States call a convention to meet at Atlanta, Ga., to take steps to go out of the Union. Atlanta was fixed on as the capital of the Southern Confederacy. The State of South Carolina sent Mr. Memminger to Richmond to induce the Governor of Virginia, and the Legislature of that State, then in session, to make the call and head the list. Virginia, however, refused to take the step. It had become apparent that the Harper's Ferry invasion was only a raid by a few mad caps and negro fanatics, and was not supported or sympathized in by the mass of the Northern people. The thing was too ridiculous to base upon it such action as the dissolving of the Union; and so it failed of success—much to the chagrin and disappointment of the disunionists at the South.

These disunionists, with Yancey at their head, had long been plotting the overthrow of the Government. They failed to turn John Brown's raid to immediate account, but they had other schemes on hand far more potent, as the condition of affairs following the disruption of the Democratic Convention fully indicated. For three years Mr. Yancey had been organizing lodges of the "League of Union Southerners," whose watchword was, "A Southern republic is our only safety." These Leagues had spread far and wide, and the members were all pledged to bring

about a dissolution at the earliest moment. Their most effectual plan to produce disunion was to divide the Democratic party, and thereby secure the election of a Republican to the Presidency, in the oft-expressed certainty that such a cause could not fail to produce the desired secession of the Southern States. This scheme was distinctly foreshadowed by Mr. Yancey, in a speech in South Carolina in 1858, in which he stated it was the duty of the South, in the Charleston Convention, to demand the identical protection plank in the platform which he did demand, and that a refusal to adopt it should be followed by a secession of the Southern delegates; that such a course would probably cause the election of a Republican to the Presidency, when the South must go out of the Union.

The other cause for the secession was the opposition of the Administration to Douglas. When Mr. Buchanan determined, under the pressure of the South, to advocate the acceptance by Congress of the Lecompton Constitution, he was in a quandary. It was a desperate adventure, and he needed all the help that was to be had. When Douglas refused to assist him in that measure, he turned upon him vindictively, and henceforward waged a most relentless war on him and his friends.

Not only did Mr. Buchanan pursue his victim with rage, to the distraction of the party which placed him in power, but to the imminent peril of the country over which he presided. It was stated at that time that but for the encouragement of the Administration, no State would have seceded at Charleston except Alabama. But for the continued labors of the Administration to that end, no further secession would have taken place at Baltimore. The Administration desired to kill off Douglas effectually and for ever. It was well known at Charleston that he could not have been nominated against the wishes of the South. It was also well known at Baltimore, before the second se-

cession took place, that Douglas had given instruction to withdraw his name to restore harmony. But this was not enough. He would still have been recognized as a member of the Democratic party. Some one would have been nominated on a non-intervention platform, and he would have been elected without excluding Mr. Douglas from the party ranks. This could not be endured. Nothing short of a total destruction would gratify the insatiate vengeance of those who pursued him with undying malice. Either Douglas and his friends must be crushed out past all recognition, or the party must fall in one common ruin, even if the country fell in the catastrophe.

Such was the policy of Mr. Buchanan towards Mr. Douglas, and this was the other cause of the secession at Charleston and Baltimore.

## CHAPTER XI.

### THE DEVELOPMENT OF DISUNION.

THE Presidential Campaign — Wm. L. Yancey and his Labors — Welcomes the Montgomery Convention — The Scarlet Letter — Outlines the Plan of the Conspirators — Replies to "The States," "The Great Southern Party," the Members pledged to Disunion — Its Design — Indication of Southern Determination to rebel — "The Spirit of the South," Mobile "Mercury," Charleston "Mercury," Barnwell Rhett — Judge Benning — Governor Potter — Governor Gist — Jeff. Davis — L. W. Spratt — L. M. Keitt — Porcher Miles — Pugh of Alabama — Governor Perry — M. L. Bonham — Herschell V. Johnson explains why Buchanan persecuted Douglas — Robert J. Walker, Governor of Kansas — Buchanan, Douglas and Walker agree on a Kansas Policy — Buchanan breaks Faith — The Cry of Popular Sovereignty against Douglas a Pretext — The Democratic Convention broken and Disunion Inaugurated by Sectional Ambition and Personal Enmity.

THE Presidential campaign was one of great excitement, bitterness, boldness, power and brilliancy. The excitement was general, the bitterness and boldness chiefly confined to the strife between the Union Democracy and the wing nominally led by Breckinridge, but actually inspired by Mr. William L. Yancey and guided by Jefferson Davis, and the brilliancy and power mainly centered around Douglas. The dashing vigor displayed in his Southern tour, his reception there, and the enthusiasm which lit up the Northern Democracy in his favor, at times led people to hope almost against hope. But the disruption in the Democratic ranks was too wide spread, and in the South, the work of too many years to be overcome by such power as might be compressed into a few months.

The Southern conspiracy had been developing itself for

some time ; but the threats of the leaders were regarded as "sound and fury signifying nothing" more. Many, like Andrew Johnson, in the deep devotion of their own hearts to the Union had no fear of its safety, and could not conceive how any sane man or set of men could dare to compass its destruction. The declared Disunionists and advocates of the opening of the slave trade were underrated. They were regarded as more eccentric than earnest, or more contemptible than discontented. I have said that to their persistent efforts, and the influences of the Buchanan Administration, was entirely due the surging commotion in which the country rocked after the disruption of the Democratic party.

It is not sought to be denied that the state of affairs was the result of deep machinations and great labor on the part of the avowed Disunionists. These fanatics constantly, or on every occasion they deemed their personal vanity wounded by the common sense of the people, threatened disunion, and the North only treated them with pleasantry or silent contempt. They, however, kept on preaching their views into rash and discontented minds. While relying on Northern Democrats to carry their legislative measures, these ungrateful and restless propagandists were inculcating disaffection against the *whole* North, and sneering at Northern Democrats as no better than "Abolitionists." It was no later than the previous session of Congress that Senator Iverson, of Georgia, made a turbulent speech against the Northern Democrats, charging them with being unfavorable to Southern interests, when they had been in fact their leading guardians. The Disunionists pursued their discontented ways—kept on insinuating with a boldness apparently more ingenuous than ingenious, but which was actually the reverse—their vile and desperate doctrines all over the extreme South, in some instances captivating a reckless and ruthless spirit here and there in the border States. Secret societies, "Southern Leagues" and orders were created, and now and

then this seething cauldron of treason boiled over on the floor of Congress, on some Southern "stump," or through the journals of the Disunionists.

William L. Yancey, of Alabama, was the principal, or at least the most relentless and persistent of the conspirators. His record teems with treason; and he meant what he said. On extending a welcome to those who attended the Southern convention in Montgomery, Ala., in May, 1858, Mr. Yancey said:

"I must be allowed, at least on my own behalf, to welcome you, too, as but the foreshadowing of that far more important body; important as you evidently will be, that if injustice and wrong shall continue to rule the hour and councils of the dominant section of the country, must, ere long, assemble upon Southern soil for the purpose of devising some measure by which not only your industrial, but your social and political relations shall be placed upon the basis of an independent sovereignty, which will have within itself a unity of climate, a unity of soil, a unity of production, and a unity of social relations; that unity which alone can be the basis of a successful and permanent government."

This he followed up with the Scarlet letter, explaining how the cotton States might be precipitated into revolution:

"MONTGOMERY, *June 15, 1858.*

"DEAR SIR—Your kind favor of the 15th is received.

"I hardly agree with you that a general movement can be made that will clear out the Augean stable. If the Democracy were overthrown, it would result in giving place to a greater and hungrier swarm of flies.

"The remedy of the South is not in such a process; it is in a diligent organization of her true men for prompt resistance to the next aggression. It must come in the nature of things. No national party can save us; no sectional party can ever do it; but if we could do as our fathers did, organize committees of safety all over the cotton States—and it is only in them that we can hope for an effective movement—we shall fire the Southern heart, instruct the Southern mind, give courage to each other, and at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution.

"The idea has been shadowed forth in the South by Mr. Ruffin,

and has been taken up and recommended by the *Advertiser* [the Montgomery organ of Mr. Yancey] under the name of 'The League of United Southerners,' who, keeping up their old party relations on all other questions, will hold the Southern issues paramount, and will influence parties, legislatures and statesmen. I have no time to enlarge, but to suggest merely. In haste, yours, etc.

"To JAS. S. SLAUGHTER, Esq.,"\*

W. L. YANCEY.

On the 18th July, 1859, Mr. Yancey made a speech at Columbia, S. C., to fire the Southern heart, and outlined the plan which events proved to have been adopted by the conspirators :

"To obtain the aid of the Democracy in this contest, it is necessary to make a contest in the Charleston Convention. In that body, Douglas' adherents will press his doctrine to a decision. If the State-rights men keep out of that convention, that decision must inevitably be against the South, and that, either in direct favor of the Douglas doctrine, or by the indorsement of the Cincinnati platform, under which Douglas claims shelter for his principles. The State-rights men should present in that convention their demand for a decision, and they will obtain an indorsement of their demands, or a denial of these demands. If indorsed, we shall have greater hope of triumph within the Union. If denied, in my opinion, the State-rights wing should secede from the convention, and appeal to the whole people of the South without distinction of parties, and organize another convention upon the basis of their principles, and to go into the election with a candidate nominated by it, as a grand constitutional party. But in the Presidential contest a Black Republican may be elected.

"If this dire event should happen, in my opinion, the only hope of safety for the South is a withdrawal from the Union before he shall be inaugurated, and the sword and the treasury of the Federal Government shall be placed in the keeping of that party. I would suggest that the several State Legislatures should by law require their governments, when it shall be made manifest that the Black Republican candidate for the Presidency shall receive a majority of the

\* It is a coincidence worthy of remark, that the recipient of this noted epistle, and the person held up for his imitation, both committed suicide. Mr. Slaughter died by his own hand, while "in a fit of melancholy" before the fall of Sumter; and old Mr. Ruffin, who fired the first gun at the fort, fired the last at the head of a traitor after the fall of the rebellion and killed himself, let us charitably hope, in a fit of remorse.

Electoral votes, to call a convention of the people of the State to assemble in ample time to provide for their safety before the 4th of March, 1861. If, however, a Black Republican should not be elected, then, in pursuance of the policy of making this contest within the Union, we should initiate measures in Congress which should lead to a repeal of all the unconstitutional acts against slavery. If we should fail to obtain so just a system of legislation, then the South should seek her independence out of the Union."

This plainly stated programme needs no comment. A great deal of attention was directed to Mr. Yancey as the most daring propagandist of the Disunionists. He seemed to be ubiquitous and overflowing. His pen rivaled his tongue. None doubted his ability any more than his disunion doctrines, but the expression of the latter made the former fiendish. In August, 1860, he made a four-hours' speech at Memphis, in which he replied to the exposition of his disunion league societies made in the Washington States. But almost in the very breath in which he declared the writer in *The States* to have manufactured a lie in stating he (Yancey) was forming leagues, he admitted that he *had* formed a league in Montgomery which was frowned down by the Democracy in 1858. It was not usual with him to deny any charges of disunion; but he sought to ignore the league on a verbal quibble, as it proved distasteful to the Democrats, and he had in this exigency formed what was called "The Great Southern party," a continuation of the league on a grander scale.

This new society had a formidable preamble, which after stating that the dismemberment of the existing Union was inevitable, pledged the members to do all they could to achieve it. If possible, they would peaceably and "honorably" sever "the Southern slave States from the Northern free States," and would "ask for nothing more nor receive any thing less than an equal division of all the territories, immunities, rights, privileges, obligations, treaties, etc., now claimed or enjoyed by the United States." This society



was designed not only to effect a revolution but to act as a provisional government in case of success: its constitution provided for a president and a governor in each State. White Southern citizens, or residents of eighteen years old, were eligible to membership.

The *Spirit of the South*, March, 1859, arguing that there were fundamental differences of opinion between the North and the South, says: "What remains, then, but to do that which has been done in all ages and countries, by sensible and right-minded people, who have the misfortune to differ irreconcilably—to separate."

The *Mobile Mercury*, about the same time, cautioned its friends in the country everywhere "to be prepared for it (a Southern organization), and keep themselves from all entangling alliances which may hinder them from joining in it untrammelled."

The *Charleston Mercury*, a month later, sounded the tocsin with a bolder emphasis. It cried: "A revolution is, therefore, inevitable. Submission or resistance will alike establish it. The old Union—the Union of the Constitution, of equal rights between sovereign States—is abolished. It is gone for ever; strangled by consolidation, and now the instrument of centralism, to establish an irresponsible despotism of the North over the South. To break up the present Union and establish another of the South alone, is no greater revolution than that which now exists. It will be a lesser change. Let the struggle come when it may, the South to achieve her safety, will have to trample down a Union party in the track of her political emancipation."

Barnewell Rhett of South Carolina, for years the guiding spirit of the *Mercury*, and scarcely less notorious for the expression of disunion sentiments than Yancey, speaking of the course of action, believed that "all true statesmanship in the South consists in forming combinations and shaping events so as to bring about a dissolution of the present

Union, and the establishment of a Southern confederacy." Apostrophising the future, he implores the South to remember that—"In my latter years I did all I could to dissolve her connection with the North, and to establish for her a Southern confederacy."

Judge H. S. Benning of Mississippi thus expressed himself: "Let us seek equality out of the Union, where the laws of God, the rights of man, and the feelings of free men counsel us unerringly that we should seek our redress."

In November, Governor Potter of the same State argued that "Mississippi, separately or in concert with other Southern States, as she might elect, ought at once to discontinue her connection with the abolition States."

Governor Gist of South Carolina declared: "I solemnly believe we can no longer live in peace and harmony in the Union;" and Jefferson Davis exclaimed: "Let the Union be dissolved!"

Again, Governor Gist, in a message to the Legislature, after threatening the border States which may not join the Southern Confederacy with embarrassment, as she, South Carolina, will not consent to buy their slaves, declared that—

"All hope, therefore, of concerted action by a Southern Convention being lost, there is but one course left for South Carolina to pursue consistent with her honor, interest and safety, and that is, to look neither to the right nor the left, but go straight forward to the consummation of her purpose. It is too late now to receive propositions for a conference; and the State would be wanting in self-respect, after having deliberately decided on her own course, to entertain any proposition looking to a continuance of the present Union. We can get no better or safer guarantee than the present Constitution; and that has proved impotent to protect us against the fanaticism of the North. The institution of Slavery must be under the exclusive control of those directly interested in its preservation, and not left to the mercy of those that believe it to be their duty to destroy it."

Davis almost immediately succeeded Yancey at Memphis

in August, 1860, and made a speech, the gist of which was thus indicated by the *Appeal* of that city :

“The inference which we drew from his oratorical effort was simply this : That Colonel Davis thought this was a very bad and disagreeable Union for Southerners to live in at best ; that it would be prudent for all of us, who don't desire to be captured by the Abolitionists and be made ‘hewers of wood and drawers of water,’ to get out of it immediately, or vote for the Yancey ticket just as we choose. He thought that it would be self-disgrace and self-degradation for any Southern man to accept office or live under a Black Republican Administration.”

Mr. L. W. Spratt of South Carolina, a noted advocate of the opening of the slave trade, held that “the men of the South have higher trusts than to preserve the Union,” while Mr. Davis, in a greater passion, declared that “We of the South will tear the Constitution in pieces, and look to our guns for justice and right.”

Mr. Lawrence M. Keitt was not less emphatic. He gave his advice freely and unmistakably. “My advice,” says he, “to the South is, to snap the cords of the Union at once and for ever.” And again, a South Carolina paper furnished the following report :

“Hon. L. M. Keitt was serenaded at Columbia on Monday evening ; and in response to the compliment he spoke at considerable length in favor of separate State action. He said South Carolina could not take one step backward now without receiving the curses of posterity. South Carolina, single and alone, was bound to go out of this accursed Union : he would take her out if but three men went with him, and if slaves took her back it would be to her graveyard. Mr. Buchanan was pledged to secession, and he meant to hold him to it. The policy of the State should be prudent and bold. His advice was, move on, side by side. He requested union and harmony among those embarked in the same great cause ; but yield not a day too long, and when the time comes let it come speedily. Take your destinies in your own hands, and shatter this accursed Union. South Carolina could do it alone. But if she could not, she could at least throw her arms around the pillars of the Constitution, and involve all the States in a common ruin. Mr. Keitt was greatly applauded throughout his address.”

Wm. Porcher Miles, another of the South Carolina band of brothers, said: "How do we stand now? The South stands upon her own platform, dependent upon her own strong arm for support. We have determined to support two men who have heartily indorsed the platform with a Southern code."

Mr. Jas. L. Pugh of Alabama, who made a clear exposition of disunion during the discussion on the election of Speaker in the previous session, calmly asserted that "the truest conservatism and the wisest statesmanship demand a speedy termination of all association with such confederates, and the formation of another Union."

The voice of Governor Perry of Florida, was like that of Sempronius, "still for war." "I believe," said he, "that her voice should be heard in 'tones not loud but deep,' in favor of an eternal separation." But Mr. Bonham would have no delays. He cried, "I am in favor of an immediate dissolution."

All of these utterances, with one or two exceptions, were made before the election of Mr. Lincoln, and show why the professed Disunionists desired to break up the Democratic Convention.

The other cause alluded to, the persecution of Douglas by the President, was announced by Governor Herschell V. Johnson of Georgia, the Democratic nominee for Vice-President, in a speech at Macon on the 28th of June:

"Mr. Buchanan was inaugurated amidst the Kansas difficulties, when the Lecompton Constitution was about to be formed. It was the avowed policy of the President, communicated to and approved by Douglas, that it should be submitted to the people for ratification before the State should be admitted into the Union. When Robert J. Walker was appointed Governor of Kansas, he was advised of this policy, and instructed to carry it into effect.\* On

\* Governor Walker wrote his own instructions, which were agreed to and signed by the President.

his way to Kansas he called to see Douglas at Chicago, by request of the President, and read him his inaugural address, which he was to publish on his arrival, in which this policy of Mr. Buchanan was fully set forth. Douglas renewed his approval, and assured Walker, as he had previously assured Mr. Buchanan, that he might rely upon his zealous aid in sustaining the policy of submitting the constitution to the people for ratification, before the State should be admitted into the Union. Walker, on his arrival in Kansas, did publish his inaugural, in which he stated :

“‘ That unless the convention submit the constitution to the vote of all the actual resident settlers of Kansas, and the election be fairly and justly conducted, the constitution will be, and ought to be rejected by Congress.’

“ It will be remembered that this policy of the Administration, as soon as it was promulgated, by the publication of Mr. Walker’s inaugural, awakened considerable indignation at the South. The Democratic Conventions of Georgia and Mississippi passed resolutions of condemnation. Hence, when the Lecompton Constitution came to Congress, with nothing but the slavery clause submitted to the people, Mr. Buchanan not having the nerve to withstand these censures from the South, abandoned the policy on which he and Walker and Douglas had agreed, and recommended the admission of Kansas as a State into the Union. Douglas adhered to the understanding, and resisted its admission, not because the constitution tolerated slavery, but because it was not submitted, as a whole, to the people for their ratification. I repeat, the South did not approve of this policy of the Administration. They believed that it was not the business or the duty of the President and his Cabinet to intermeddle ; but that it was exclusively the province of the Lecompton Convention to submit or not submit the constitution for ratification, according to their own views of duty and expediency.

“Still, however, when the English Compromise bill was passed, in lieu of the admission of Kansas, and passed with the almost unanimous consent of the South, this policy of the Administration was forgiven and forgotten, and it would have been but liberal, magnanimous and just, if the President had made it the occasion of sheathing the sword which he had so fiercely wielded against Mr. Douglas because he adhered to the policy which Mr. Buchanan abandoned. Mr. Douglas would have shared in the generosity of the South, which it extended to the Administration, after the passage of the English bill, if that Administration had not, by all the plicances of patronage and power, kept up the war upon, and sought to crush him. But the President tolerated no difference of opinion upon this question. He pursued Mr. Douglas into his own State, and sought to defeat him in his hereulean struggle with Lincoln for the United States Senate. He has pursued him down to the present hour ; the presses, in his confidence, all over the Union, have traduced and maligned him, and fanned the flame of popular prejudice against him ; his army of office-holders, almost without exception, have been busy in the ignoble work of his destruction. So indiscriminate has been the warfare, that Mr. Douglas, a short time ago declared, openly in the Senate, that no friend of his was allowed by the Administration to be a postmaster at the most obscure cross-road post-office in the country.”

The cry of popular sovereignty against Douglas was a mere pretext. Nearly all the Southern men were committed to it, the doctrine having been shadowed forth in the measures of 1850 ; embodied in the Kansas Nebraska Act of 1854, and made the basis of Democratic action in the Cincinnati platform. Volumes of extracts from the speeches of Southern leaders might be compiled acknowledging it, but the jealousy of many for Douglas, and the more desperate projects in the minds of the organizers of disunion, fell in

most suitably with the vindictive feelings of Mr. Buchanan. Circumstances had made Douglas' position a most remarkable one. The more firmly he remained attached to the basis on which Mr. Buchanan was elected, the more widely the latter felt his own departure from it, and he strove earnestly by every means to get a party indorsement of his actions.

Thus many who threatened to secede from the Convention unless Congressional intervention was conceded, "were willing to waive the principle if candidates should be nominated to suit them—that is to say, that they placed men above principles." If such had been effected, and Douglas defeated for a nomination, Buchanan would have received the act as a sustainment of his course. On the other hand Yancey and the organizers of disruption were on the ground moulding the elements to further the plan outlined in his Columbia speech.

In violation of the well settled parliamentary rule, that all deliberative bodies have a right to decide who are entitled to seats as members thereof, some delegates, though admitted at Baltimore, refused to take seats, simply because other delegates were not admitted, thus attempting to dictate to the whole body as to who should and who should not be component parts of it. From these delegates was heard nothing of a demand for Congressional intervention. Where, then, was their ground for secession? Here, again, it was a matter of *men* and not a matter of *principle*.

Even after the secession at Charleston, Virginia voted fifty-seven times for Hunter, Kentucky for Guthrie, and Tennessee thirty-six times for Andrew Johnson. Well might Governor Herschell V. Johnson ask, "Why should these States complain of the action of the convention? What show of good faith is there, in taking the chances through so many ballotings for *their* respective favorites, and then, when the hope of success was gone, withdrawing

under the pretext of an alleged erroneous parliamentary decision upon a contest for seats?"

In seeking for justification of secession we search in vain. The more we search the more we find evidences alone confirming the two reasons for the disruption of the National Convention, sectional ambition and personal enmity. On the one hand, the Disunionists wished for all practical purposes to keep the South out of the Presidential contest, so that the result might be attained on which they based a necessity of separation ; on the other, Buchanan, whom Mr. Keitt announced as pledged to secession, wanted Douglas defeated.







ANDREW JOHNSON'S TAILOR SHOP, AT GREENVILLE, EAST TENN.

## CHAPTER XII.

### THE DEVELOPMENT OF DISUNION—CONTINUED.

ELECTION of Lincoln—South Carolina leads Secession—Activity of the Disunionists—Action in Georgia, Mississippi and Alabama—Southern Reliance on a Million of Northern Democrats as a Wall of Fire—Making Treason Attractive—Judge Magrath—Henry A. Wise offers his Services to South Carolina—Jeff. Davis anxious for a Harvest of Death—The Meeting of Congress—Description of the *Dramatis Personæ* in the Senate—Douglas—Hamlin, Vice-President elect—Lane, the Defeated—Hunter and Bayard—Sumner and Lord Lyons—Hale and Seward—The Reading of the President's Message in the House—The South Carolina Representatives—Groups in the Senate—Exciting Debate on the Message—Clingman Justifies the South—Saulsbury alludes to the Constitution—The Senate Committee of Thirteen and House Committee of Thirty-three on the state of the Union—The Seizure of the Forts Anticipated—The Cabinet Falling to pieces—Howell Cobb Resigns—Lewis Cass breaks his Sword a Second Time—His occupation gone—Wigfall's Violent Speech—Wade's Declaration of Lincoln's Policy—The Laws to be Executed and Revenues to be Collected—A Republic of Free Labor—The House Committee at Work—Address of Southern Senators and Representatives for a "Southern Confederacy."

As both North and South, on very different grounds, desired, Abraham Lincoln was elected President of the United States.\* The election, which on usual occasions, quiets popular commotion, but added to the anxieties and excitements of the day. The South had at last made its opportunity, and the long cherished schemes and hopes of at least one of the Southern States were being put into a form of temporary realization. Of course South Carolina took the lead in the secession movement. Her Legislature met on

\* The popular vote stood thus: Lincoln, 1,857,610; Douglas, 1,365,976; Breckinridge, 847,953; and Bell, 590,631. In the Electoral College the votes stood: Lincoln, 180; Douglas, 12; Breckinridge, 72; and Bell 39.

the 4th of November, and, while going through the formality of casting her Electoral vote for President of the United States, in the same breath called for a Convention to break up the Union. The activity and *esprit* of the Disunionists kept up a continued and effectual clamor, and although a well-defined division soon began to show itself in several of the Southern States in regard to the position the South should assume, the well-directed and unceasing actions of the ultras seemed to fill the public ear. They controlled the chief journals, the most rebellious actions were the most highly commended, and the encomiums paid to treasonable speech was in the ratio to its audacity. Agents from Georgia, Mississippi and Alabama were promptly sent North to purchase the best arms "without regard to expense." Mr. Keitt declared it to be the mission of South Carolina to sever the "accursed Union," or if not, to grasp the pillars of the State and bury the States of the Republic in common ruin. He was applauded to the echo. He had great reliance on Northern aid, and told his hearers that a million of Democrats in the North would stand, like a wall of fire, to prevent the Republicans from coercing the South. To keep up the spirits of the timid, South Carolina declared she could, within thirty days, if necessary, place two hundred thousand men in the field. Every thing was done to make treason attractive. Judge Magrath, of the United States District Court, resigned on the election of Lincoln. Such noble conduct should not go unrewarded; a subscription was set on foot to present him with a service of plate. Henry A. Wise offered his services to South Carolina, if they were not needed by Virginia, which at the time was deliberating, and, like the woman who deliberates, was soon lost. Jeff. Davis, addressing the people of Vicksburg, said :

"If Mississippi, in her *sovereign* capacity, decides to submit to the rule of an arrogant and sectional North, then I will sit me down as one upon whose brow the brand of infamy and degradation has been

written, and bear my portion of the bitter trial. But if, on the other hand, Mississippi decides to resist the hand that would tarnish the bright star which represents her on the national flag, then I will come at your bidding, whether by day or by night, and pluck that star from the galaxy, and place it upon a banner of its own. I will plant it upon the crest of battle, and gathering around me the nucleus of Mississippi's best and bravest, will welcome the invader to the harvest of death; and future generations will point to a small hillock upon our border, which will tell the reception with which the invader was met upon our soil."

Thus the time between the election of Lincoln and the meeting of Congress was filled with dreadful notes of preparation. Congress—the Second Session of the Thirty-sixth—assembled on the 3d of December, and the President's message was received on the next day. The occasion was one of unusual interest. The annexed description of the opening scenes and acts was written on the spot and published the following day :

"The Congress of the United States was opened in the customary manner, but the galleries of the Senate and House of Representatives were filled with people throbbing with more than the customary anxiety and interest. The prayers, too, of the Rev. Mr. Gurley in the Senate, and Rev. Mr. Stockton in the House—especially that of the former—were of a more elevated and conciliatory nature than usual, and were devoted to a condensation of those fears and hopes which were evidently uppermost in the minds of the crowding spectators. I do not know with what feelings Messrs. L. M. Keitt, William W. Boyce, Milledge L. Bonham, Porcher Miles, and company, beheld the stars and stripes flying over both wings of the Capitol, but I do know that it inspired feelings not less patriotic and retrospectively proud, than those with which Francis S. Key beheld it still flying on the morning after the bombardment of Fort McHenry, and which found vent in the passionate and descriptive ode—the Star Spangled Banner—now become national. I do know that many a gentle heart of woman throbbed the quicker, seeing that

'Our flag was still there,'

and many an earnest hope of man found expression in words of enthusiasm and pride, yet I found few, however hopeful, who did not express fears and disgust of an unequivocal nature.

“On the opening day the Senate Chamber was an object of particular interest, and the disposition of the *dramatis personæ* on that elevated political stage formed the natural subject of speculative interchange. The attendance of Senators was greater, I think, than at the opening of last session. The appearance of the honorable gentlemen who now stand so prominently before the country was genial and singularly free from any positive exhibition of those rancorous feelings which their journalistic antagonists are so lavish in attributing to them. As might have been expected, a large share of popular interest and curiosity was centered on Senator Douglas, and the conclusion drawn, as Senator Powell of Kentucky, the right hand man of Mr. Breckinridge, or Senator Clingman, of North Carolina, entered into conversation with him, were of a very various and suggestive nature. Douglas looked marvelously well in health, and but for the use of a cane, rendered necessary by a lameness resulting from the accident on the steamboat at Montgomery, Ala., his appearance offered no evidence of the arduous labors in which he has been engaged. Calm in position, self-reliant in expression, and equable in temper, he attracts the hopeful attention of the galleries. The suggestion thrown out by him on Saturday night at the serenade—that Congress could pass a law making it felony to resist the enforcement of the Fugitive Slave Act, has drawn renewed attention to him.

“Senator Hamlin, as the successful candidate for the Vice-Presidency, and Senator Lane, as the defeated one, both being in their seats, suggest the inquiries of many on the benches and around the lobby doors. The former has not previously been the subject of much consideration or compliment. He was formerly a Democrat, but for several years has acted with the anti-Democrats, fell in with the tremendous current of Republicanism, and was swept to the steps of the White House. He is now one of the great observed, and, for a long time after the Senate came together, he seemed conscious of the fact. It is a difficult thing for a man, even used to public life, to stand the public gaze, when he is one of the two picked out of thirty millions of people to fill their highest offices. Senator Hamlin was never on exhibition before, and he buried his head over his desk, and with spectacles on nose, carried on a real or imaginary correspondence on note paper. He was presently invaded by several of his friends, and anon was betrayed by the directness of Senator Simmons of Rhode Island, into a conversation. Mr. Hamlin is an amiable looking man, having a placid expanse of feature; but he is positive in the expression of his views, and the sallowness of his complexion does not deny its usual concomitant of bitterness, if not warmth, in debate.

“Senator Joseph Lane sandwiched between Latham of California, and Green of Missouri, is entertained by them; while, as forming a sort of background to this trio, may be seen Senators Hunter of Virginia, and Bayard (the ‘Great Seceder’) of Delaware, reclining on a sofa, and by their facial expression and gesticulation, contradicting the ease of mind which their position might indicate. As a companion picture, on another sofa, at the other side of the main entrance, Senator Sumner and Lord Lyons are entertaining each other. They are joined by Senator Anthony of Rhode Island, who, after contributing his quota to the compliments (if there are any) of the season, strikes over to the ‘Southern side,’ and fraternizes with Senator Green. Among the ‘South,’ Senator Hale is familiarly pleasant; nor, to all appearance, is the pressure of their ‘arch enemy,’ Senator W. H. Seward, among them, cause for angry looks or words. That eminent Senator exhibits even more than his usual self-complacency. I suppose—as a gentleman in the reporter’s gallery remarked—he feels that he is now master of the school, and indeed he will be, if the absence of Southern Senators gives his party a working majority.

“Rarely has the President’s message been looked for with such anxiety. Great was the pertinacity with which special correspondents confronted and cross-questioned every person likely, even in an indirect way, to have any intimation of its views on secession. Busiest among those indefatigable workers, were the gentlemen who illuminate the *Herald*, the *World*, and the *Times*; but their labors were unavailing; previous indiscretions of people about the White House having warned the head of it of the power of the press in denouncing the partial distribution of documents to which every journal is equally entitled.

“I heard the message in the House, being anxious to observe its effect on the ‘popular branch.’ My chief attention was directed to the Representatives from South Carolina. As the well-modulated voice of the Clerk, Colonel Forney, rolled off the report of the President, these gentlemen appeared like men willing to listen, but not likely to be led. Mr. Porcher Miles appeared more sensitive to it, or something else, than the others. He was pale, and closely attentive, occasionally embracing the nether portion of his face with his open hand, and resting thoughtfully on it. But once he made a remark to Burnett of Kentucky beside him, and that was when the message announced the United States officers in charge of the forts in South Carolina had positive orders to act only on the defensive, and thus place the responsibility on the assailants.

“Messrs. Keitt and Bonham entered at about 1 o’clock, and just after the Presidential review of the position of South Carolina. The

latter took his place next one of his colleagues, and the former, after displacing his overcoat, took his seat near the outside row on the right. The political atmosphere in his immediate neighborhood was of an unmistakably revolutionary odor. In the row before him were Pryor of Virginia, Underwood of Georgia, and his colleagues Boyce, Bonham and McQueen; while beside him was that persistent advocate for the re-opening of the slave-trade—James L. Pugh of Alabama. Ashmore, the other Palmetto Representative, was in the front row next to the Speaker's chair; and while he looked like an exile from his colleagues, had the advantage—only, however, in the mind's eye—of being near to the Representative of the Constitution of the United States.

“When the Clerk had exhausted that portion of the message referring to secession, the breathless silence which had been preserved on the floor was instantaneously broken. The Republican side became largely vacated, and members who did not retire, having been supplied with the printed ‘message extra,’ plunged into it, or entered into loud conversation, or demonstrative recognition of each other. The noise and bustle was considerably augmented by the arrival of the *Globe*, and its distribution by the pages. Notwithstanding the clamor on the floor, the galleries remained full and attentive, striving to catch, above the continuous din, further indications of the state of the Government as represented by the President; or probably waiting in anticipation of some action on its more important part. In the midst of the noise, I withdrew to glance at the Senate.

“I found the Chamber resolved into several groups in earnest discussion, while the chief clerk wended his way through the recommendations touching China, Japan, San Juan, and other topics of minor interest. Some of these groups were significant, and probably have or will have an historical importance. Crittenden, Douglas and Fitzpatrick were in earnest conversation. The venerable Senator from Kentucky, whose Union sentiments had long given his Senatorial eloquence an additional splendor, seems particularly alive to the responsibilities and duties devolving on party leaders. Perhaps Fitzpatrick now doubts the wisdom of having resigned the nomination for Vice-President, as his remaining on the ticket might have been a conservative barrier to the more violent action of the Secessionists which has been developed since. Douglas and the eminent Kentuckian consult. The former evidently accords with Crittenden on some course to be pursued, and the latter, rather sorrowfully, takes his seat, from which he was soon called to invoke conciliation and sacrifice for the sake of the Union, against the disunion comments of Senator Clingman.



"Another group is important. Jefferson Davis, Hunter of Virginia, and Yulee of Florida, have their heads together. Davis is an acknowledged leader of secession, and Hunter, one of the ablest men in the Senate, has a decided leaning that way. After awhile, Davis seeing Bonham and McQueen enter, quickly joins them, and with them disappears into an ante-room, for the purposes of consultation.

"On the other side the broad and distinct indications of secession given by Senator Clingman, drives Sumner to the side of Seward, and the latter yields his ear until attracted by the North Carolina Senator's allusion to the 'irrepressible conflict declarations' made by 'the distinguished Senator from New York.' Hale and Washburne of the House, Governor elect of Maine, have Hamlin between them. Washburne wears that curious querrulousness of face peculiar to a rapid man, coming to unpleasant conclusions, and Hale is *not* joking. To one who studies politics and party combinations, these little groups have a significance equal to action of a more demonstrative character.\*

President Buchanan's Message was utterly beneath the crisis. It gave general dissatisfaction. Its positions were aptly condensed by Senator Hale thus: 1. South Carolina had just cause to secede. 2. That she had no right to secede. 3. That the United States had no right to prevent her secession. Senator Clingman of North Carolina led off the debate in a disunion speech. While agreeing with the President that the Government had no power to force a State to remain in the Union, he thought it fell short of stating the case before the country. He justified the course of the Southern States, and advised Congress to divide the public property and apportion the public debt, and advised Senators that several States would secede before sixty days.

Senator Crittenden regretted such a speech had been made. The duties of the hour required a different disposition of mind, and he hoped the example of Mr. Clingman would not be followed.

Senator Hale saw in the state of affairs one of two things—the submission not of the South but of the North—the

\* "Congressional Notes," by Ezek. Richards, *States and Union*.

surrender of the popular sentiment which had constitutionally spoken through the ballot-box, or it meant war. If the latter, he hoped to meet it. Senator Brown said the South only wanted to go in peace; if it would not be permitted, then, God defend the right. Senator Iverson followed, wading knee deep in ferocity. He said five States will have declared their independence before the 4th of March. The secession action of Texas was clogged by her Governor (Houston), but if he did not yield to public sentiment "some Texan Brutus," said Iverson, "will arise to rid his country of the hoary-headed incubus." Senator Jefferson Davis assumed a high tone of courtesy, thought threats were "inappropriate," while they met as Senators, and announced that he expected to be out of the Chamber before war would be declared against his State. The more Senator Wigfall read the message, the less he comprehended it. As to South Carolina, he would seize the forts and cry, "To your tents O Israel!"

After these violent ebullitions, which were listened to by crowded galleries, and a distinguished number of Representatives on the floor, it was pleasant to hear a voice, as if from the wilderness, raised in deprecation of them. It was the voice of Senator Saulsbury of Delaware, declaring that his State was the first to sign the Constitution, and would be the last to destroy it. No one had more effectively aided the Yancey programme at the Baltimore Convention, and I mention him here as affording a striking commentary on the ruin he helped to facilitate. The applause in the galleries which greeted his respectful mention of the Constitution, was an anathema on the action which made the mention necessary.

A select committee of thirteen was appointed in the Senate, and in the House, one composed of a member from each State, to which should be referred so much of the President's Message as related to the state of the country. To these

committees all resolutions presented in either branch respectively were referred. But this knowledge did not change the current of the exciting debates.

In the mean time anticipations that South Carolina would inaugurate war by seizing the forts in Charleston harbor, kept the public mind at once in a sensitive and turbulent state. The Cabinet, too, was falling to pieces, the course of Mr. Buchanan giving satisfaction to neither the Union nor disunion elements in it. On the 8th December Hon. Howell Cobb sent in his resignation as Secretary of the Treasury. Duty to his State would not permit him to continue a member of the Administration, which he believed would be the last to preside over the Union. If duty to a State forced Mr. Cobb to resign, duty to the United States compelled General Cass to leave the State Department on the 14th. The venerable Secretary of State resigned because the President would not reinforce the Charleston forts. He is reported in conversation to have declared he was a patriot soldier of the old school, and a Jackson Democrat. "I cannot longer remain," continued he, "in a Cabinet that confesses that the General Government is subordinate to a State; and there being no Government, virtually my occupation is gone."

The course of General Cass created much discussion. "Ain't it too bad," said a prominent Senator, "that a man has to break his sword twice in a life-time—at the commencement and at the end of his eventful career. At the surrender of Hull at Detroit, Cass was so disgusted at the conduct of his commander, and not having a fight, that he broke his sword. Now he breaks it because his present chief won't fight."

The debate in both Houses continued, the chief features in the Senate being a violent disunion speech by Senator Wigfall on the 12th and 13th, and from Senator Wade of Ohio, what was then regarded as an authoritative declara-

tion of the policy of the in-coming party. As such the leading points are given. As on important occasions during this debate the foreign embassies were well represented on the floor :

“Senator Wade inquired what there was in the doctrines of the Republican party to justify the fears of the South? That party stood on the same ground with Washington, Jefferson and the fathers of the Constitution. They regarded slavery as an evil; they did not pretend to any right of interference with it in the States, but they were pledged never to allow the extension of slavery over an inch of territory now free. He declined replying to the question as to whether he would enforce the Fugitive Slave Act. For himself, he would only say he would obey any thing declared to be law, whether he liked the law or not. The Senator referred to the personal integrity of Mr. Lincoln, and argued that no person had a right to infer that he would violate any law or commit any act of injustice upon any one.

“The Republican party had met their opponents, they had made the issue fairly before the American people. He thought the people had never understood any issue so well before. The Republicans had won the battle, the opposition are now disposed to break up the Government to avoid Republican domination. He denounced the doctrine of secession; referred to the debate of Webster and Hayne as decisive against the right. He referred to the Fort Hill letter of Mr. Calhoun to show that whilst that gentleman considered nullification a constitutional remedy, he did not regard secession as lawful. He, therefore, denied the right of a State to withdraw, and showed the consequence. Gentlemen had threatened dissolution, and then implored the Republican party to come forward with a proposition for compromise. He had thought the day of compromises past. The Missouri Compromise was repealed. He had been told it was but a law. Why should we expect any other law to be held more sacred? We should understand each other; we should look this question in the face. When the President elect should come to be inaugurated, it would become his sworn duty to execute the laws over the whole Union. If any States should be found in hostility to the Government, the laws must be enforced. It might be that States would not recognize the Federal Government, yet the Federal Government would collect the revenues. It was said the Federal Government could not declare war against the States. If the collection of the revenues should be resisted, the States would

have levied war against the Federal Government, and *then* war would have been inevitable. He would be glad if this could be avoided, but it could not be. The President would be sworn to execute the laws and preserve the Union. He, himself, was sworn to do the same. He could not avoid the performance of his duty. Suppose, said Senator Wade, the Southern States should withdraw peacefully, would their situation be better? The civilized world condemned slavery as much as the free States did. The civilized world would never sympathize with the institution. The policy of the free States would be to extend a protectorate over Mexico. Mexico hated the South for her filibustering and her encroachments. She would love the North, because it proffered freedom and safety.

"The free States would offer to the world a Homestead law; they would invite the laboring white man from every quarter of the globe. They did not believe in making a government solely for the negro, as had been intimated by the Senator from Illinois and others; but would found a republic of free labor. The slave States might go on with their system alongside, and the world would judge which system was most consonant with human happiness."\*

While the House Committee of Thirty-three, on which there were such Northern men as Corwin of Ohio, C. F. Adams of Massachusetts, Morrill of Vermont, Curtis of Iowa, Dunn of Indiana, Washburne of Wisconsin, and such Southern men as Millson of Virginia, Houston of Alabama, Boyce of South Carolina, Rust of Arkansas, Hamilton of Texas, Winslow of North Carolina and Taylor of Louisiana—while this Committee was candidly, and with a just sense of its duty and the occasion, applying itself to the task of settling the issues of the day, another evidence, if any were necessary to prove that the consideration of their grievances was a pretext with the extreme Southerners, was afforded in the publication of the following

ADDRESS OF CERTAIN SOUTHERN SENATORS AND MEMBERS OF  
CONGRESS.

*To our Constituents:*

WASHINGTON, December 14, 1860.

The argument is exhausted. All hope of relief in the Union through the agency of committees, Congressional legislation or

\* "Congressional Notes," by Ezek. Richards, *States*, December 18, 1860.

constitutional amendments, is extinguished, and we trust the South will not be deceived by appearances or the pretense of new guarantees. In our judgment, the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety and independence of the Southern people require the organization of a Southern confederacy—a result to be obtained only by separate State secession—that the primary object of each slaveholding State ought to be its speedy and absolute separation from a Union with hostile States.

J. L. Pugh, of Alabama.	A. G. Brown, U. S. Senator, Miss.
David Clopton, of Alabama.	William Barksdale, of Mississippi.
Sydenham Moore, of Alabama.	Reuben Davis, of Mississippi.
J. L. M. Curry, of Alabama.	Burton Craig, of North Carolina.
J. A. Stallworth, of Alabama.	Thos. Ruffin, of North Carolina.
J. W. H. Underwood, of Georgia.	John Slidell, U. S. Senator, Lou.
L. J. Gartrell, of Georgia.	J. P. Benjamin, U. S. Senator, Lou.
James Jackson, of Georgia.	J. M. Landrum, of Louisiana.
John J. Jones, of Georgia.	L. T. Wigfall, U. S. Senator, Texas.
Martin J. Crawford, of Georgia.	John Hemphill, U. S. Senator, Tex.
Alfred Iverson, U. S. Senator, Geo.	J. H. Reagan, of Texas.
George S. Hawkins, of Florida.	M. L. Bonham, of South Carolina.
T. C. Hindman, of Arkansas.	W. Porcher Miles, of South Caro.
Jeff. Davis U. S. Senator, Miss.	John McQueen, of South Carolina.
John D. Ashmore, of South Carolina.	

## CHAPTER XIII.

Johnson's Faith in the Union — Awakens to a Sense of the Situation — His Position toward the Southern Leaders — Not to be Brow-beaten or Frightened — The Senate Debate continued — Johnson on the Right of Secession — Great Speech of December 18 and 19, 1860 — He takes open Ground against the Traitors — His Propositions to Amend the Constitution — Rights of the South within the Union — Quotes Madison, Jackson, Marshall and Webster against Secession — Washington enforced the Laws in 1795 — Jackson and Nullification — A Seceding State a Foreign Power — South Carolina an Abolitionist — Lincoln's Election no Cause for Secession — The South favoring a Monarchy.

As has been remarked, Andrew Johnson was not distinguished for singing peans to the Union. With the patriotic faith in his own heart, he regarded such periodical displays as but a cheap method of attracting, or very easy one of sustaining, notoriety. He was not a believer in dissolution, could not bring himself to comprehend how men born under such a benign flag, shielding such wise institutions, could contemplate an act so heinous. When Congressmen and politicians were variously disrupting and healing the Union in angry or pathetic speeches, he turned a deaf ear, and looking into his heart, said, "It cannot be dissolved." He was now awakened, not to a sense of the realization of disunion, but of horror and indignation at those who already had the arm raised against the most symmetrical and generous form of government known.

If he sang no peans to it when he believed it safe, he was inspired with a resolute frenzy when he beheld it in danger. His clear, logical and patriotic periods struck consternation into the ranks of the traitors, and their boldest advocates and sympathizers sprang forward to grapple with him, striv-

ing to attain, by passionate sectional appeals and personal denunciations of him as a traitor to the South, that power over him which they could not achieve by argument. But they miserably failed. The fact that Senator Johnson had acted with the Breckinridge wing of the Democracy in the previous Presidential campaign but made him the more fierce, seeing that the Breckinridge leaders had used the occasion to foment the slaveholders' rebellion. Although he sympathized with Douglas, Senator Johnson had supported Breckinridge in all honesty, believing that his constituents in Tennessee desired such action, and that in it lay the best chances of uniting the Democratic party. He was not in the confidence of the conspirators, and could not know that it was their purpose to have the Democratic party defeated, so that a plea, however remote and unjust, might be furnished to the Yanceyites for carrying out their long projected plan of precipitating the cotton States into revolution. Many Union Southern men were whirled into the rebel ranks or cowed into disloyal inaction, by the public and private lacerations they were subjected to by the organized system of brow-beating pursued by the ultra Southerners. But Johnson was of different stuff. He was not to be awed by any innuendoes of physical coercion, or hushed by any display of verbal ferocity.

The speeches in which he tore asunder all the pleas upon which his late coadjutors sought to dissever the Union are famous, and cannot be too often perused. They are singularly able, and the interest attached to their views increases into heroism when we remember the place and time, the occasion upon which he spoke, the grandeur of the subject and the character of the men by whom he was surrounded.

It was on the 18th and 19th of December, 1860, that Senator Johnson, convinced of the extremities about to be pursued by the traitors, took open ground against them in a speech of great and defiant power. It flung consternation



and dismay into the ranks of secession, and struck a chord in the popular heart throbbing anxiously in the galleries, that several times proved to be irrepressible. This speech, as the grand opening effort of a Southern patriot against Southern treason, forms a great historical point not only in the career of the orator, but of his country at its most intense epoch. Among the propositions laid before the Senate for the adjustment of difficulties during the second session of the Thirty-sixth Congress, were three amendments to the Constitution by Senator Johnson. One proposed to change the mode of election of President and Vice-President of the United States from the Electoral College to a vote substantially and directly by the people. The second proposed that the Senators of the United States shall be elected by the people once in six years, instead of by the Legislatures of the respective States. The third provided that the Supreme Court shall be divided into three classes: the term of the first class is to expire in four years from the time that the classification is made, of the second class in eight years, and of the third class in twelve years; and as these vacancies occur they are to be filled by persons chosen—one-half from the slave States, and the other half from the non-slaveholding States, thereby taking the judges of the Supreme Court, so far as their selection goes, from the respective divisions of the country; also, that either the President or Vice-President at each election shall be from the slaveholding States.

By these means the Senator trusted to equalize matters so that the South could not possibly object if it honestly meant to remain in the Union. If the South did not willfully and wantonly mean to disrupt the Union, its representatives could support his proposition.

Senator Johnson was opposed to secession, and was in favor of maintaining the rights of the South within the Union. Neither he nor his State would be driven out of

it. Tennessee denied the doctrine of secession, and as for himself he meant to hold on to the Union and the guarantees of the Constitution. Taking these grounds on the 18th, Johnson and his speech made the topics of conversation that night in the fermenting and excitable circles then congregated at Washington. Great delight was expressed by the Unionists, unmeasured bitterness by the Disunionists, and a widening interest in the next day's debate was betrayed by all. On the 19th, Senator Johnson resumed.

His line of argument was to show that a State could not, of its own volition, withdraw from the compact. He read from Mr. Madison's letters to Mr. Trist and Mr. Webster, showing that such was his position. The States delegated powers named in the Constitution, and Congress could enforce them; but in doing so it did not become the oppressor. The State which resisted them became the aggressor. But when the Federal Government failed to carry out these powers, it ceased to be a government. He quoted Jackson, Webster, Justice Marshall, and others, to show that a State had not a constitutional right to secede from the Union without the consent of all the States. The Constitution was intended to be perpetual, and to that end provision was made for its own amendment, its improvement and its continuance.

It was also submitted to the States for ratification, and power given to Congress to admit new States. So we had in the Constitution: first, the means of creating a Government; second, a means of perpetuating it; and third, the power to enlarge it. But were provisions found there for winding up the Government, except by the inherent principle of all the States—not a State—but all the States, which spoke the Government into existence and had a right to dissolve it?

He cited the case of the Excise law of 1795 during the rebellion in Pennsylvania, when General Washington was the

President, and when he enforced the laws and put down the rebellion with a militia force of fifteen thousand men—the constitutional army. He quoted from General Washington's views on that rebellion, showing that he had the right to enforce the laws of the United States, and that he regarded the Union as inseparable. What was the difference, then, between the Federal Government enforcing its laws in a part or the whole of a State? Was it not competent for General Washington to enforce the Excise laws against the whole of Pennsylvania as a part?

Senator Johnson proceeded to review the Nullification laws of 1832, and cited the opinion of General Jackson at that time, who, as President of the United States, was bound by his oath to see, and did see, that the laws were faithfully executed. He would have used an armed force for that purpose had the time arrived for its necessity. Jackson acted just as Washington did in a similar case.

As to the present case, he would inquire if the Federal Government had not the power to enforce its laws in South Carolina as much as it had in Pennsylvania, Vermont, or in any other State? He thought it had; and notwithstanding the ordinance of secession which South Carolina might pass, it did not relieve her from her obedience to the United States, or from the compact which she entered into. The compact was reciprocal. If South Carolina drove the Courts of the United States out of the State, the Federal Government had the right to reinstate them there. If the State resisted the passage of the mails, the Government could insist on their protection, and so with the collection of the revenue. If the State captured the forts of the United States, the Federal Government had the right to retake them. If that State did all of these she was clearly in the wrong, and it was the duty of the Federal Government to see that the laws were faithfully executed. If the States expelling the Federal Courts and the mails did not

commit treason, he would ask, in the name of the Constitution of the United States, what was treason? It was treason, and nothing but treason; and if one State can do this, there is no Government.

Madison, Jefferson, Webster and Washington had denounced this doctrine; and if South Carolina set up a government for herself, and made an alliance with European powers, and had interests inimical to our own, she could be conquered by this Government and held as a province. There is a statute of Congress which declares that the General Government looks with suspicion and disfavor on the acquisition of any territory within the limits of the United States by any foreign power. Yet if a State secede she becomes a foreign power within our borders.

He proceeded to cite the cost to the Federal Government of the new States, some of which desired to secede. Florida, which cost the United States millions of dollars in her purchase and in the driving out of the Indians, now threatens to withdraw from the United States and leave nothing for all this wealth which had been expended on her. Again, before Florida and Louisiana became States they were Territories of the United States, and if they withdrew from the Union, what condition would they assume on such withdrawal? Would they be States out of the Union, or would they be merely Territories, as before their admission. He continued to argue that all the States had acquired territory, not alone for the benefit of the new States, but for the benefit of all the States. No State so acquired could by secession rob them of the benefits so acquired. Could Louisiana take out of the Union the mouth of the Mississippi?

He regarded the position assumed by South Carolina toward the border States as tending to extinguish slavery. He believed the quickest way to abolish slavery was to dissolve the Government.

Mr. Lincoln's election as the plea for secession, he met with characteristic truth and manliness. Should they retreat because Mr. Lincoln has been elected President of the United States? Was there any cause why to retreat? Every man knows that if Mr. Breckinridge had been elected there would be no talk of dissolving the Union! Then what is the issue? "It is," said he, "because we have not got our man. If we had got our man we should not have been for breaking up the Union; but as Mr. Lincoln is elected we are for breaking up the Union! I say, No. Let us show ourselves men, and men of courage.

"How has Mr. Lincoln been elected, and how have Mr. Breckinridge and Mr. Douglas been defeated? By the vote of the American people, cast according to the Constitution and forms of law, though it has been upon a sectional issue. It is not the first time in our history that two candidates have been elected from the same section of country. General Jackson and Mr. Calhoun were elected on the same ticket; but nobody considered that cause for dissolution. They were both from the South. I opposed the sectional spirit that has produced the election of Lincoln and Hamlin, yet it has been done according to the Constitution, and in accordance to the forms of law."

Senator Johnson proceeded at length to cite extracts from Southern journals, showing that the writers favored a monarchical government. He thought, however, that the South, before it left this Government, had better well consider what they were going to enter into. If there were evils, had we not (addressing the South) "better bear the ills we have, than fly to others that we know not of?" He had an abiding, an unshaken faith in man's capability to govern himself, and would not yield up this Government that is now called an experiment, and which some are prepared to abandon for a constitutional monarchy. He entreated every patriotic man throughout the nation to come

forward, not in passion, not in fanaticism, not in haste or precipitancy, but in deliberation ; in the spirit of brotherly love and affection, and rally around the altar of our common country, lay the Constitution on it, and swear by our God and all that is sacred and holy, that the Constitution shall be saved and the Union preserved.

He intended to stand by, and act in and under the Constitution. The violators of the ordinances of this constitutional house should not drive him out. In conclusion, the Senator thus declared his determination : " In saying what I have said, Mr. President, I have done it in view of a duty that I felt I owed to my constituents, to my children, to myself. Without regard to consequences I have taken my position, and when the tug comes, when Greek shall meet Greek, and our rights are refused after all honorable means have been exhausted, then it is that I will perish in the last breach ; yes, in the language of the patriot Emmet, ' I will dispute every inch of ground ; I will burn every blade of grass ; and the last entrenchment of freedom shall be my grave.' Then, let us stand by the Constitution ; and, in saving the Union, we save this, the greatest Government on earth."

It was aptly remarked at the time, that Mr. Johnson's antecedents made him listened to with respect by many classes. He was recommended to the attention of the Republicans on account of his earnest advocacy in favor of his opening the public lands to honest settlement ; to the Breckinridge men because he supported their candidate for the Presidency ; and to Douglas men because he agreed with the great Senator from Illinois on the doctrine of non-intervention. In addition to which, said Mr. Forney, in a letter to the *Press*, " one of his main claims to public attention is founded on the fact that he was a most courageous and constant defender of the rights of adopted citizens in the perilous times of 1854 and '55."

If this Senatorial outburst had come from a Northern Democrat, it would have fallen with comparatively small effect upon the Southern men ; but that a Southern Democrat, and that Southern Democrat a Senator who had sustained Breckinridge, should hurl such thunderbolts about their heads was unendurable. No higher tribute could be paid to the effect of Johnson's speech than the rapacity with which he was assailed by the sentinels of treason in the Senate.

## CHAPTER XIV.

ACTION in South Carolina—Ordinance of Secession Passed—Major Anderson's Transfer from Moultrie to Sumter—Secretary Floyd Resigns—Commissioners from South Carolina arrive at Washington—Communication with the President—Fort Sumter Reinforced—Secret Meeting of the Conspirators, their Programme—Davis, Slidell and Mallory to carry it out—The President throws the Responsibility on Congress—Secretaries Jacob Thompson and Thomas resign—Mississippi, Alabama, Florida, Louisiana and Texas Secede—No Vote of the People Taken—Montgomery Convention, Jeff. Davis elected President and Alexander H. Stephens Vice-President of "The Confederate States"—Congressional Action—Desire of an Adjustment—Seward's Remarkable Avowals—Continued Violence of Wigfall, Benjamin, Toombs, Iverson, and others—Johnson replies on 5th and 6th February, 1861—The Political Heresy of Secession—Defends his previous Declarations—Effective Replies to Benjamin, Lane and Davis' inuendoes—The Ally of all True Men—Exposes Davis' Vote against Slavery Protection—Two Sketches of Character—Johnson and Davis Contrasted—Intense Closing Scene of the Debate—Punishment of Treason—Excitement in the Galleries—Cheering for Johnson and the Union—His Speeches "an Era in the Senate."

WHILE Senator Johnson was yet forging immutable bands around the Union cause in the Union Capital, South Carolina was unriveting the link that bound her to it, or thought she was. The Convention called by the State Legislature on the 4th of December, met on the 17th in Columbia, but the small-pox hunted the Palmetto patriots to Charleston, where, on the 20th, the ordinance of secession was passed, repealing the ordinance of May 23, 1788, which ratified the Constitution of the United States; and on the 24th, Governor E. W. Pickens proclaimed South Carolina to be a "Separate, Sovereign, Free and Independent State." Events followed rapidly. On the 26th, Major Robert Anderson transferred his garrison from Fort Moultrie to



Fort Sumter. On the 27th, Hon. John B. Floyd, Secretary of War, requested the President to withdraw the garrison from Charleston, which not having been complied with the Secretary resigned on the 29th. On the same day, Messrs. R. W. Barnewall, J. H. Adams and J. L. Orr, Commissioners from South Carolina, arrived at Washington, and opened a communication to the President demanding that forts and other Government property at Charleston should be delivered to the authorities for which they acted. On the next day, the President replied, stating that Major Anderson had acted on his own responsibility, that his first impulse was to order him home, a feeling rendered impossible by the occupation of the fort and the seizure of the United States arsenal by South Carolina. On the 1st of January the Commissioners called on the President to redeem his pledge to maintain the status of affairs previous to Major Anderson's removal from Moultrie. The President declined to receive this communication. On the 5th of January, the *Star of the West* was sent by Government with supplies to Fort Sumter. This aroused the conspirators who, on the night of the same day, held a secret meeting in Washington, at which the Senators from Alabama, Arkansas, Florida, Georgia, Mississippi and Texas were present. It was determined to accelerate the secession of the Southern States, to hold a convention of such as had seceded at Montgomery, Ala., not later than the 15th of February; and that the Senators and Representatives from these States should retain their seats in Congress as long as judicious to check such measures as might be undertaken against secession. Davis, Slidell and Mallory of Florida were intrusted with the carrying out of this programme. On the 8th, the President, by message, advised Congress of the state of affairs and threw upon it the responsibility of meeting the emergency, stating at the same time that while he had no right to make aggressive war upon any State, it was his duty to use military force de-

fensively against those who resisted Federal officers in the execution of their duty and those who assail Government property. On this day, the Hon. Jacob Thompson alleging that Government violated the decision of the Cabinet in succoring Fort Sumter, resigned his office as Secretary of the Interior. On the 9th, Mississippi passed an ordinance of secession. On the 10th, Hon. P. F. Thomas, who had succeeded Cobb in the Treasury, resigned.\* On the 11th, Alabama and Florida passed ordinances of secession, and was followed by Louisiana on the 26th, and by Texas on the 5th of February. In none of these States was the vote of the people taken on the issue which plunged them into civil war. The convention assembled in Montgomery on the 4th of February and there adopted a provisional constitution under which Jefferson Davis was elected President and Alexander H. Stephens of Georgia Vice-President of the "Confederacy."

The debate in the Senate had meanwhile continued with mingled violence, pathos, ability and vigor. As indicative of the great desire of Congress to make an adjustment, the Committee of Thirty-three in the House reported some admirable resolutions, the production of Dunn of Indiana and Rust of Arkansas, and Senator Seward made a remarkable speech in which, after declaring that he would follow "the example of the noble Senator from Tennessee [Mr. Johnson], and avow his adherence to the integrity of the Union and all its parts with his friends, State and party, or without them, he avowed himself in favor of: 1. The repeal of all

\* The Cabinet changes during the last three months of Mr. Buchanan's Administration were:

*State Department*, .... J. S. Black *vice* General Cass, resigned.

*Treasury* " .... Philip T. Thomas *vice* H. Cobb, resigned; J. A. Dix *vice* Thomas, resigned.

*War* " .... J. Holt *vice* T. B. Floyd, resigned.

*Interior* " .... Jacob Thompson, resigned.

*Post Office* " .... Horatio King *vice* Holt.

*Attorney-General*, .... Edwin M. Stanton *vice* Black, to the State Department.

personal liberty bills contravening the Constitution. 2. As slavery in the States ought to be left to the States, he was willing to amend the Constitution so that Congress can never abolish or interfere with slavery in the States. 3. While believing that Congress had unquestionable authority to legislate upon slavery in the Territories, yet the exercise of that power should be determined on practical grounds. 4. He was willing to make laws to arrest John Brown raids ; and 5. Was in favor of two Pacific railroads, one of which should connect the ports around the mouths of the Mississippi, and the other the towns on the Missouri and the lakes, with the harbors on our western coasts. If the expression of these views Senator Seward did not meet the expectations of some, he claimed in offering them to have sacrificed many of his own cherished convictions. Jefferson had taught him that we cannot always do what seems to us absolutely best in politics. Undoubtedly his speech—coming from one who had accepted the leading position in Mr. Lincoln's Cabinet—embraced and conveyed many concessions. But secession, not concession, was the demand of those "discontented citizens" who had obtained political power in the Southern States.

On the other side the violence of Senators Wigfall, Benjamin, Toombs, Iverson and others was unabated ; and on the 5th and 6th of February Senator Johnson replied to the acrimonious assaults, the sneering interruptions, the pointed ridicule and unmanly innuendoes which were leveled at him. His reply was elaborate and dignified. In it he more completely and effectually drove home the historical facts and logical conclusions of his previous effort. In making that speech his intention was—and all thought he succeeded in it—to place himself upon the principles of the Constitution and the doctrines inculcated by Washington, Jefferson, Madison, Monroe and Jackson. Having examined the positions of those distinguished fathers of the Republic, and

compared them with the Constitution, he came to the conclusion that they were right. Upon them he planted himself. These views inspired him.

As he was the first man south of Mason and Dixon's line who, in the Senate, protested against the political heresy of secession, he would continue so to do, notwithstanding the denunciations he had met with. "From what I saw here," he said, "on the evening when I concluded my speech—although some may have thought that it intimidated and discouraged me—I was inspired with confidence; I felt that I had struck treason a blow. I thought then, and I know now, that men who were engaged in treason felt the blows that I dealt out on that occasion. As I have been made the peculiar object of attack, not only in the Senate, but out of the Senate, my object on this occasion is to meet some of these attacks, and to say some things in addition to what I then said against this movement."

He took up the leading Senators who had directly or by innuendo, attacked him. We shall see with what admirable *nonchalance* and pith he disposed of them. After replying to the views of Judah P. Benjamin, a notoriously able and heartless traitor, who, with his less able but equally remorseless colleague, Slidell, had taken leave of the Senate on the day previous, he compared the theatrically sad tone of Benjamin's valedictory with some quite recent remarks from the same source.

"I thought the scene was pretty well got up, and was acted out admirably. The plot was executed to the very letter. You would have thought that his people in Louisiana were borne down and seriously oppressed by remaining in this Union of States. Now, I have an extract before me, from a speech delivered by that gentleman since the election of Abraham Lincoln, while the distinguished Senator was on the western slope of the Rocky Mountains, at the city of San Francisco. In that speech, after the Senator had

spoken some time with his accustomed eloquence, he uttered this language :

“ ‘Those who prate of, and strive to dissolve this glorious confederacy of States, are like those silly savages who let fly their arrows at the sun in the vain hope of piercing it ! And still the sun rolls on, unheeding, in its eternal pathway, shedding light and animation upon all the world.’ ”

“ Even after Lincoln was elected, the Senator from Louisiana is reported to have said, in the State of California, and in the city of San Francisco, that this great Union could not be destroyed. Those great and intolerable oppressions, of which we have since heard from him, did not seem to be flitting across his vision and playing upon his mind with that vividness and clearness which were displayed here yesterday. He said, in California, that this great Union would go on in its course, notwithstanding the puny efforts of the silly savages that were letting fly their arrows with the prospect of piercing it. What has changed the Senator’s mind on coming from that side of the continent to this ? What light has broken in upon him ? Has he been struck on his way, like Paul, when he was journeying from Tarsus to Damascus ? Has some supernatural power disclosed to him that his State and his people will be ruined if they remain in the Union ? ”

“ In like manner he nullified Benjamin’s picture of the horrors to be expected at President Lincoln’s hands ; by quoting from Benjamin’s speech of May, 1860, in which he said :

“ ‘I must say here—for I must be just to all—that I have been surprised in the examination that I made again, within the last few days, of this discussion between Mr. Lincoln and Mr. Douglas, to find that on several points Mr. Lincoln is a far more conservative man, unless he has since changed his opinion, than I supposed him to be.’ ”

“ Since that speech was made,” added Johnson ; “ since

the Senator has traversed from California to this point, the grievances, the oppressions of Louisiana, have become so great that she is justified in going out of the Union, taking into her possession the Custom House, the Mint, the navigation of the Mississippi River, the forts and arsenals. Where are we? 'O consistency, thou art a jewel!'

As to Senator Joe Lane's attacking him it was something he could scarcely understand. In his speech of the 19th of December, he did not mean to say any thing offensive to the Senator from Oregon. He felt that he had just come out of a campaign in which he had labored hard, and expended money and time in vindicating Lane and Breckinridge from the charge of favoring secession and disunion.

Through dust and heat, through mud and rain, he had traversed his State, meeting the charge of the Opposition that secession was at the bottom of this movement; that there was a fixed design and plan to break up this Government; that it started at Charleston, and was consummated at Baltimore. The charge was made that General Lane was the embodiment of disunion and secession. Johnson met the charge, denied it, repudiated it, tried to convince the people, and he thought he had convinced some of them that the charge was untrue, and that Lane and Breckinridge were the two best Union men in the country.

After this bit of satire—which struck home, and only provoked a more personal attack from General Lane, just previous to the expiration of his term in the following month—Senator Johnson came directly to the misconstruction placed upon his former words.

"Why," he asks, "answer positions I did not assume, or attribute to me language I did not use? Was it in the speech? No! Why, then, use language and assign a position to me which, if not intended, was calculated to make a false impression? What called it forth? What reason was there for it? I saw the consternation which was created. I looked at some of their faces. I knew that I had stirred up animosity, and it was important that somebody from

another quarter should make the attack. If the attack had been upon what I said or upon the position I had assumed, I should have no cause to complain; and I do not complain now. Sir, though not very old, I have lived down some men. I have survived many misrepresentations. I feel that I have a conscience and a heart that will lead me to do it again. But when I had said nothing, when I had done nothing to be struck at by him whom I had vindicated, I might well exclaim, 'that was the unkindest cut of all.'

The next Senator in order who made an attack upon Johnson was Jefferson Davis, who took occasion to do so in making his valedictory address to the Senate after Mississippi had passed the ordinance of secession. It was the fashion, not only with that Senator, but with others, to attempt by innuendo, indirection or some side remark, to convey the impression that a certain man had a tendency or bearing toward Republicanism or Abolitionism. "Sometimes," said Johnson, "gentlemen who cannot establish such a charge are yet willing to make it, not directly, but by innuendo; to create a false impression on the public mind—

•• "Willing to wound, but yet afraid to strike."

If the charge can be successfully made, why not make it directly instead of conveying it by innuendo? The Senator from Mississippi did not attempt to reply to my speech, did not answer my arguments, did not meet my authorities, did not controvert my facts."

It was thought, by innuendo, to make Johnson "the ally of the Senator from Ohio." He, however, did not inquire what a man's antecedents were when there was a great struggle going on to preserve the existence of the Government. His first inquiry was, Are you for preserving this Government? are you for maintaining the Constitution upon which it rests? If Senator Wade or any other Senator was willing to come up to this great work, either by amending the Constitution of the United States, or passing laws that would preserve and perpetuate the Union, John-

son declared they were allies. He was the ally of every Senator, every member of the House of Representatives, every man that loved his country throughout the length and breadth of the confederacy, and was in favor of preserving the Union on its great and fundamental principles. He did not care for their antecedents, or to what might take place hereafter. To all such men he cried, "Come forward, and, like gallant knights, let us lock our shields and make common cause for this glorious people. If I were to indulge in a similar kind of innuendo, by way of repartee, where would the Senator from Mississippi find himself?"

He showed that Davis was one of the forty-three Senators who, in the May previous, voted that it was not necessary to pass a law to protect slavery in the Territories, and he asked what rights had South Carolina or the other seceding States lost since the last session when that vote was recorded. It was wholly unnecessary *then*; but they will secede if it is not granted now. To that same proposition, Senator Brown of Mississippi offered a very stringent amendment for the purpose of protecting slave property, and supported it by argument. What was the vote upon that? "How does it stand?" asks Johnson:

"We find," he says, in continuation, "after an argument being made by Mr. Brown, showing that the necessity did exist, according to his argument, the vote upon the proposition stood thus: The question being taken by yeas and nays, it was determined in the negative—yeas, 3; nays, 42.

"Forty-two Senators voted that you did not need protection; that slavery was not in danger.

"The yeas and nays being desired by one-fifth of the Senators present,

"Those who voted in the affirmative are: Messrs. Brown, Johnson of Arkansas, Mallory.'

"There were only three. Who said it was not necessary? Who declared, under the solemn sanction of an oath, that protection was not needed? 'Those who voted in the negative are: Messrs. Benjamin'—



“ Ah ! Yes, Benjamin !

“ ‘ Bigler, Bragg, Bright, Chestnut, Clark, Clay, Clingman, Crittenden, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Foster, Green, Grimes, Gwin, Hamlin, Harlan, Hemphill, Hunter’—

“ Hunter of Virginia, also !

“ ‘ Iverson, Johnson of Tennessee, Lane.’

“ Ah ! [Laughter.] Yes, Lane of Oregon voted, on the 25th of last May, that slavery did not need protection in the Territories. Now, he will get up and tell the American people and the Senate that he is for a State seceding, and for breaking up the Government, because they cannot get what he swore they did not need. [Laughter.] That is what I call putting the nail through.” [Laughter in the galleries.]

In this debate there occurs two sketches of character, both of which we know from history to be truthful. Besides the striking individuality of each, the powerful contrast between them carries with it a lesson as suggestive. In reply to a sneering allusion from Jeff. Davis, Johnson, exhibiting the trusting and trustful confidence mutually existing between himself and the people of Tennessee, presented a firmly drawn outline of his nature and career, his past fortune, his present fortitude, and his faith for the future : “ Thank God there is too much good sense and intelligence in the country to put down any man by an innuendo or side remark like that. But, sir, so far as the people whom I have the honor in part to represent are concerned, I stand above the innuendos of that kind. They have known me from my boyhood up. They understand my doctrines and my principles, in private and in public life. They have tried me in every position in which it was in their power to place a public servant, and they, to-day, will not say that Andrew Johnson ever deceived or betrayed them. In a public life of twenty-five years, they have never deserted or betrayed me ; and, God willing, I will never desert or betray them. The great mass of the people of Tennessee know that I am for them ; they know that I have advocated those great principles and doctrines

upon which the perpetuity of this Government depends ; they know that I have periled my all, pecuniarily and physically, in vindication of their rights and their interests. Little innuendoes, thrown off in snarling moods, fall harmless at my feet."

The other sketch is of Jeff. Davis, the terrible depth of whose treason is made all the more crushing in the free acknowledgment of the education conferred by, and the honors won in the service of the United States : " When I consider his early education ; when I look at his gallant services, finding him first in the military school of the United States, educated by his Government, taught the science of war at the expense of his country—taught to love the principles of the Constitution ; afterward entering its service, fighting beneath the ' Stars and Stripes ' to which he has so handsomely alluded, winning laurels that are green and imperishable, and bearing upon his person scars that are honorable ; some of which have been won at home ; others of which have been won in a foreign clime, and upon other fields, I would be the last man to pluck a feather from his cap or a single gem from the chaplet that encircles his brow. But when I consider his early associations ; when I remember that he was nurtured by this Government ; that he fought for this Government ; that he won honors under the flag of this Government, I cannot understand how he can be willing to hail another banner, and turn from that of his country, under which he has won laurels and received honors. This is a matter of taste, however ; but it seems to me that, if I could not unsheath my sword in vindication of the flag of my country, its glorious ' Stars and Stripes,' I would return the sword to its scabbard ; I would never sheathe it in the bosom of my mother ; never ! never ! "

The closing scene of the debate (March 2) was one to be long remembered, when Johnson, briefly but powerfully replying to Lane, exclaimed : " I will now present a fair

issue, and hope it will be fairly met. Show me who has been engaged in these conspiracies ; show me who has been engaged in these nightly and secret conclaves plotting the overthrow of the Government ; show me who has fired upon our flag, has given instructions to take our forts and our custom houses, our arsenals and our dockyards, and I will show you a traitor !" [Applause in the galleries.]

"The PRESIDING OFFICER (Mr. Polk in the chair).—The Sergeant-at-Arms will clear the galleries, on the right of the Chair immediately.

"Mr. JOHNSON of Tennessee.—That is a fair proposition —

"The PRESIDING OFFICER.—The Senator from Tennessee will pause until the order of the Chair is executed.

[Here a long debate ensued upon questions of order, and the propriety of clearing the galleries.]

"Mr. JOHNSON of Tennessee.—I hope the execution of the order will be suspended, and I will go security for the gallery that they will not applaud any more. I should have been nearly through my remarks by this time but for this interruption.

[The presiding officer here announced that the order for clearing the galleries would be suspended.]

"Mr. President," continued Senator Johnson, "when I was interrupted by a motion to clear the galleries, I was making a general allusion to treason as defined in the Constitution of the United States, and to those who were traitors and guilty of treason within the scope and meaning of the law and the Constitution. My proposition was, that if they would show me who were guilty of the offenses I have enumerated, I would show them who were the traitors. That being done, were I the President of the United States, I would do as Thomas Jefferson did in 1806 with Aaron Burr, who was charged with treason. I would have them arrested and tried for treason, and, if convicted, by the Eternal God, they should suffer the penalty of the law at the hands of the executioner."

Order was several times invaded by the enthusiasm evoked by the patriotism of the speaker, and as he sat down, the spectators in the densely crowded galleries rose

in order to leave, when, after the lapse of a few seconds, a faint cheer, followed by the clapping of a single pair of hands, was raised in the southern corner of the ladies' gallery. This was hesitatingly imitated by two or three persons further on in the south range of the same gallery, but instantaneously gathering strength, it lighted up the enthusiasm of the packed galleries in the west and north-west quarters, and a tremendous outburst of applause, putting to silence the powerful blows from the hammer of the presiding officer, succeeded. Three cheers were given for the Union and three for Andrew Johnson of Tennessee; and as by this time the Senators on the floor gave the strongest token of indignation and outraged dignity, the retreating crowd uttered a shower of hisses. Altogether the exhibition was the most vociferous and unrepressed that has ever taken place in the galleries of either House of Congress.\*

It was said of Chatham that his eloquence was an era in the Senate, and Robert Bell, in his "Life of Canning," adopts the phrase in recounting the effect of that statesman's speech defending his aid to the South American Republics. With still greater and more suitable force might it be applied to Johnson's speeches in this debate. They truly created an "era in the Senate." The theme was infinitely grander than that which inspired Canning. Its treatment was characteristically more powerful; and well might a Californian Senator say that nothing could be added to his lucid exposition of the fallacy of secession. Canning was a finished orator and dialectician, and his remarkable speech is strikingly eloquent, as well by its style as the audacity of the conception announced in it. Johnson's is powerful from the intense patriotism hurled upon the heads of the delinquent Senators, and the simply glorious expression of national faith which lights up his heart and nerves his arm

\* *National Intelligencer*, March 4, 1861.

for the defense of the Republic. Yet, what a member of the Commons, enthusiastically carried away by Canning's periods said, can be well adopted in a calm and dispassionate reviewal of the delivery and effect of Johnson's speeches during this debate on the state of the Union: "It was an epoch in a man's life to have heard him. I shall never forget the deep moral earnestness of his tone, and the blaze of glory that seemed to light up his features when he spoke . . . . all the while a serenity sat on his brow that pointed to deeds of glory."

## CHAPTER XV.

### TERRORISM IN TENNESSEE.

THE People of Tennessee Vote against a State Convention on Secession — The Legislature in Secret Session enter into a Military League with the Rebel Government — The Ordinance of Secession to be Voted on under an Atrocious Terrorism — Rebel Soldiers Raised and Taxes Levied without Law — Union Men Hunted out of the State — Horrible Tyranny — Secessionists' hatred of Johnson — Indignities offered to him — Assailed in the Railway Cars, meets the Ruffians — Attends the Union Convention in East Tennessee — Fine Reception and Speech in Cincinnati — The Abominable Doctrine of Secession to be Totally Annihilated — The Difficulties not the result of Local Animosity — Government or no Government — Affairs in Tennessee — Bound Hand and Foot by the Rebels — Gallant Stand by Union Men — Johnson speaks in the Senate after the Battle of Bull Run — Ordeals through which a Nation must pass — No Compromise with Armed Traitors — Rebel tendency to One-man Power — "Harris a king and Baugh a Despot" — Let the Battle go on — Supports the Resolution to Expel Jesse D. Bright from the Senate — Bright a Satrap of the South — Bright and the Oath of Office — Clingman's Compliment to Johnson.

NOTWITHSTANDING the attempt to popularize the aims of "the great Southern party" in Tennessee, and to commit it into an apparent consideration of the secession question, the people, by an overwhelming vote, decided not to hold a State Convention. In the face of this popular determination, the Governor, Isham G. Harris, convened the Legislature, which, in extraordinary and secret session, on the 1st of May passed a joint resolution authorizing the Governor to enter into a military league with the rebel government. On the 6th it also passed an act to submit for ratification or rejection, "a declaration of independence and ordinance dissolving the Federal relation between the State of Tennessee and the United States of America." Eastern Tennessee, bordering on the Alleghany mountains, was, like

Western Virginia, thoroughly devoted to the Union. The pretended submission of the declaration and ordinance was the greatest mockery. The terrorism in the State was of the most atrocious nature.

The Legislature, in secret session, without waiting for the people to vote upon the ordinance of secession, or even to read it, proceeded at once without even the pretense of popular or any other authority to place the whole power and military resources of the State at the disposal of the "Southern Confederacy," and invited the armies of that Confederacy upon Tennessee soil, thus putting it out of the power of the Tennessee people to exercise through the ballot-box or any other way, the slightest discretion or liberty of choice in deciding what their State should or should not do. After the secret passage of the ordinance the disunion leaders devoted themselves to the raising of troops, marshaling them into the "Confederate" service, and without form or pretext of law, levied monstrous taxes for their support. It was obvious that in such a state of affairs the "popular vote" which the leaders, for the sake of appearances, were determined to have in their favor, could have no meaning whatever. By the machinery of mobs and vigilance committees dextrously worked, they expelled by night and day thousands of bold and true Union men from all parts of the State. They muzzled the editors, manufactured public opinion by holding meetings, and giving notice to the champions of the country who had hitherto swayed and moulded the popular mind that their lives would pay the penalty of advocating the Union. It was universally proclaimed that every voter on going to the poll should expose his ballot to the bystanders, "the plan being to beat, or maim, or kill all who should have the audacity to vote for the Union." "We have seen scores of the best men of Tennessee," said a competent authority writing at the time,\* "within the last few days,

\* *Louisville (Ky.) Journal*, edited by G. D. Prentice.

and they all bear witness that, in their belief, the reign of terror now raging and maddening in that State, has had no parallel in modern history. There is less of personal freedom, there is more of atrocious and horrible tyranny in Tennessee at this time than could be found under the worst and most wretched governments of Asia or the savage islands of the sea."

The tone of Johnson's speeches of course drew upon the speaker all the ire of the secessionists, and many efforts were made in the South to show that he had no sympathy in that region. He however fearlessly proceeded homeward. Passing through Lynchburg, a large crowd assembled, groaned and hissed at him. At Liberty, in the same State, it is said the mob was for going to greater extremities with him. He was assailed on a Sunday in the railway cars by an infuriated rebel mob, and only escaped their mad vengeance by the prompt courage which has sustained him through life in every emergency. Pistol in hand he met and appalled the ruffians, following up his advantage by driving them back; while his own life, as well as the lives of some of those who attempted his assassination, were saved by the presence of the ladies traveling with him.

But his persecutions did not stop here. In his own State and elsewhere in the South, after the frenzy of rebellion had fairly seized the public mind, he was, in Knoxville, Nashville, Memphis, and various other points of less note, hung and shot in effigy, and every insult and indignity offered to his name that a maddened populace could impose. Some papers in Tennessee, under traitor control, regarded the announcement that Andrew Johnson would make his appearance at the head of a Union "Lincoln force" as a delusion. Johnson, however, was not to be deterred. At the East Tennessee Union Convention, May 30, at Cincinnati, in June, and again in the Senate in the extra session succeeding



the inauguration of Mr. Lincoln—at all places where it was necessary, his trumpet tones proclaimed the glory of the Union cause and the infamy of treason.

At Cincinnati, on June 19, Senator Johnson was welcomed by the people in not only unmistakable but enthusiastic terms of approval. He arrived without any idea or expectation that such a reception was in store for him, and the effect was such, after the indignities which had been heaped upon him by disloyalists that he was almost overpowered, and for a time felt that he could not express himself. He had words, but not such as could give utterance to his feelings. He was inspired, however, by the knowledge that the cordiality and sympathy extended to him by the men of Ohio, was heartfelt and sincere. Thanking the assemblage for their kind welcome and their welcome sympathy, he declared that, while he was a citizen of a Southern State, he was also a citizen of the United States, and in the latter position he was willing to abide by its Constitution. He was proud to hear what had been said in reference to the relations existing between the sections, and “the pending difficulties which are now upon the country, do not grow out of any animosity to the local institutions of any section.”

“I am glad to be assured that it grows out of a determination to maintain the glorious principles upon which the Government itself rests—the principles contained in the Constitution—and, at the same time, to rebuke and to bring back, as far as may be practicable, within the pale of the Constitution, those individuals, or States even, who have taken it upon themselves to exercise a principle and doctrine at war with all government, with all association—political, moral and religious. I mean the doctrine of secession, which is neither more nor less than a heresy, a fundamental error, a political absurdity, coming in conflict with all organized government, with every thing that tends to preserve law and order in the United States, or wherever else the odious and abominable doctrine may be attempted to be exercised. I look upon the doctrine of secession as coming in conflict with all organism, moral and social. I repeat, without regard to the peculiar institutions of the respective States

composing this confederacy; without regard to any Government that may be founded in the future, or exists in the present, this odious doctrine of secession should be crushed out, destroyed, and totally annihilated. No Government can stand; no religious, or moral, or social organizations can stand where this doctrine is tolerated. It is disintegration—universal dissolution—in making war upon every thing that has a tendency to promote and ameliorate the condition of the mass of mankind. Therefore, I repeat, that this odious and abominable doctrine—you must pardon me for using a strong expression—I do not say it in a profane sense—but this doctrine I conceive to be—*hell-born and hell-bound*, and one which will carry every thing in its train, unless it is arrested and crushed out from our midst.”

Laying his hand upon his breast, and pledging himself by its truth and honor, he said he felt gratified at hearing the sentiments that had been uttered, that all were willing to stand up for the constitutional rights guaranteed to every State and citizens of States composing one grand confederacy, whether we belonged to the North or the South, or the East or the West. He regarded these sentiments as conclusive evidence that “there was no disposition on the part of any citizens of the loyal States to make war upon any peculiar institution of the South, whether it be slavery or any thing else—leaving that institution under the Constitution, to be controlled by time, circumstances and the great laws which lie at the foundation of all things which political legislation can control.” This declaration was frequently interrupted by applause. Justifying his position in the United States Senate, he said :

“I believe that a Government without the power to enforce its laws, made in conformity with the Constitution, is no Government at all. We have arrived at that period in our national history at which it has become necessary for this Government to say to the civilized, as well as to the Pagan world, whether it is in reality a Government, or whether it is a pretext for a Government. If it has power to preserve its existence, and to maintain the principles of the Constitution and the laws, that time has now arrived. If it is a

Government, that authority should be asserted. I say then, let the civilized world see that we have a Government. Let us dispel the delusion under which we have been laboring since the inauguration of the Government in 1789—let us show that it is not an ephemeral institution; that we have not merely imagined we had a Government, and when the test came, that the Government frittered away between our fingers and quickly faded in the distance. The time has come when the Government reared by our fathers should assert itself, and give conclusive proof to the civilized world that it is a reality and a perpetuity. Let us show to other nations that this doctrine of secession is a heresy; that States coming into the Confederacy, that individuals living in the Confederacy, under the Constitution have no right nor authority, upon their own volition, to set the laws and the Constitution aside, and to bid defiance to the authority of the Government under which they live.”

Senator Johnson conscientiously believed that all the candidates and parties in the previous Presidential canvass were all in favor of the Union; but now all party divisions should be obliterated and the great question of Union and Constitution alone come up. It was to him a sublime question and purpose, and as a supporter and upholder of the nation's flag, he was proud to hear the vast concourse that surrounded him, declare they desired to co-operate for the consummation of the Union without regard to former party difference. He then devoted his address to a brief recital of the position of affairs in Tennessee, and conveyed a brief but comprehensive view of Union necessities and rebel terrorism in that State.

“No longer ago than last February there was an extra session of the Legislature called. There was then a law passed authorizing a Convention to be called. The people of that State voted it down by a majority of sixty-four thousand.

“In a very short time afterward, another session of the Legislature was called. This Legislature went into secret session in a very short time. While the Southern Confederacy, or its agents, had access to it, and were put in possession of the doings and proceedings of this secret session, the great mass of my own State were not permitted even to put their ears to the keyhole, or to look through a crevice in the doors, to ascertain what was being done. A league with the

Southern Confederacy has been formed, and the State has been handed over to the Southern Confederacy, with Jefferson Davis at its head. We, the people of Tennessee, have been handed over to this confederacy, I say, like sheep in the shambles, bound hand and foot, to be disposed of as Jefferson Davis and his cohorts may think proper. This ordinance was passed by the Convention with a proviso that it should be submitted to the people. The Governor was authorized to raise fifty-five thousand men. Money was appropriated to enable him to carry out this diabolical and nefarious scheme, depriving the people of their rights, disposing of them as stock in the market—handing them over body and soul, to the Southern Confederacy.

“Now you may talk about slaves and slavery, but in most instances when a slave changes his master, even he has the privilege of choosing whom he desires for his next master; but in this instance the sovereign people of a free State have not been allowed the power or privilege of choosing the master they desired to serve. They have been given a master without their consent or advice. No trouble was taken to ascertain what their desires were—they were at once handed over to this Southern Confederacy.”

East Tennessee, however, had repudiated the secession ordinance by a large majority, and Johnson pledged that they would remain firm in their contemptuous opposition. He also referred to Isham Harris' refusal of arms to East Tennessee unless the people pledged themselves to do the bidding of the State Government, and followed up with a picture of the gallant stand made by the Union men in the face of outlawry and persecution.

“But while this contest has been going on, a portion of our fellow-citizens have been standing up for the Constitution and the Union, and because they have dared to stand upon the great embattlement of constitutional liberties, exercising the freedom and the liberty of speech, a portion of our people have declared that we are traitors; they have said that our fate was to be the fate of traitors; and that hemp was growing, and that the day of our execution was approaching—that the time would come when those who dare stand by the Constitution and the principles therein embraced, would expiate their deeds upon the gallows. We have met all these things. We have met them in open day. We have met them face to face—toe to toe—at least in one portion of the State. We have told them

that the Constitution of the United States defines treason, and that definition is, that treason against the United States shall consist only in levying war against the General Government of the United States. We have told them that the time would come when the principles of the Constitution, and the law defining treason would be maintained. We have told them that the time would come when the judiciary of the Government would be sustained in such a manner that it could define what was treason under the Constitution and the law made in conformity with it, and that when defined, they would ascertain who were the traitors, and who it was that would stretch the hemp they had prepared for us.

“I know that in reference to myself and others, rewards have been offered, and it has been said that warrants have been issued for our arrest. Let me say to you here to-day, that I am no fugitive, especially no fugitive from justice. If I were a fugitive, I would be a fugitive from tyranny—a fugitive from the reign of terror. But, thank God, the country in which I live, and that division of the State from which I hail, will record a vote of twenty-five thousand against the secession ordinance. The county in which I live, gave a majority of two thousand and seven against this odious, diabolical, nefarious, hell-born and hell-bound doctrine.”

When the loyal States were staggering under the effects of the rebel reinforcements at the battle of Bull Run, the voice of Senator Johnson again arose in clarion tones of hope. Full of life, faith and glory in his cause, his words were like trumpet blasts re-forming the army and re-awakening and re-nerving the people for the struggle. When he returned, after adding the force of his indorsement to the gallant stand made by his co-patriots in East Tennessee, to attend the extra session at Washington, it was not his intention to engage in any discussion; but the first great battle of the war took place, and he arose with the exigency. He was not bowed down. He never is. Obstacles but invite his energy, and danger is only the touchstone to his courage. He believed that every great people must pass through three periods. First it was to pass through the ordeal of gaining independence. Ours was a severe and successful seven years' war of revolution. Second, after achieving in-

dependence, a nation must show its ability to maintain that position against all foreign foes. This we achieved in the war of 1812-15. Third, a nation has to contend against internal foes—those who have no confidence in its integrity, or in the institutions that may be established under its organic law. We were then in the midst of that ordeal. “The problem being solved was whether we can succeed in maintaining ourselves against the internal foes of the Government.” Johnson thought the question fairly stated in President Lincoln’s recent message, that it was “essentially a people’s contest.” A Georgian Senator once said, “When traitors become numerous enough treason will become respectable.” Notwithstanding Johnson thought that such respectability was on the increase, still, God being willing, he was for waging war on traitors and treason, whether the former be few or many. This sentiment was applauded by the galleries, which drew a call of order from the presiding officer, after which Johnson said: “We are in the midst of civil war; blood has been shed; life has been sacrificed. Traitors and rebels are standing with arms in their hands; it is said we must go forward and compromise with them. They are in the wrong; they are making war upon the Government; they are trying to upturn and destroy our free institutions. I say to them that the compromise I have to make to them under the existing circumstances is, ‘Ground your arms; obey the laws; acknowledge the supremacy of the Constitution—when you do that, I will talk to you about compromises.’” A “constitutional monarchy” had been co-extensively mooted in the South, with the declaration that our republican government had failed. Senator Johnson made various references in point, and flung back the trepidation of Senator Powell of Kentucky, who was wonderfully alarmed at the idea of making the President a “dictator,” by giving him power sufficient to suppress the Rebellion, with some extracts from the Richmond and other Southern papers,

showing the purposes of the traitors. The *Whig, Examiner*, and the speeches of the leaders unmistakably pointed to a change in the character of the Government. He read an article from the *Memphis Bulletin* showing that under the reign of terror things had got beyond their control, and the cry was for "one ruling power to which all others must yield." In its dire extremity the Tennessee paper said, "Let Governor Harris be king if need be and Baugh a despot," which text Senator Johnson improved on :

" 'Let Governor Harris be king, and Baugh a despot,' says the *Bulletin*. Who is Baugh? The Mayor of Memphis. The mob reign of terror gotten up under this doctrine of secession is so great that we find that they are appealing to the one-man power. They are even willing to make the Mayor of the city a despot, and Isham G. Harris, a little petty Governor of Tennessee, a king. He is to be made king over the State that contains the bones of the immortal, the illustrious Jackson. Isham G. Harris a king! Or Jeff. Davis a dictator, and Isham G. Harris one of his satraps! He a king over the free and patriotic people of Tennessee! Isham G. Harris to be my king! Yes, sir, my king! I know the man. I know his elements. I know the ingredients that constitute the compound called Isham G. Harris. King Harris to be my master, and the master of the people that I have the proud and conscious satisfaction of representing on this floor! Mr. President, he should not be my slave! [Applause in the galleries.]"

He claimed the protection of the Government for East Tennessee. "If two-thirds have fallen off," he cried, "or have been sunk by an earthquake, it does not change our relation to this Government. If we had ten thousand stand of arms and ammunition when the contest commenced, we should have asked no further assistance." He believed in ultimate triumph. Even though he may not always see his way clearly, yet, as in matters of religion, when facts give out, he draws upon his faith. "My faith is strong," he says, "based on the eternal principles of right, that a thing so monstrously wrong as this rebellion cannot triumph;" and in this spirit he exclaims, "Let the battle go on—it is free-

dom's cause—until the Stars and Stripes (God bless them) shall again be unfurled upon every cross-road, and from every house-top throughout the confederacy, North and South. "Let the Union be reinstated; let the law be enforced; let the Constitution be supreme." In the same reliable confidence in the popular appreciation of the Government which sheds such blessings over all, he predicted the electric movement all over the North to succor the Republic. "There will be an uprising. Do not talk about Republicans now; do not talk about Democrats now; do not talk about Whigs or Americans now; talk about your country, and the Constitution, and the Union. Save that, preserve the integrity of the Government; once more place it erect among the nations of the earth; and then, if we want to divide about questions that may arise in our midst, we have a Government to divide in." He denied that the object of the movement was war on Southern institutions. The idea was denied both in free States and slave States. "It was," said he, "a war for the integrity of the Union;" and with this design filling his mind, concluded thus manfully:

"Although the Government has met with a little reverse within a short distance of this city, no one should be discouraged and no heart should be dismayed. It ought only to prove the necessity of bringing forth and exerting still more vigorously the power of the Government in maintenance of the Constitution and the laws. 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 any where; but let the Constitution and the Union be its frontispiece, and the supremacy and enforcement of the laws its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, cannot fail. Though your flag may have trailed in the dust; though a retrograde movement may have been made; though the banner of our country may have been sullied, let it still be borne onward; and if, for the prosecution of this war in behalf of the Government and the Constitution, it is necessary to cleanse and purify that banner, I say let it be baptized in fire from the sun and bathed in a nation's blood! The nation must be re-



deemed; it must be triumphant. The Constitution—which is based upon principles immutable, and upon which rest the rights of man and the hopes and expectations of those who love freedom throughout the civilized world—must be maintained.”

On the 16th December, 1861, Senator Wilkinson of Minnesota submitted a resolution for the expulsion of Jesse D. Bright of Indiana from his seat in the Senate of the United States, based on a letter from Bright introducing one Thomas B. Lincoln to Jefferson Davis as a person who had an improvement in fire arms to dispose of. The Committee on the Judiciary reported adversely on the resolution, and on the 31st of January following, Senator Johnson addressed the Senate on the subject, and in favor of the resolution. He disclaimed any personal or party feelings in the course he pursued. A few years previous the seat of Mr. Bright was contested, and Senator Johnson voted to admit him. He was now impelled by an imperative sense of public duty to vote for his expulsion. Bright was one of those Northern members of Congress who were bound hand and foot by their affiliations with Southern politicians. He had Presidential aspirations, and thought to further them by making himself useful to the party managers from the South. He followed in the wake of Mr. Buchanan, and bent the knee to the conspirators. The letter of introduction upon which the resolution of expulsion was based, shows how far Mr. Bright departed from the line of manly duty. After the rebels had fired on the flag, taken forts, custom houses and post offices of the United States, he gives a character to a “friend” who is desirous of selling an improvement in arms to be used against the country of which he is a Senator. He was as ready for rebel use after war had been inaugurated against the Union as he had been when they were only making war on Douglas. He stood in the position of putting arms into the hands of the rebels against his country. After he had written the note to Davis, in which he addressed him

as "his Excellency," and "President of the Confederation of States," his bearing was equally antagonistic to the Union. It was not unobserved by Johnson. Sometimes we can see much more than is expressed. It is not necessary that a man's sentiments should be written in burning characters before we are able to judge what they are. "Has it not been observable all through this history where the true Union heart has stood? What was the Senator's bearing at the last session of Congress? Do we not know that in the main he stood here opposed substantially to every measure which was necessary to sustain the Government in its trial and peril. He may, perhaps," added Senator Johnson, "have voted for some measures that were collateral, remote, indirect in their bearing; but do we not know that his vote and his influence were cast against the measures which were absolutely necessary to sustain the Government in its hour of peril." Commenting on Mr. Bright's opposition to the coercion policy, Senator Johnson said:

"We may as well be honest and fair, and admit the truth of the great proposition, that a Government cannot exist—in other words—it is no Government if it is without the power to enforce its laws and coerce obedience to them. That is all there is of it; and the very instant you take that power from this Government it is at an end; it is a mere rope of sand that will fall to pieces of its own weight. It is idle, utopian, chimerical, to talk about a Government existing without the power to enforce its laws. The Constitution says, 'that Congress shall have the power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and rebel invasion,' etc.

. . . . . "Can you expect your brave men, officers and soldiers, that are now in the tented field subject to all the hardships and privations peculiar to a civil war like this, to have courage and march on with patriotism to crush treason on every battle-field, when you have not the courage to expel it from your midst? Set those brave men an example. Say to them by your acts and voice that you evidence your intention to put down traitors in the field by ejecting them from your midst without regard to former associations.

. . . . . "But let us go on: let us encourage the Army and Navy;

let us vote the men and means necessary to vitalize and bring into requisition the enforcing and coercive power of the Government; let us crush out the rebellion and anxiously look forward to the day—God grant it may come soon—when the baleful comet of fire and of blood that now hovers over this distracted people may be chased away by the benignant star of peace. Let us look forward to the time when we can take the flag of our country and nail it below the cross, and there let it wave as it waved in the olden times, and let us gather around it and inscribe for our motto, ‘Liberty and Union, one and inseparable, now and for ever,’ and exclaim, ‘Christ first, our country next!’”

He knew no party; he knew no party feelings; no past associations; no present exigency but that which threatened the Republic, and he knew them but to oppose them with all his strength. As the oldest Senator present when Johnson made his *debut* in the Chamber, Bright, had tendered the oath of office to him. With a high sense of that oath and the duties imposed by it, the Senator who then took it now advocated the expulsion of the Senator who administered and had since broken it. Bright, who was simply a politician, probably regarded the oath as a mere formula. Johnson, an upright patriot, received it with a conscientious sense of obligation which should guide and guard his action. This relation between Bright and Johnson in the Senate calls to mind another but of a different character. On Johnson's appearance in the House of Representatives he first crossed swords with Clingman of North Carolina, and uttered the gallant defense of the Catholics referred to in a previous chapter. Both had been promoted into the Senate, and in 1860, Clingman, regarding Johnson as a probable candidate for the Presidency, spoke of him as “a gentleman whose talents and energy have enabled him to overcome the greatest obstacles, and placed him in the front rank of the statesmen of the country.”

## CHAPTER XVI.

### JOHNSON MILITARY GOVERNOR OF TENNESSEE.

PERSECUTION of Union Men in Tennessee—Johnson Appointed Military Governor—Assumes Official Duties—Obstacles in his Way—Proclamation of March 18, 1862—Able Statement of the Position of Tennessee, Past and Present—Mutual Relations between State and Federal Government—Stubbornness of the Rebel Population—The Municipal Council of Nashville Refuse to take the Oath of Allegiance—Declares the Offices Vacant—Dialogue with Rebel Ladies—Military Movements—Mr. S. R. Glenn's Diary of the Defense of Nashville—His Reception by Governor Johnson—Intercepted Letters—Address to Ohio Troops—Vigorous Measures against Ultra Secessionists—"Pouters"—General Maury Banished—Reasons of A. H. Stephens for Joining the Rebels—Proclamation of Reprisal for Injuries to Unionists—Union Mass Convention in Nashville—Governor Johnson's Address—Profound Sensation and Enthusiasm—The Governor Addresses the Blue-Coats and Butternuts at Murfreesboro'—A Midnight Alarm—The Governor "a Bait" for Morgan's Men—Spirited Speech to Michigan and Minnesota Soldiers—"Hallelujah!"—Union Meetings at Columbia and Shelbyville—Speech of a Converted Separationist—Guerilla Brutalities—Narrow Escape of Johnson.

IN the latter part of 1861 and early in the spring of 1862, the rebel persecutions on Union men in East Tennessee became so oppressive that thousands of the latter were driven from the State, and obliged to seek refuge in Kentucky. Driven hurriedly from home, they could carry with them little or nothing save the clothes they wore. The inclemency of the weather incident to the season found them in the most deplorable condition—without money, without employment, and in many instances without clothing or food—refugees from home, wandering from house to house; sick and broken down in the midst of a proud and haughty population that cared little for their persecutions at home or

privations abroad, and less for the cause they had so nobly espoused.

In this condition Senator Johnson met them in Kentucky, and generously, out of his private means and through his influence with the Government of the United States, relieved their wants, and, as far as practicable, alleviated their sufferings. Through his influence Camp Dick Robinson was established by General William Nelson, which at once became the refugees' home. They were there fed and clothed; and in sickness sheltered from the pitiless storms. Finally they were organized into companies and regiments, and incorporated into the armies of the Union, whence they entered the great strife, and have since won, on many an ensanguined field, immortal honors, which will crown East Tennesseans with everlasting fame.

On the 4th of March 1862, President Lincoln nominated and the Senate confirmed Senator Johnson as Military Governor of Tennessee with the rank of Brigadier General. About the 12th of the same month he reached the city of Nashville and assumed the arduous and perplexing duties of his office, and at once proceeded to organize a provincial government for the State. The city had then been only recently evacuated (on the 23d of February) by the rebel troops, and occupied (on the 25th) by the Federal forces. The rebel State Government moved to Memphis; the rebel army still lingered in the State a short distance from Nashville, and the rebel population excited and chagrined at their defeat, confidently expected the speedy return of their friends, and the repulse and overthrow of the Union army in the State. Every indignity was offered to the Governor that wounded pride, hatred and malice could invent. Every possible obstacle was thrown in the way of an easy administration of the affairs of the State. Most of the Union men in the city also had been fearful of the rebel army in Tennessee. Thus left without support, sympathy or en-

couragement, Governor Johnson had to uphold the State authority by his single hand. Appalled by no threats, and shrinking from no responsibility, he went steadily forward in the discharge of his duties, and on the 18th of March, issued the following proclamation, which attracted extended notice at the time. The loftiness of its tone, elevation of sentiment, and calm, earnest, persuasive eloquence, signalize it as the best, as it certainly was one of the most important documents which had been called out by the crisis. It was regarded as peculiarly important as indicating the policy determined on by the Government towards the rebellious States, in the event of the reassertion over them of the National authority.

“FELLOW CITIZENS: Tennessee assumed the form of a body politic as one of the United States of America in the year 1796, at once entitled to all the privileges of the Federal Constitution and bound by all its obligations. For nearly sixty-five years she continued in the enjoyment of all her rights and in the performance of all her duties one of the most loyal and devoted of the sisterhood of States. She has been honored by the elevation of two of her citizens to the highest place in the gift of the American people, and a third had been nominated for the same high office, who received a liberal though ineffective support. Her population had largely and rapidly increased, and their moral and material interests correspondingly advanced. Never was a people more prosperous, contented and happy than the people of Tennessee under the Government of the United States, and none less burdened for the support of the authority by which they were protected. They felt their Government only in the conscious enjoyment of the benefits it conferred and the blessings it bestowed.

Such was our enviable condition until within the year past, when, under what baneful influences it is not now my purpose to inquire, the authority of the Government was set at defiance, and the Constitution and laws contemned by a rebellious armed force. Men who, in addition to the ordinary privileges and duties of the citizen, had enjoyed largely the bounty and official patronage of the Government, and had by repeated oaths, obligated themselves to its support, with sudden ingratitude for the bounty and disregard for their solemn obligation, engaged, deliberately and ostentatiously, in the

accomplishment of its overthrow. Many accustomed to defer to their opinions and to accept their guidance, and others carried away by excitement or overawed by seditious clamor, arrayed themselves under their banners, thus organizing a treasonable power which, for the time being, stifled and suppressed the authority of the Federal Government.

“In this condition of affairs it devolved upon the President, bound by his official oath to preserve, protect and defend the Constitution, and charged by the law with the duty of suppressing insurrection and domestic violence, to resist and repel this rebellious force by the military arm of the Government, and thus to re-establish the Federal authority. Congress, assembling at an early day, found him engaged in the active discharge of his momentous and responsible trust. That body came promptly to his aid, and while supplying him with treasure and arms to an extent that would previously have been considered fabulous, they, at the same time, with almost absolute unanimity declared, ‘that this war is not waged on their part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.’ In this spirit and by such co-operation has the President conducted this mighty contest, until, as Commander-in-Chief of the Army, he has caused the national flag again to float undisputed over the capital of our State. Meanwhile the State Government has disappeared. The Executive has abdicated; the Legislature has dissolved; the Judiciary is in abeyance. The great ship of State, freighted with its precious cargo of human interests and human hopes, its sails all set and its glorious old flag unfurled, has been suddenly abandoned by its officers and mutinous crew, and left to float at the mercy of the winds and to be plundered by every rover on the deep. Indeed this work of plunder has already commenced. The archives have been desecrated, the public property stolen and destroyed; the vaults of the State Bank violated, and its treasures robbed, including the funds carefully gathered and consecrated for all time to the instruction of our children.

“In such a lamentable crisis, the Government of the United States is not unmindful of its high constitutional obligation to guarantee to every State in this Union a republican form of government, an obligation which every State has a direct and immediate interest in having observed towards every other State; and from which, by

no action on part of the people in any State, can the Federal Government be absolved. A republican form of Government in consonance with the Constitution of the United States, is one of the fundamental conditions of our political existence, by which every part of the country is alike bound, and from which no part can escape. This obligation the national Government is now attempting to discharge. I have been appointed, in the absence of the regular and established State authorities, as Military Governor for the time being, to preserve the public property of the States, to give the protection of law actively enforced to her citizens, and as speedily as may be to restore her Government to the same condition as before the existing rebellion.

“In this grateful but arduous undertaking I shall avail myself of all the aid that may be afforded by my fellow citizens. And for this purpose I respectfully but earnestly invite all the people of Tennessee, desirous or willing to see a restoration of her ancient Government, without distinction of party affiliations or past political opinions or action, to unite with me by counsel and co-operative agency to accomplish this great end. I find most, if not all of the offices, both State and Federal, vacated either by actual abandonment or by the actions of the incumbents in attempting to subordinate their functions to a power in hostility to the fundamental law of the State and subversive of her national allegiance. These offices must be filled temporarily until the State shall be restored so far to its accustomed quiet that the people can peaceably assemble at the ballot-box and select agents of their own choice. Otherwise anarchy would prevail, and no man’s life or property would be safe from the desperate and unprincipled.

“I shall, therefore, as early as practicable, designate for various positions under the State and county governments, from among my fellow citizens, persons of probity and intelligence, and bearing true allegiance to the Constitution and Government of the United States, who will execute the functions of their respective offices until their places be filled by the action of the people. Their authority, when their appointments shall have been made, will be accordingly respected and observed.

“To the people themselves the protection of the Government is extended. All their rights will be duly respected and their wrongs redressed when made known. Those who through the dark and weary nights of the rebellion have maintained their allegiance to the Federal Government will be honored. The erring and misguided will be welcomed on their return. And while it may become necessary in vindicating the violated majesty of the law and re-assert-



ing its imperial sway to punish intelligent and conscious treason in high places, no merely retaliatory or vindictive policy will be adopted. To those especially who in a private, unofficial capacity have assumed an attitude of hostility to the Government, a full and competent amnesty for all past acts and declarations is offered, upon the one condition of their again yielding themselves peaceful citizens to the just supremacy of the laws. This I advise them to do for their own good and for the peace and welfare of our beloved State, endeared to me by the association of long and active years, and by the enjoyment of her highest honors.

“And appealing to my fellow citizens of Tennessee, I point you to my long public life as a pledge for the sincerity of my motives and an earnest for the performance of my present and future duties.

“ANDREW JOHNSON.

“*Executive Office, Nashville, March 18, 1862.*”

But patriotic, forbearing and humane as was this appeal, it fell unheeded upon the great mass of the misguided population of the State. They did not yield their opposition to the Government and authority of the United States, but still clung to the fortunes of the rebel cause, and anxiously awaited the return of its armies. During the month of March he addressed the people of Nashville, delivering an eloquent and impressive discourse on political affairs, dwelling mainly upon the Northern views of the war, its origin and purposes. He likewise directed a letter to the municipal officials of Nashville, requiring them to take the oath of allegiance. The Council refused, sixteen to one. The former declining on the ground that it was never contemplated to take such an oath, and the latter saying he would take the oath and resign. Whereupon Governor Johnson issued a proclamation declaring vacant the offices of Mayor and the City Council who refused to take the oath of allegiance to the United States, and appointed other persons to serve *pro tempore* until another election could be held. The Nashville *Banner* tells us of an entertaining little dialogue which took place about this time in the Governor's office between Governor Johnson and two rebel

ladies of that city who visited the Governor to complain of the occupation of a residence belonging to the rebel husband of one of them by a United States officer. The conversation was substantially as follows :

LADY.—I think it is too dreadful for a woman in my lonesome condition to have her property exposed to injury and destruction.

GOVERNOR.—Well, madam, I will inquire into the matter, and if any injustice has been done, will try to have it corrected. But your husband, you admit, has gone off with the rebels, and you abandoned your dwelling.

LADY.—My husband went off South because it was to his interest to do so. You must not find fault with any body for taking care of himself these times. You know, Governor, that all things are justifiable in war.

GOVERNOR.—Well, madam, it appears to me that this broad rule of yours will justify taking possession of your house. According to your maxim, I don't see any reason for helping you out of your difficulty.

LADY.—Oh ! but I didn't mean it that way.

GOVERNOR.—No, madam, I suppose not. I will try to be more generous to you than your own rule would make me. I do not believe in your rule that "all things are justifiable in time of war." But that is just what you rebels insist upon. It is perfectly right and proper for you to violate the laws, to destroy this Government, but it is all wrong for us to execute the laws to maintain the Government.

The rebel ladies looked around in various directions, and, heaving a long sigh, retired, with the conviction that they had suggested a knotty argument on a dangerous subject to a hard adversary.

But the obstinacy of the rebellious sentiment of the people of the State did not embrace all the difficulties to be encountered. A large rebel army still hung on the borders of Tennessee, and its military occupation was still doubtful.

The battle of Shiloh came off on the 6th and 7th of April, 1862, and after a fierce contest, with disastrous results the first day, General Beauregard was, on the second day, forced back. Shortly afterwards the Federal forces occupied Northern Alabama, and entered the borders of East Tennessee. About the same time the Rebel General Bragg, with a heavy force, passed through it, entered Kentucky, and was passing rapidly on toward Louisville. The Federal forces hastily fell back from their position in Northern Alabama and the borders of East Tennessee, and passed rapidly through Nashville, leaving a force wholly inadequate (to minds less bold and daring than Governor Johnson's) for the defense of the city. The rebel leaders Forrest and Morgan, together with their sympathizers in and around the city, felt confident of its capture or surrender; but Governor Johnson had determined to defend it at all hazards and to the last extremity, and, if need be, utterly destroy it before it should again fall into their hands. The capitol building and city were hastily fortified, and every precautionary step practicable taken for its defense. The rebel forces soon appeared around it, and daily expected its surrender; but that was a hasty conclusion—sooner would it have been battered to the ground or laid in ashes than yielded to the foe.

We are afforded a graphic view of the labors of Governor Johnson throughout these dark and trying times, as well as a highly interesting narrative of the state of affairs and condition of Nashville, from the diary of Mr. Samuel R. Glenn, formerly editor of the Boston *Daily Times*, and at the period depicted, the capable correspondent of the New York *Herald* in Tennessee. His diary is rendered doubly important and interesting by the elevation of Governor Johnson to the Presidency, and as the only authentic document covering a remarkable period. It shall be used with freedom.

Arriving in Nashville on the 27th April, 1862, Mr. Glenn, as an *attache* of the *Herald*, repaired at once to the quarters occupied by Governor Johnson, in the St. Cloud Hotel, on the preliminary business usual on such occasions. He was promptly admitted to the presence of the Governor, and found him engaged with his private secretary, Mr. Browning, upon official business. After a few words of explanation, he was at once supplied with the necessary papers to facilitate his operations. The Governor received him with great kindness, and in a few moments entered into a minute and very interesting exposition of the state of affairs then existing in Tennessee. He said when he arrived in Nashville from Washington he found everything in a chaotic condition. There was no form to the Union Government there, if any existed. There was no organized department save that of the State, which was then being moulded into shape by Mr. East. The Governor explained that since the evacuation of the city by the secessionists, only a few weeks previously, the Union civil power had not time to become established ; but he was using every effort to restore order and confidence, and, although surrounded with almost insurmountable difficulties, he was hopeful of final success. This was the first time the visitor had ever seen Governor Johnson, but he was struck with the force and vigor of his views in regard to the rebellion, and also with respect to his mode of treating the whole subject, including the "intelligent and conscious traitors," as he termed the leaders, in contradistinction to the great mass who had been forced into the rebellion against their inclinations.

The journalist continues :

"April 28th.—Governor Johnson was called upon to-day by one William Davis, formerly a noted secessionist, who desired permission to ship one hundred and fifty bales of cotton from Arkansas through the Federal lines to Cairo. 'Have you taken the oath?' 'Yes, I have taken the oath, and given up the whole secession con-

cern.' Permission to ship was granted by the Governor. On inquiring of Davis, 'Are the owners burning their cotton where you come from?' 'No, they are not such damned fools.'

On this day Mr. Glenn was shown, in the State Department, some intercepted secesh letters from East Tennessee, one of which advised the selection of Tennessee regiments to do the hanging of loyalists, as the employment of Mississippians "might arouse prejudices." Another letter dated Louisville, June 3, 1861, was from George N. Sanders to General S. R. Anderson, proposing the sale of certain pieces of ordnance to the rebels. Another letter, dated Rogersville, Ky, July 1, 1861, appeals to General Anderson to "send arms, for we are surrounded and almost overrun with Union men." This was encouraging news to Governor Johnson and friends at this critical juncture.

"April 29th.—An interesting event of to-day has been the arrival of the Sixty-ninth Ohio, under command of Colonel Lewis D. Campbell, ex-Congressman from Ohio. They drew up in front of the St. Cloud Hotel, and shortly after, Governor Johnson appeared. He was enthusiastically received, and delivered a patriotic address. He cordially welcomed Colonel Campbell and his regiment to the soil of Tennessee in behalf of the Union men, and earnestly wished them God speed in marching through the State on this mission to maintain the Union and the Constitution, and to put down treason. He avowed that when the sentiments of the people of Tennessee could be heard, the State would stand disenthralled from secession, and become again a sovereign member of the Union.

"April 30th.—Ex-Governor Wm. B. Campbell, Hon. Wm. B. Stokes, Hon. Bailie Peyton, Colonel Wm. H. Polk, and other prominent Union citizens, are in town to-night, consulting with Governor Johnson in relation to the best means of restoring Tennessee to the Union. The Governor is in favor of exercising the most rigorous measures against ultra-secessionists, the principal point of which is their perpetual banishment from the State, without the privilege of taking the oath of allegiance. Arrangements were made for a great Union mass convention, to be held in the Capitol in a week or two.

"As an evidence that the secessionists do not mean to relinquish their hold upon their property here without a struggle, an incident

that occurred will furnish proof. Mrs. Washington Barrow, wife of a very rich and prominent secessionist, now undergoing sentence of banishment, appealed to Governor Johnson to know by what right certain claims of hers on the river front were infringed upon? 'By the right of conquerors,' quietly replied the Governor. The lady did not press the subject, as there was danger of her entire property being confiscated.

"The teller of the Planters' and Union Bank was arrested to-day for treasonable utterances. He declares he would take the oath were it not for a lady to whom he is engaged, who avows she will not marry him if he does. Cases like these do not enhance the respect Union people have for the secessionist ladies of Nashville. General Dumont calls them 'pouters,' and says, 'When you stop pouting in Nashville you will stop secessionism.' General Z. M. P. Maury, secessionist, was to-day banished by Governor Johnson. He offered to take the oath, but the Governor did not deem it prudent to trust him. Several officers of Montserrat's artillery were arrested to-day by order of the Governor.

"*May 1st.*—A number of sympathizing merchants are here settling accounts with secessionists, and giving them encouragement. Governor Johnson thinks 'there are enough secessionists South without importing others from the North.'

"In course of conversation to-day, in the Governor's apartments, a Unionist related the following anecdote of Alexander H. Stephens, Vice-President of the Confederacy. Stephens was asked by a Unionist: 'Can you answer your own Union speech?' 'No.' 'Why did you desert us, then?' Stephens replied: 'To prevent the Toombs men from plunging their daggers into the hearts of the Stephens men, and to prevent the Stephens men from plunging theirs into the hearts of the Toombs men.'

"About the same time it was stated that certain prominent secessionists had taken the oath prescribed by Governor Johnson. One of the doubtful kind approached Colonel ——, who had recently subscribed to the oath, and said: 'Well, Colonel, I hear you've *jined*. Is it so?' 'Yes.' 'Well, I guess I'll *jine*, too,' and took the oath amid some merriment, the Governor himself relaxing the usual rigidity of his features at the quaint remark."

The following proclamation belongs to this period. It speaks for itself:

“EXECUTIVE OFFICE, NASHVILLE, TENN., *May 9th*, 1862.

“*Whereas*, Certain persons, unfriendly and hostile to the Government of the United States, have banded themselves together, and are now going at large through many of the counties of this State, arresting, maltreating, and plundering Union citizens wherever found:

“Now, therefore, I, Andrew Johnson, Governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby proclaim that in every instance in which a Union man is arrested and maltreated by the marauding bands aforesaid, five or more rebels, from the most prominent in the immediate neighborhood, shall be arrested imprisoned, and otherwise dealt with as the nature of the case may require; and further, in all cases where the property of citizens loyal to the Government of the United States is taken or destroyed, full and ample remuneration shall be made to them out of the property of such rebels in the vicinity as have sympathized with, and given aid, comfort, information or encouragement to the parties committing such depredations.

“This order will be executed in letter and spirit. All citizens are hereby warned, under heavy penalties, from entertaining, receiving or encouraging such persons so banded together, or in any wise connected therewith.

By the Governor:

ANDREW JOHNSON.

EDWARD H. EAST, *Secretary of State*.

Let us return to the Diary. Under a three days' later date there is a very interesting entry, with a *resumé* of a telling speech from the indefatigable re-organizer:

“*May 12th*.—To-day was a great day for Nashville, and for Governor Johnson as the leader and champion of the Union phalanx in Tennessee. A very large mass convention was held in the House of Representatives, at which ex-Governor Campbell presided. After speeches by several prominent Union men Governor Johnson was loudly called for. The moment he made his appearance there was one universal shout of welcome. All present seemed to congratulate themselves on having a leader of so determined a mein in this crisis as the man who now stood before them. The delegates from the country districts seemed electrified by his presence, and, as one remarked, who was forced by the presence of the multitude to crowd upon our elbow while taking a few notes of the proceedings, “Andy Johnson’s got the people with him, that’s a fact.” After the tumult of applause had subsided, Governor Johnson proceeded to address

the audience. His remarks occupied three hours' time, and covered a large portion of the field of his present operations, with magnanimous references to incidents of the past, hope in the present, and confidence in the future.

"He said he now felt it the proudest moment of his life to stand here, under the Stars and Stripes, and on the platform of the Union with those who had differed with him politically. Taking the hand of the president of the meeting, Governor Campbell, and shaking it warmly, he repeated his heartfelt congratulations upon the auspicious event, and upon the prospect of a speedy restoration of Tennessee to the Union. He continued: 'If the Union goes down, we go down with it. There is no other fate for us. Our salvation is the Union, and nothing but the Union. The only inquiry must be, Are you for the Union, and willing to swear that the last drop of your blood shall be poured out in its defence? [Applause long continued.] He would say to others that he would toil through mountains, through valleys, through plains, at night and by day, and all his exertions should be toward the restoration of Tennessee to her former relations with the Federal Government.'

"The effect of the following passage in his speech was profound and thrilling: 'Treason must be punished, or, rather, treason must be crushed out and traitors must be punished. Intelligent, conscious traitors must be punished. Not the great mass who have been forced under conscription into the Southern armies. We say to them, return to your allegiance and no punishment shall be inflicted. But to those who brought this sea of blood upon our land, who arrayed brother against brother, we say to the conscious, intelligent traitor you will be punished.' And some of his auditors leaped to their seats in the phrenzy of their agitation as he uttered the closing words of the following: 'What confidence should Tennessees have in Jeff. Davis? How long is it since he attempted to tarnish the fair fame of Tennessee? In secret session the people of Tennessee were lashed to the car of his hybrid, despotic government. Tennessees are now in the dungeons of Alabama, bound in irons and fed on rotten meat and diseased bones. No sound comes to cheer them; no sound to relieve them of their sad and weary confinement, save the clanking of the chains that confine them. What sin, what crime, what felony have they committed? None! None! In the name of God, none, except that they love the flag of their country.' [Great applause.] 'There is one question,' continued Governor Johnson, placing much stress upon his observations, 'which underlies all others at this juncture, I say what I know, I know what I say and feel, that is, the struggle to know whether man is capable



of self-government; whether man can govern himself. He believed that the question of slavery was made the pretext for breaking up the government, in order to establish a monarchy.' He referred to South Carolina as having inaugurated 'this infamous, diabolical, damnable rebellion,' and deducted from the fact that the tories in that State, during the Revolutionary war, had proposed arrangements for a restoration to vassalage under that power; that they were ready for a return to a monarchy and the establishing of an aristocracy that should control the masses. [Sensation.] In support of this view Governor Johnson presented the fact that one of the leading inducements of separation was the hope of succor, recognition and help from Great Britain and France. 'Separation!' he exclaimed; separate from the United States, and what does South Carolina, or any other of the seceded original States do but fall back to its original colonial condition? to the condition of vassalage to Queen Victoria? Shall we overlook these things in the great clamor for Southern rights? Jeff. Davis, Toombs, Iverson, Benjamin and Wigfall, he pronounced conspirators worse than those of Rome. 'Will you,' he asked of the men of Tennessee, 'become vassals to these men?' He appealed to those who had a recollection of the sires of the Revolution, of those deeds which taught them to revere the memories of the past; to the times when the blood spouted from the heels of those who, barefooted, made long and weary marches, through snow and over frozen rivers, to achieve their independence from foreign domination, to answer. [Applause.] Are you willing, he asked, to quail before treason and traitors, and surrender the best government the world ever saw? [Cries of 'Never, never.'] Although the revolution has run rampant, it has not overcome those who know that there is a redeeming spirit, a returning sense of justice abiding in the hearts of the great mass of the people. He compared the present darkness and depression of the Union men to the lava that, issuing from the crater of Vesuvius, had receded only to return in a volume of liquid fire and sweep over the land. There is, he said, a redeeming spirit coming over the land. In the forests—and there are many here who can understand the simile—the murmurs of the coming storm can be heard before the storm breaks forth in its fury. He heard the murmurs of that coming storm now. It was returning to crush out treason and rebellion."

"Referring to the cry for Southern rights, he exclaimed: 'Southern rights! Why, a man in South Carolina is not eligible to a seat in the legislature unless he owns ten negroes and is possessed of \$500 freehold property. Where's that man, he asked, who wants his rights in the territories? Why don't he go to South Carolina?

Would he be allowed to become a member of the Legislature? No. I doubt whether he would be allowed to darken the doors of the capitol. Governor Johnson said if he should go there himself he would not be eligible to a seat in the lower house of the legislature. It required the ownership of ten negroes for eligibility. He only owned nine, or did once own them; but they have since been confiscated by the Southern Confederacy, and they have them now. They went to his home, where his wife was sick, and his child, eight years old, consuming with consumption. They turned his wife and child into the streets, and converted his house, built with his own hands, into a hospital and barracks. His servants being confiscated, it was with great difficulty and much suffering that his wife and little boy were enabled to reach the house of a relative, many miles distant. Call you this Southern rights? If so, God preserve me from another such infliction. [The audience were silent as the Governor related this portion of his personal experience. The sensation was profound.] Proceeding, he said he did not wish to be understood as conveying the idea that Tennessee was out of the Union. She had no right to go out, no more than you have to apply the torch to a building without asking the consent of your adjoining neighbor. She is not out. She is still an integral part of the Union. When the rebellion is put down she will stand in her relations as she stood before—one of the brightest stars in the galaxy of Federal States. [Continued applause.] The Governor concluded by paying his respects to the female portion of the secession population in Nashville. He said that when a woman shall unsex herself she must be met in the character she assumes. He regretted that there were so few Union women in Nashville. Why should the women oppose the Union? We want their assistance. He believed that by women's influence many men have been induced to join the Confederates. [Voices, 'Yes, hundreds,' 'thousands.'] The Governor paid a beautiful and eloquent tribute to woman in her natural and appropriate sphere. Though there were but few Union women now in Nashville, he looked forward to the time when there will be plenty; to the time when scenes of blood and carnage, the smoke and dust of battle shall cease; to the time when the dove will come, and the stars of the morning shall sing, and a Saviour shall proclaim, 'Peace on earth, good will to man.'

"In the evening another meeting was held in the same hall, while Governor Johnson received the congratulations of hundreds of his fellow citizens, and a number of Union ladies in his hotel."

The effect of the Union demonstration on the 12th was sensibly observable in Nashville. The secessionists were not half so violent or insulting as formerly, and even the ladies of that persuasion were induced to cease torturing their pretty mouths into an "ugly pout" whenever they met Unionists. Immediately following these good results, and with the hope of extending their benefits, arrangements were made to hold another mass meeting in the interior of the State—in Murfreesboro', Rutherford Co., a region that had been the hot-bed of secession. It came off on the 24th of May. The journalist accompanied Governor Johnson and one of his aides to the scene, and says :

" We reached Murfreesboro' about noon, and by invitation repaired to the residence of Mr. Jordan, a Union citizen, where a bountiful dinner was prepared. We then repaired to the court-house, where, placing a couple of boards on the heads of barrels, a platform was prepared outside the building, and after addresses from the presiding officer, Hon. Wm. Spence, and Hon. Edmund Cooper, of Shelbyville, Governor Johnson was introduced. The audience was a queer mixture of blue coats and butternuts. The latter stood listlessly inside the railing of the court-house yard, and even the spirited and eloquent remarks of Mr. Cooper could not arouse them from their incomprehensible state of listlessness. But as Governor Johnson proceeded they began to exhibit more interest and attention. He seemed to know where and how to touch the hearts of the Tennesseans, and make them vibrate with patriotic emotions. In emphatic words he urged the deluded and erring Union men, who had by force or choice joined the rebel armies, to return to their allegiance, and to all, except to the 'intelligent and conscious traitor,' would amnesty be granted. Over the whole field of local—and a great proportion of national—politics did this inflexible and defatigable exponent and defender of the Constitution and Union proceed, and for three hours and more enlist the attention of his auditors. It was a sight to observe the sway he seemed to have over them as exhibited in their physiognomies and actions. Now they would lend silent and immovable attention; again, as a striking fact or forcible and pertinent illustration would present itself, they would burst into a laugh and applaud with approving cries of ' Good for Andy,' ' That 's the talk,' etc. And when he particularly alluded to his own suffer-

ings and to those of others, and to the horrors that encompassed a continuance of the rebellion, tears were shed by more than one stout and stalwart Tennessean. The whole meeting and its incidents were matters to be remembered, and they doubtless will be by those who had the opportunity to witness them.

"*May 25th.*—After the meeting yesterday, Governor Johnson and party accepted an invitation from William Spence, Esq., to visit his mansion about three miles distant, take tea, and tarry for the night. It was a pleasant drive, but nearly all the people we met looked frightened. Reaching the mansion—an elegant and spacious one—with delightful surroundings, the Governor was warmly welcomed by the hostess and some few other ladies. Tea over, with its delicious accompaniments of ripe strawberries and fresh cream, the party were entertained with some charming music by the ladies, and then, after a few hours' pleasant conversation, the Governor retired with Mr. Cooper.

"Shortly after the retirement of Governor Johnson, the company who remained were enlivened by the music of the band of the Third Minnesota, quartered in town, who had come out for the purpose of serenading the Governor. This was an agreeable surprise. What followed was not quite so agreeable."

I condense an alarm recorded by Mr. Glenn. It was about eleven o'clock, the company had retired, when the host whisperingly informed him that Colonel Lister of the Third Minnesota had just sent word by a courier, that threats of an attempt to capture the Governor were rife in town, and that for the purpose some six hundred cavalry, supposed to be Morgan's men, were within six miles at sunset. The Colonel quietly sent three companies out to surround the house and wait in ambush for the approach of the rebels. "There need be no fears for the Governor's safety," said Mr. Spence, "if we keep quiet." Earnestly cautioning Mr. Glenn not to disclose the matter to any one until morning, the latter was left to the enjoyment of the agreeable reflection for the remainder of the night that he might at any moment hear the rattle of musketry, the din and clash of arms, with no other defence than "a bolster and a clear conscience." The night passed wearily away,

and by the bursting light of a bright May morning in sunny Tennessee, the journalist welcomed again the sight of green swards and masses of brilliant flowers undisturbed by the tread of hostile footsteps. The enemy had probably got wind of the movement of Colonel Lister and had judiciously concluded to defer for the present the attempt to capture so valuable a prize as Governor Johnson.

Under the same date, the diary continues :

“On visiting the camp of Colonel Lister this morning, Governor Johnson inquired why he had not been informed of the alarm of the previous night, in order that he and his party might have come into town and secured better protection. ‘Oh,’ replied Colonel Lister, with all the coolness of an old grenadier, ‘I knew they could not capture you, Governor; and I wanted to use you as a bait.’ Neither the Governor nor his party saw the precise necessity of using such valuable bait to catch such a bad style of fish. Colonel Parkhurst, of the Ninth Michigan, and Captain O. C. Rounds, of the same regiment, and a brave and noble soldier, also extended hospitalities to the Governor and party.

“The Governor was escorted to the cars by detachments of Minnesota and Michigan regiments, and while waiting for the train was called upon for a speech. He promptly responded by getting on the top of a freight car and delivering one of his spirited addresses. Referring to the military, he said their mission was his mission, and that mission was to restore the integrity of the Union, defend the honor of the national flag, and to re-establish and maintain the institutions of the country. He welcomed the Union soldiery. They had been accused of committing depredations. But it was those who had taken up arms for what they call the Southern Confederacy that are the robbers, the violators of female virtue, the incendiaries that burn and destroy the property of unoffending Union people, He prayed that God’s red hand might be raised to crush the rebellion, and that the soldiers of the Union would go on conquering and to conquer in the great cause. The rebels may violate the wives and daughters of Union men, they may transfer our fertile plains into graveyards, but never, never shall we surrender the cause we are fighting for. If it were his destiny to die in the cause of liberty he would die upon the tomb of the Union, with the American flag as his winding sheet. This speech was received with vociferous

applause, and at its conclusion the soldiery and citizens joined in singing 'Hallelujah,' with a grand chorus and thrilling effect.

"June 2d.—The Union meetings inaugurated in Nashville are being followed up. One was held to-day in Columbia. It was addressed by Governor Johnson and Neil S. Brown, the first appearance of the latter on the Union platform this season. An apprehended accident, whether premeditated or otherwise, came near putting a stop to Governor Johnson's appearance as a speaker. Taking a carriage, with one of his aids and 'our correspondent' at the railroad depot for the hotel, with a small escort of soldiery, the horses, from some cause or other, took fright as the carriage was passing up a hill at the edge of a steep embankment, and suddenly turned nearly around. Governor Johnson's quick eye discovered the movement, and in a moment he opened the carriage door and landed upon *terra firma*, followed by the other occupants of the vehicle. Had the carriage overturned at the spot, and the danger was imminent, there is no knowing what damage might have ensued. As it was, the Governor concluded not to try a similar experiment; for there was no calculating what mischievous or dastardly tricks the secessionists of the vicinity might undertake in order to wreak their vengeance upon him, and he concluded to walk the balance of the distance, about a mile and a half.

"The meeting was held in a market space, under a building used for some local official purpose. Mounted upon a butcher's block—the stump of a huge oak tree—Governor Johnson delivered another of his impassioned addresses to the soldiers and citizens present. Hon. Neil S. Brown also spoke in behalf of a Union restored, declaring that the rebellion was played out. Much disappointment was felt at the non-appearance at the meeting of Colonel Wm. H. Polk, brother of the late President Polk, who was instrumental in getting it up. His hospitable residence had always been a favorite rendezvous for Union visitors.

"June 7th.—Following the meeting at Columbia came another at Shelbyville to-day, by far the most significant since the mass convention in Nashville last month. The meeting was held in the Fair Grounds, and from three to four thousand persons, including many ladies, were present. Speeches were made by Governor Johnson, Mr. Wisener (President), and Colonel Scudder, once a secesh, now a strong Unionist. It was an enthusiastic and demonstrative gathering. Colonel Scudder was an interesting feature of this occasion. The Colonel said he entertained Southern views and had gone for separation. He believed it now to be the duty of every citizen to submit to the Government. He regarded the position now as that

of two fellows engaged in a free fight. They pitched in and one got a thrashing. That was the South, and it should acknowledge the fact. Colonel S. was Inspector General under the secesh Governor Isham G. Harris. He was in the Mexican war, and lost an eye in the battle of Monterey, under the then Colonel W. B. Campbell, afterwards Governor of Tennessee.

"The frequency and growing popularity of the Union meetings started by Governor Johnson, and steadfastly adhered to by him and a number of courageous Union sympathizers seem, to have startled the secesh, and they are throwing in guerilla bands about the country and committing the most appalling outrages upon those who avow Union sentiments and attend Union meetings. We have alarming reports of their near approach and their depredations as we prepare to start from Shelbyville for Nashville.

"At Wartrace, where an enthusiastic Union meeting was held a few days ago—the only one, by the way, which Governor Johnson has not personally attended—the commander of the post, Colonel Sidney M. Barnes, of the Eighth Kentucky, notified Governor Johnson that a large body of mounted guerillas were in the neighborhood, and that their intention was to intercept the train on which he was on its way from Shelbyville. They had already committed outrages upon peaceful men and women returning from the meeting. Colonel Barnes offered the Governor a guard of all the men he could spare, his force being very small; but the Governor declined the offer. At Unionville and Bell Buckle, a few miles further, we again received rumors of the presence of guerillas in force. Nothing daunted by those alarming reports, Governor Johnson ordered the train to proceed. Reaching Murfreesboro, evidence of the bloody work of the guerillas was seen. The bodies of six or seven Union men, murdered by guerillas, had just been brought into town. They were killed a few hours before, outside the town, near Readyville (a village that takes its name after the father of the wife of the notorious John Morgan). Colonel Lister, commanding the Murfreesboro' post, notified Governor Johnson of these facts, and urged him to remain over night, under guard, in the town. Much excitement existed among the town's people, and they unitedly pressed the Governor to remain, as they were confident the train would be attacked or destroyed before it reached Nashville. 'My friends,' replied the Governor, 'I thank you for your kind solicitude; but my duty calls me to Nashville and I am going there to-night.' The passengers were in a great state of perplexity and anxiety. Some concluded to remain over; others determined to 'stick to Andy Johnson;' and one of the latter, discovering in the twilight a four-leaved clover by the side of the track,

held it up to the crowd, and declaring it to be a good omen, they all resolved to 'stick to Andy Johnson,' come what would. They then took their seats in the cars, Governor Johnson looking as calm and unconcerned as if he were going to a picnic. About this time the engincer of the train began to exercise a little authority, as he felt himself responsible for the safety of the train. He asked Colonel Lister, privately, what he thought it best to do—return to Shelbyville, remain at Murfreesboro, or proceed to Nashville. 'Put Andy Johnson in Nashville as quick as possible,' was the reply. And away we went. Night was fast closing around us, and we had some thirty miles to travel, with the devilish guerillas besetting us on all sides. Visions of a murderous smash-up were constantly before our eyes. Governor Johnson exhibited no signs whatever of alarm. He conversed as pleasantly and as composedly as he ever did. He had made up his mind to one thing—never to be taken alive by his enemies; and the few devoted friends who were near him shared with him this resolve. It was the most interesting railroad ride this correspondent ever had. His seat was next to that of Governor Johnson, and he made up his mind that if at any moment he should be sent into eternity he would at least make his exit in respectable company. Thanks be to Providence, we reached Nashville in perfect safety about nine o'clock, to find the city in a great state of consternation at the reports that had preceded us of our capture. We had actually outstripped the calculations of the guerillas, who that same night tore up the track and made a huge pile of the sleepers after our train had passed. The very next train that went over the road encountered the obstructions, was thrown off the track and essentially smashed up. It costs something to be Union men in Tennessee about these days. Only a few days ago two trains were fired into near Athens. One went over a bridge that was on fire; the second followed, and the men were shot at as they were trying to escape through the windows of the cars."







THE RESIDENCE OF PRESIDENT JOHNSON AT GREENVILLE, EAST  
TENN.

## CHAPTER XVII.

### JOHNSON'S ADMINISTRATION IN TENNESSEE CONTINUED.

FOURTH OF JULY — Slavery — Forrest captures Murfreesboro' and advances to Antioch — Great Excitement in Nashville — Forrest's Path lit by Burning Houses — Falls back to Carthage — Morgan and Forrest at Huntsville — Desire to Capture Governor Johnson — Continued Defenses of Nashville — Secessionists as Hostages — General Buell arrives — Johnson deploras Buell's Movements — Protests against Evacuation without a Fight — General Thomas arrives and sustains Johnson — A Fighting Parson and the Governor at Prayer — Fortifications — General Negley in Command — Governor's Family arrive after Great Peril — The Roman in Tears — Progress of the Siege — Nashville cut off from the Outer World — Breckinridge, Anderson and Forrest determine to take it — Johnson will destroy it first — Assassinations — Johnson saves a Secessionist from Mob Law — Negley thwarts a Rebel *Coup de Main* — Morgan and Forrest attack the City from five Points — The Fight — Johnson says, "Any one who talks of Surrender I will shoot" — Negley's *Rus.*, the Rebels routed and Nashville saved a Third Time — General Rosecrans arrives — Congratulates Negley — Governor Johnson's Temperate Character — Bragg defeated at Perryville, Ky. — Entrenches at Murfreesboro' — Rebel Spirit kept up — Governor Johnson builds Railroads and raises Troops — Opens Communication between the Army in Georgia and the Northwest — Orders Congressional Elections — Assesses Individuals to support the Families of Men forced into the Rebel Army — The Battle of Murfreesboro' — Occupation by Union Forces — Successful Flank Movement of Rosecrans on Bragg at Tullahoma and Shelbyville — Bragg's Flight to Bridgeport, Ala., and across the Cumberland Mountain to Chattanooga — Crittenden's Reconnoissances, Occupations by Union Forces — Battle of Chattanooga and Missionary Ridge — Rebels completely routed and forced into Georgia — Granger and Thomas relieve Burnside at Knoxville, the Siege raised and Retreat of Longstreet — East Tennessee clear of Rebels — President Lincoln recommends general Gratitude — Union Element awakening — Features of Johnson's Administration — On the Emancipation Proclamation — Success in the Restoration of Tennessee.

ABOUT this time, and in the midst of this excitement, Governor Johnson met the Slavery question. It was in a speech at the Fourth of July meeting held at Nashville, he said: "This is the people's Government, they received it

as a legacy from Heaven, and they must defend and preserve it, if it is to be preserved at all. I am for this Government above all earthly possessions, and if it perish, I do not want to survive it. I am for it, though Slavery should be struck from existence, and Africa swept from the balance of the world. I believe, indeed, that the Union is the only protection of Slavery—its sole guarantee; but if you persist in forcing this issue of Slavery against the Government, I say, in the face of Heaven, Give me my Government and let the negro go!"

The diarist now leads us to yet more stirring times; with increased trouble to Governor Johnson, which he meets and overcomes with his superior resolution, courage and faith:

*July 13th.*—The rebels, six thousand strong, under Forrest—and it is said, Breckinridge—captured Murfreesboro' to-day after a desperate fight with the Third Minnesota, Colonel Lister; Eleventh Michigan, Colonel Parkhurst; a detachment of the Seventh Pennsylvania cavalry, and Hewitt's First Kentucky battery. Our forces were outnumbered two to one. Colonel Lister and his command fought with consummate bravery. This disaster has created a profound sensation in Nashville. It is believed to be the first act in the drama of investing Nashville, and eventually attempting its capture. Governor Johnson has held a consultation with Colonel John F. Miller, commanding the post; Colonel Lewis D. Campbell, Provost Marshal; the United States Commissary and Quartermaster, and others. Entire confidence in our ability to hold the city until reinforcements arrive is expressed. The city is much excited.

*July 14th.*—Several regiments have made their appearance, and are cheered as they pass through the streets.

*July 16th.*—Lebanon and Hartsville have been captured by the enemy. Three respectable Union citizens were hanged twenty-five miles from Nashville yesterday, for entertaining men engaged in constructing telegraph lines. Railroad trains, with reinforcements, have been run off the track, and many killed, and bridges have been burned all around us.

*July 19th.*—Governor Johnson has been in constant consultation with the other authorities, preparing for the defence of the city.

*July 23d.*—On duty with Governor Johnson and staff for four consecutive nights at the capitol, anticipating an attack. Forrest

has evacuated Murfreesboro,' and advanced to Antioch, six miles from Nashville, burning bridges over Mill creek, capturing our videttes and driving in our pickets. His path is lighted to-night by the burning houses of Union people. Couriers report him at 4 o'clock this morning within a mile and a-half of Nashville. Slept for an hour or two during the night in a room in the capitol, with the back of a chair for a pillow—our slumbering companions being Governor Johnson, Secretary Browning, Mr. Lindsley, Governor's Aid; Colonel Gillem, Lieutenant Colonel Frank Foster and other officers of the First Tennessee. A rebel spy was brought in during the night, and handed over by Governor Johnson to the military authorities for punishment. A private in the Governor's guard at the same time fell from one of the upper corridors to the stone pavement below and was horribly bruised. The whole situation is rather novel, but one not unmingled with a certain degree of pleasure in the prospect of a fight. Governor Johnson slept several hours during the night as quietly as if he rested upon a bed of roses instead, almost literally, of reposing upon a bed of revolvers and bayonets.

"*July 24th.*—The enemy have withdrawn from our front, and departed in haste, frightened off, no doubt by Governor Johnson's declaration that the first shot fired at the capitol would be the signal for the demolition of the houses of every prominent Secessionist in town, They know him to be a man who will keep his word. It has just been made known that at an interview between Forrest and some secessionists at the Hermitage a few days ago, Forrest was implored not to attempt to take the city, as it would inevitably involve the destruction of their property at the hands of Governor Johnson. Forrest has fallen back to Carthage, where it is reported large numbers of rebel forces are concentrating."

The next interesting entry is over three weeks later, but is retrospective in its character.

"*August 17th.*—We have had reports of guerrilla depredations for the past three weeks all around us. Morgan and Forrest are at Huntsville, four or five thousand strong. Morgan says 'If he can capture Andy Johnson he does not fear the destruction of the city in an attack.' He seems to act upon that idea. Two of our couriers were captured to-day, nine miles from Nashville, on the Murfreesboro' road. Louisville train twenty hours overdue. Construction train captured at Gallatin. Morgan is the terror of the country, and, it is said, has recently been in Nashville, disguised. He is the enemy

most talked of now, and has many warm sympathizers here. We have had fights and skirmishes nearly every day the past week. Governor Johnson continues his defensive preparations, and has imprisoned a number of prominent Secessionists as hostages for East Tennesseans in rebel prisons.

The intense anxiety and excitement continued, and was increased by the movements of General Buell.

*“September 2d.*—The city is filled with alarm and apprehension. General Buell has evacuated Huntsville, Stevenson, Battle Creek, Dechard, all Northern Alabama and Southern Tennessee, and is on his way to Nashville, not, it is said, because an enemy pressed him in the front, but because the enemy (Bragg) had flanked him, moved north, and is now north of his position. Governor Johnson deploras this wholesale desertion of the country, and does not concur with General Buell as to its propriety. It is evident the two do not agree.

*“September 5th.*—The enemy has recaptured Murfreesboro'. General Buell has arrived in Nashville, General Rousseau in command.

*“September 6th.*—The city is in a state of great consternation on account of the current report that General Buell has determined upon the evacuation of Nashville. When the rumor reached Governor Johnson, he exclaimed, ‘What, evacuate Nashville, and abandon our Union friends to the mercy of these infernal hounds? Why, there is not a Secessionist in town who would not laugh to see every Union man shot down in cold blood by rebel soldiers if they come here.’ He protests against an evacuation or a surrender without a fight. He would destroy the city rather than leave it to the enemy. General Thomas arrives at a critical period and takes command. He sustains Governor Johnson, and Nashville is neither evacuated nor destroyed. Thus for a second time has Governor Johnson saved the city by his matchless firmness and indomitable decision of character. Not only has he again saved the city, but the lives of hundreds of Union men and millions of Government property. Union refugees in most sickening plight are arriving from the South. They report the most horrible outrages by guerrillas.”

An authenticated anecdote has recently been published which illustrates Johnson’s feelings and actions on the proposed surrender of Nashville. Mr. F. B. Carpenter, the artist, relates the story as he heard it from President Lincoln, while engaged at the Executive Mansion in putting on

canvas the group commemorative of the reading of the Emancipation Proclamation. It was a few weeks prior to the Baltimore Convention, and before it was known that Governor Johnson would be the nominee for the Vice Presidency, that President Lincoln related the anecdote. Said he, "I had a visit last night from Colonel Moody the fighting Methodist parson, as he is called in Tennessee. He is on his way to the Philadelphia Conference, and, being in Washington over night, came up to see me. He told me," he continued, "this story of Andy Johnson and General Buell, which interested me intensely. Colonel Moody was in Nashville the day it was reported that Buell had decided to evacuate the city. The rebels, strongly reinforced, were said to be within two days' march of the capital. Of course the city was greatly excited. Said Moody, 'I went in search of Johnson at the close of the evening, and found him at his office, closeted with two gentlemen, who were walking the floor with him, one on each side. As I entered they retired, leaving me alone with Johnson, who came up to me manifesting intense feeling and said, "Moody, we are sold out! Buell is a traitor! He is going to evacuate the city, and in forty-eight hours we shall all be in the hands of the rebels." Then he commenced pacing the floor again, twisting his hands, and chafing, like a caged tiger, utterly insensible to his friend's entreaties to become calm. Suddenly he turned and said, "Moody can you pray?" "That is my business, sir, as a minister of the Gospel," returned the Colonel. "Well, Moody, I wish you would pray," said Johnson; and instantly both went down upon their knees at opposite sides of the room. As the prayer became fervent, Johnson began to respond in true Methodist style. Presently he crawled over on his hands and knees to Moody's side, and put his arm over him, manifesting the deepest emotion. Closing the prayer with a hearty "Amen!" from each, they arose. Johnson took a long breath, and said,

with emphasis, "Moody, I feel better!" Shortly afterward he asked, "Will you stand by me?" "Certainly, I will," was the answer, "Well, Moody, I can depend upon you; you are one in a hundred thousand!" He then commenced pacing the floor again. Suddenly he wheeled, the current of his thought having changed, and said, "Oh! Moody, I don't want you to think I have become a religious man because I asked you to pray. I am sorry to say it, but I am not, and have never pretended to be, religious. No one knows this better than you; but, Moody—there is one thing about it—I DO believe in ALMIGHTY GOD! And I believe also in the Bible, and I say I'll be *darned* if Nashville shall be surrendered!" *And Nashville was not surrendered!*"

The following extracts from the diary fully exhibit the state of Nashville:

"*September 11th.*—Governor Johnson's policy regarding the holding of Nashville prevails. General Thomas had received instructions from the highest authority to hold the city at all hazards. The city is being rapidly fortified. Secessionists are bolder than ever. The negroes say their masters openly express the belief in the early occupation of the place by the rebels. One darkey asked to-day, 'Massa ——, am de secesh done gone for good?' In explanation he said his master had told him to get ready for a jollification, for their turn was coming again soon.

"*September 30th.*—Communication with the outer world is cut off. We are surrounded by the enemy. A siege has commenced. Things look gloomy. The work of fortifying goes on briskly, and if the enemy gives us two weeks more time we can defy them. Captain Morton, Engineer United States Army, has two thousand contrabands at work at St. Cloud's hill erecting fortifications. The splendid grove has been cut down. The Asylum for the Blind, erected at a cost of forty thousand dollars, has been blown up on a 'new principle,' as Captain Morton expressed it. Every building gives way to make play for the guns of Fort Negley.

"*October 7th.*—General James S. Negley is now in command. To-day he ordered an attack upon the rebel forces under General S. R. Anderson at Lavergne, a few miles distant. It was a surprise, and quite successful. Among the captures was Colonel Harry Maury.



[Late in command at Mobile.] The enemy re-occupied the place shortly after our leaving it.

"October 8th.—No communications for a month. Parties attempt to leave in flatboats and canoes, but are captured by guerrillas before they get fairly out of the city. Rations getting scarce. People getting uneasy. Hotels closed for want of supplies. Correspondence captured by guerrillas. No use writing. Governor Johnson takes every thing coolly, hoping for the best.

"October 12th.—Quite a sensation has been produced by the arrival in Nashville of Governor Johnson's family, after incurring and escaping numerous perils while making their exodus from East Tennessee. The male members of the family were in danger of being hung on more than one occasion. They left Bristol, in the extreme Northeastern section of the State, on the Virginia line, by permission of the rebel War Department, accompanied by a small escort. Wherever it became known on the railroad route that Andy Johnson's family were on the train the impertinent curiosity of some rebels was only equalled by the clamor of others for some physical demonstration on Johnson's sons. Arriving at Murfreesboro', they were met by General Forrest and his force. Forrest refused to allow them to proceed, and they were detained some time until Isham G. Harris and Andrew Ewing, noted rebels, telegraphed to Richmond and obtained peremptory orders allowing them to proceed. The great joy at the re-union of this long and sorrowfully separated family may be imagined. I will not attempt to describe it. Even the Governor's Roman sternness was overcome, and he wept tears of thankfulness at this merciful deliverance of his beloved ones from the hands of their un pitying persecutors. Mrs. Johnson is now mistress of the Governor's residence, a princely mansion formerly occupied by Ex-Governor and Ex-United States Postmaster General Aaron V. Brown.

"October 21st.—Days, weeks, nay months roll round, and there seems to be no change for the better in this important city. Cut off from communications with the outer world, our supplies become exhausted, deprived of almost all articles of luxury and even comfort, and subject to the ill-disguised sneers and taunts of Union haters, our lot is a hard one. But, notwithstanding all this, there is no faltering among the garrison that hold the city against rebel hosts reported to be menacing us. Governor Johnson's wise and energetic measures coupled with the activity of General Negley, inspire courage and confidence among Union men. We hear that Breckinridge is around us with fifty thousand men; that Anderson, mortified at his defeat at Lavergne, declares that he can and will capture the city; and Forrest, incensed from the same cause, roughly swears that he will

have Nashville at all hazards, if he falls himself at the first fire. But those who are in the confidence of Governor Johnson know that if the enemy, if they should capture the city, will achieve an empty triumph amid blackened and crumbling ruins. The coolness and calmness of the Governor amid these trying scenes are beyond all praise. He does all he can to preserve order; but, notwithstanding this, midnight assassinations are frequent. There were six murders one night recently. The other day a party belonging to an Illinois regiment broke down the door of a room in which were a secessionist and his mistress. The secessionist shot and killed two of the Illinoisians. The exasperation of their comrades cannot be portrayed. A rope was procured, and the nearest lamp post would have witnessed the unfortunate man's end but for the interference of Colonel Stanley and a strong detachment of soldiers. Amid the wildest excitement he was taken before Governor Johnson's Provost Marshal, Colonel Gillem, at the Capitol, and secured against the results of mob violence. Although the act was calculated to lessen Governor Johnson's popularity with the troops, he unhesitatingly endorsed the conduct of Colonel Gillem, declaring that there was a legal and proper way to punish the offender, and so long as he had the power he would see it enforced. These facts are mentioned to show Governor Johnson's sense of justice and his determination to exercise it under the most trying circumstances.

"November 4th.—The enemy have made several attempts to drive in our pickets, without material loss on either side. A rebel siege train has arrived at the Lunatic Asylum, about three miles from the city, where the enemy have thrown up intrenchments. A rebel attempt to capture the city by a *coup de main* in the rear has been thwarted by the timely action of General Negley.

Great activity prevails at the capital. Governor Johnson, with his private secretary, Mr. Browning; one of his aides, Mr. Lindsley; Provost Marshal Gillem; Captain Abbott, First Tennessee Battery; Assistant Provost Marshal B. C. Truman; Volunteer Aid Mr. Glenn, together with the officers of the Governor's bodyguard, the First Tennessee infantry, under command of Colonel Gillem, are on duty night and day at the Governor's room, ready for any service that the Governor may require. . . . All hands are engaged in cleaning firearms, sharpening cutlasses, &c. Four Rodman guns have been placed in position to defend the capitol, which is also protected by lines of earthworks and breastworks of cotton bales. The capitol will be defended to the last extremity. The cool and determined demeanor of Governor Johnson is the admiration of all.

"November 5th.—The enemy made two attacks on Nashville to-day.

One attack was made by Morgan on the Edgefield side of the river, with a view probably of destroying the new railroad bridge. Morgan was repulsed with considerable loss. About the same time the enemy under Forrest approached the city by four routes, viz.: the Franklin, Murfreesboro', Lebanon and Nolansville pikes. They were in great strength, and seemed bent on capturing the city. General Negley and Governor Johnson determined they should not. Fort Negley prepared to welcome them, with the Tenth Illinois as a garrison. Forts Browning and Lindsley and the two enfilading works known as Forts Truman and Glenn, were garrisoned by the gallant Nineteenth Illinois and detachments of other regiments. Fort Andrew Johnson (the capitol) was garrisoned by the First Tennessee, Colonel Gillem, with a reserve of artillery under command of Captain Abbot, of the First Tennessee battery. Governor Johnson and Staff, including the writer, took position in the cupola of the capitol, and had a splendid view of the conflict going on about two miles distant. At one time, when the firing was most furious, and the smoke partly concealed a view of the combat, it seemed that the Sixty-Ninth Ohio, Colonel Casselly, and the Seventy-Eighth Pennsylvania, Col. Sirwell, who were in the advance, had been defeated, and were under full retreat for the shelter of the fortifications. This was an exciting moment for the spectators in the cupola of the capitol, although there was not a blanched cheek among the group that surrounded Governor Johnson. It was here the Governor made the remark in that forcible manner he is accustomed to when he means a thing—"I am no military man, but any one who talks of surrender I will shoot!" What was apprehended to be a repulse of our troops proved to be simply a strategic movement of General Negley's, for in a few minutes the entire Union force rallied and with colors flying dashed tempetuously, horse, foot and artillery, amid the thunder of the big guns of the forts, upon the before exultant foe. The enemy appeared to be thunderstruck. They came to a standstill, fired a few shots, and then turned and wildly fled. The rout was complete. Thus was raised the siege of Nashville, and the city for a third time saved by the inflexible firmness of Governor Johnson, aided by the bayonets of the flower of American soldiery."

General Rosecrans arrived to-day as commander of the Army of the Cumberland, armed with heavy reinforcements, on the 14th. He issued a congratulatory order to General Negley for his gallant defense of Nashville, and held a consultation with Governor Johnson. Communications were

once more re-opened, and after an embargo of some two months (from September 15 to November 14) Nashville again became a city within the confines of civilization.

Concluding his notes on the siege of Nashville and the constant excitement which preceded that event, Mr. Glenn, who was a daily observer of Governor Johnson's habits, pays a voluntary tribute to his self-control and temperate strength of character amid many temptations. "During these exciting scenes," says he, "during the dreadful dullness of interrupted communication, failing supplies, and a lack of any kind of amusements, it would not be strange if some tempers should seek solace in conviviality. But, from first to last, Governor Johnson was a model of abstemiousness. He never played cards for amusement or gain. He never indulged in drink on any single occasion to a greater extent than possibly a clergyman would at a sacrament; and as for the smaller vices he was free from them all. His whole aims and objects, his entire aspirations, seemed to centre in the re-establishment of the authority of the Federal Government over his State, her speedy return to the Union, protection of loyal citizens in all parts of the State, and punishment of 'conscious and intelligent traitors' wherever found."

The battle of Perryville in Kentucky, was fought in October following, and General Bragg defeated and driven in hasty retreat out of the State. He re-appeared at Murfreesboro', only thirty miles from Nashville, where, with a heavy force, he entrenched himself. His presence in the State still kept alive the rebel spirit, and rendered it impracticable to enforce civil law or restore the country to order.

In the meantime, Governor Johnson, under authority from the Government, actively employed himself in completing the North Western Railroad from Nashville to the Tennessee River, and in raising and equipping troops in the

State for the service of the United States. He succeeded in both enterprises. Under his auspices the railroad was put in complete running order, a distance of seventy-five miles, connecting with the Tennessee River, thus opening up a safe, and at all seasons, reliable channel of communication between the Northwest and the Union Army in Georgia.

He was no less successful in his efforts to increase the Army. Under his influence not less than twenty-four or twenty-five regiments were raised, armed and equipped for the service from Tennessee.

On the 8th December Governor Johnson issued his proclamation, appointing and ordering elections to be held to fill vacancies in the Thirty-seventh Congress; and on the 15th promulgated an order assessing certain individuals in the city of Nashville, in various amounts, to be paid in five monthly installments, "in behalf of the many helpless widows, wives and children in the city of Nashville who have been reduced to poverty and wretchedness in consequence of their husbands, sons and fathers having been forced into the armies of this unholy and nefarious rebellion."

But no material change was made in the military status of the State until after the great battle at Murfreesboro', beginning on the 31st of December, 1863, and continuing for several days, when the rebel army was defeated and forced back on Tullahoma to Chattanooga, and after the battles of Chickamauga and Mission Ridge into Georgia.

The important movements which occupied almost a year after the battle of Murfreesboro', up to the raising of the siege of Knoxville, are well epitomized in Raymond's "History of the Lincoln Administration." These great military movements, forming, as they do, so large a part of the history of Tennessee during the rebellion, cannot be silently passed over.

“ After the battle of Murfreesboro’, and the occupation of that place by our troops, on the 5th. of January, 1863, the enemy took position at Shelbyville and Tullahoma, and the winter and spring were passed in raids and unimportant skirmishes. In June, while General Grant was besieging Vicksburg, information reached the Government which led to the belief that a portion of Bragg’s army had been sent to the relief of that place ; and General Rosecrans was urged to take advantage of this division of the rebel forces and drive them back into Georgia, so as to completely deliver East Tennessee from the rebel armies. He was told that General Burnside would move from Kentucky in aid of this movement. General Rosecrans, however, deemed his forces unequal to such an enterprise ; but, receiving reinforcements, he commenced on the 25th of June a forward movement upon the enemy, strongly intrenched at Tullahoma, with his main force near Shelbyville. Deceiving the rebel general by a movement upon his left flank, Rosecrans threw the main body of his army upon the enemy’s right, which he turned so completely that Bragg abandoned his position, and fell back rapidly, and in confusion, to Bridgeport, Ala., being pursued as far as practicable by our forces. General Burnside had been ordered to connect himself with Rosecrans, but had failed to do so. Bragg continued his retreat across the Cumberland Mountain and the Tennessee River, and took post at Chattanooga, whither he was pursued by Rosecrans, who reached the Tennessee on the 20th of August, and on the 21st commenced shelling Chattanooga and making preparation for throwing his army across the river. A reconnoissance, made by General Crittenden on the 9th of September, disclosed the fact that the rebels had abandoned the position, which was immediately occupied by our forces, who pushed forward towards the South. Indications that the rebel general was receiving heavy reinforcements and manœuvring to turn the right of our army, led

to a concentration of all our available forces, and, subsequently, to the appointment of General Grant to command the whole army thus brought together. On the 19th of September General Rosecrans was attacked by the rebel forces, their main force being directed against his left wing under General Thomas, endeavoring to turn it so as to gain the road to Chattanooga. The attack was renewed the next morning, and with temporary success; Longstreet's corps having reached the field and poured its massive columns through a gap left in the centre of our line by an unfortunate misapprehension of an order; but the opportune arrival and swift energy of General Granger checked his advance, and the desperate valor of Thomas and his troops repulsed every subsequent attempt of the enemy to carry the position. Our losses, in this series of engagements, were 1,644 killed; 9,262 wounded; and 4,845 missing—a total swelled by the estimated losses of our cavalry to about 16,351. The rebel general immediately sent Longstreet against Burnside, who was at Knoxville, while he established his main force again in the neighborhood of Chattanooga. On the 23d of November General Grant moved his army to attack him, and on the 25th the whole of the range of heights known as Missionary Ridge, held by Bragg, was carried by our troops after a desperate struggle, and the enemy completely routed. This was a very severe engagement, and our loss was estimated at about 4,000. Generals Thomas and Hooker pushed the rebel forces back into Georgia, and Granger and Sherman were sent into East Tennessee to relieve Burnside and raise the siege of Knoxville, which was pressed by Longstreet, who, failing in this attempt, soon after retreated towards Virginia.

“Upon receiving intelligence of these movements the President issued the following recommendation :

“EXECUTIVE MANSION, WASHINGTON, D. C.,  
*December 7, 1863.*

“Reliable information being received that the insurgent force is retreating from East Tennessee, under circumstances rendering it probable that the Union forces cannot hereafter be dislodged from that important position; and esteeming this to be of high national consequence, I recommend that all loyal people do, on receipt of this information, assemble at their places of worship, and render special homage and gratitude to Almighty God for this great advancement of the National cause. A. LINCOLN.”\*

About this time the rebel spirit in Tennessee began more perceptibly to wain, and the Union element, which had except in a few honorable instances, remained dormant, began to awaken into active life. Public meetings were held in various parts of the State, at which Governor Johnson was usually present, urging the people to return to their allegiance. Similar meetings, as we have seen, had been gotten up, whenever practicable, by the Unionists some months previous, and the expression of public sentiment on the leading issues, to some extent, inaugurated; but this desirable means of reaching and expressing popular opinion was not so generally participated in as after the retreat of Bragg's army from the State.

Among the necessary features of his Administration was that announced in Governor Johnson's proclamation of February 20, 1863, warning all persons holding, renting, occupying or using any real or personal estate belonging to traitors or their agents, not to pay the rents, issues or profits thereof, but to retain the same until some suitable person shall have been appointed in the name and in behalf of the United States to receive it.

In a speech at Columbus, O., on the 3d of March following, feeling it incumbent, doubtless, to make some allusion to the effect of President Lincoln's Emancipation Proclama-

\* “History of the Administration of President Lincoln.” By H. J. Raymond. Derby & Miller, New York.



tion, he reiterated the spirit of his former declarations on the relations of slavery to a rebellious South, and said there were great laws and elements at work that would settle it. He did not believe the proclamation would effect the question one hair's breadth or hasten its downfall. The shortest way to destroy slavery was to let the South continue the war. The South being responsible for the war, would also be responsible for the destruction of slavery. We were carrying on this war for the preservation of the Union and the restoration of the Constitution. If negro slavery was in the way, Government must go over it. He was for the Government with slavery, and for the Government without slavery. Slavery was only an incident, and, if necessary, must give way. Slavery had always agitated the Government, and it could not be objected to if the Government should agitate it. The objection to the President's proclamation was only an excuse for those who want to build up party. There were but two parties, one for and the other against the Government. The one was composed of patriots, and the other of traitors. He predicted that the time would come when the latter will join the enemy ; and he desired the prediction would be remembered.

In addition to the Governor's unremitting efforts to restore Tennessee to its former allegiance, the internal peace of Nashville, and the perplexing cares and responsibilities of providing for the thousands of destitute refugees that daily came within the Federal lines, were all thrown upon him. His time was wholly employed, and the amount of labor performed by him in the various departments of his office was, perhaps, equal to that performed by any other one man in the United States. His whole soul was in the work ; and no labor was too arduous to be undertaken, no difficulties too complicated to be surmounted. Revenues were collected and disbursed, rules and regulations for the government of the people adopted and enforced, contro-

versies settled and law suits decided and adjusted, armies raised, equipped and put into the field, works of defence and internal improvements projected and carried into execution—all these, with many other matters of deep interest, for two whole years engrossed his attention and demanded his individual exertion. The wonder is that he performed so many and ever-varying engagements at all, much more, to the intense satisfaction of the loyal people of the State, and, at the same time, in a manner that gradually mellowed down the rebellious sentiment of the people, and brought back thousands to their former allegiance.

On the 26th of January, 1864, Governor Johnson issued a proclamation ordering an election, on the first Saturday in March following, for Justices of the Peace, Sheriffs, Constables, Circuit and County Court Clerks, Registers and Tax Collectors.

In obedience to this proclamation, elections were held in many of the counties and districts of the State, and the various officers designated chosen by the people. Afterwards Judges, Chancellors, Attorney-Generals, etc., were appointed, and the whole machinery of the State government again set in motion. This advanced step in the restoration of law and order to the people was partially, and in localities not infested by bands of guerrillas, quite successful.

The National Union Convention that assembled in Baltimore on the 6th June, 1864, found Governor Johnson at Nashville, in the quiet but active discharge of his duties as Brigadier General and Military Governor.

## CHAPTER XVIII.

MEETING of the National Union Convention at Baltimore—The Vice-Presidency—Mr. Stevens, of Pennsylvania, opposes the Admission of Tennessee and Louisiana—Nomination to Vice-Presidency conceded to New York—Ballot in the New York Delegation—D. S. Dickinson in great favor—His Claims urged by Lyman Tremain—H. J. Raymond in favor of a Border State War Democrat, nominates Andrew Johnson—Remarks of Preston King, C. B. Cochrane, G. W. Curtis—Would Dickinson's Nomination eject Seward from the Cabinet?—Raymond Protests—The Purpose disavowed—A Ballot in favor of Johnson—Discontent of Dickinson's Friends—They determine to exclude the Border States—Preston King presses their Admission—Nomination of Johnson—Mass Meeting in Nashville—Governor Johnson's Address Ratifying the Lincoln Policy—National Topics—Aristocracy the essential Spirit of the Rebellion—Dead Slavery—Invitation to Emigrants—Traitors not Citizens—Tells Truths to Shoulderstraps—Mexico—Johnson's Official Letter of Acceptance.

WHEN the National Union Convention assembled, its work so far as the nomination of a candidate for the Presidency was concerned, was already done. The people had decided that question in advance, and Mr. Lincoln was the only name mentioned. With the exception of Missouri, every State, through its delegates, gave him its undivided vote. But in regard to the candidate for Vice-President, there was no such unity of sentiment. That subject had not been canvassed, and the convention assembled in entire ignorance of the candidates that would be named. Many judicious men believed that the wisest course would be to re-nominate Mr. Hamlin, but this it was perceived by others would be to ignore entirely the claims of that very large body of Democrats who had discarded their party obligations in the presence of a national peril and had sustained the Administration in the prosecution of the war. Others looked to the policy of conceding this nomination

to the army, and sought among its officers for a suitable candidate. The delegates from Tennessee and Louisiana thought the Border States ought to be considered, but as their first anxiety was to secure the admission of those States into the Convention, which had been most vehemently resisted by Mr. Stevens, of Pennsylvania, and others, at the very outset, they deemed it wise to postpone the presentation of any claims of this kind. By general consent it seemed after a little time to be conceded that the State of New York might nominate the candidate for Vice-President and that her choice would be the choice of the Convention : and this concession seemed to have been prompted, in a large degree, by the belief that New York would present her own son, Daniel S. Dickinson, whose devotion to the country during the war had wiped out all hostile memory of his previous political course, and who was regarded as unquestionably the strongest candidate for the Vice-Presidency by the members of the Convention at large.

At the first meeting of the New York delegation on the 6th of June, the subject was canvassed in a cursory manner and an informal ballot was taken merely to ascertain the preferences of individual members. This ballot gave 28 votes for Hamlin, 16 for Dickinson, 6 for Tremain and 8 for Andrew Johnson. Of these the six votes given to Tremain were actually Dickinson votes, as were also a part of those given for Johnson. The meeting then adjourned to the next morning, and the outside canvass became animated—the friends of Mr. Dickinson being especially zealous and resolute and none opposing him on any other grounds than those of expediency. It was generally understood by the members of the Convention that there was a sharp difference of opinion in the New York Delegation, and this knowledge strengthened their purpose to await the action of that State.

The meeting in the morning was opened by a careful,

eloquent and effective speech of half an hour by Hon. Lyman Tremain in favor of the nomination of Mr. Dickinson. Mr. Tremain urged with great force the claims of the War Democracy to this nomination, insisting that it would be most unjust as well as unwise to disregard the sacrifices of political feeling and of party ties which they had made, and declaring that, as he had never been a Republican, he should feel that he had no place in this organization if both candidates should be selected from the Republican party. He then presented Mr. Dickinson as the candidate of the War Democrats, setting forth, in very graphic and impressive words, the noble and patriotic manner in which Mr. Dickinson had broken away from the Democratic party when it became disloyal, and the political sacrifices he had thus made for the good of the country. He spoke warmly, also, of his eloquent appeals to the patriotism of the country during the war and of the eminent services he had thus rendered the Government in the suppression of the rebellion: and he closed by presenting him to the Delegates of his own State and by urging them by every consideration of State pride and of personal admiration to make him their candidate before the Convention.

Hon. H. J. Raymond, who was also one of the delegates at large from the State, following Mr. Tremain, began by acquiescing in everything he had said of the claims of the War Democrats to the gratitude of the country and the kindest and most favorable consideration of the Convention. He recognized fully the patriotism which had led them to discard all mere party ties and to take that action which had contributed so largely to the prosecution of the war. He concurred also in everything that had been said of Mr. Dickinson in the Convention: he knew his worth and appreciated fully his eminent services in the national cause. But he thought we should do injustice to ourselves and to the War Democracy of the whole Union if we restricted our

acknowledgments to our own State. Much as Mr. Dickinson had suffered and done in the cause of the nation, there were other Democrats who had done and suffered more. Highly as Mr. Raymond appreciated the labors of distinguished men in the North who had thrown their weight into the loyal scale, he believed that the salvation of the country would be due, primarily and mainly, to those noble hearts in the Border States who had not only discarded every party tie, but who had thrown to the winds all the prejudices of the section in which they lived, all the teachings of their childhood, all the pride of State Rights, all their interests in Slavery, every thing which might be supposed to have most weight with men in their condition,—and had suffered in the Union, in their property, their families and their persons to a degree of which we in the Northern States could form but a faint conception. After some further remarks in the same direction, Mr. Raymond nominated Andrew Johnson as a War Democrat and as the man to whom, more than to any other one person not in the Government or in the army, the country was indebted for aid in putting down the Rebellion, and as one who by his course in the Senate and in every public station he had been called to fill, had proved his claim to public confidence and favor.

Hon. Preston King made a few remarks mainly upon the impolicy of selecting a candidate from the State of New York, since any selection that might be made would lead inevitably, in consequence of the peculiar relations of political parties, to discontent in one quarter or another. It was well known, he said, that there was a very large body of former Democrats in that State who, though acting now cordially and zealously with Mr. Dickinson, could not forget that they left the Democratic party long before he did, and that his course toward them for many years had not been calculated to conciliate their favor or support. He thought therefore that it would be wiser to select the candidate from

some other State. Hon. C. B. Cochrane, who had first voted for Mr. Hamlin, next followed in warm advocacy of Mr. Dickinson, with whom politically he said he had never acted, but for whose ability and patriotism he had the most profound respect. Mr. Geo. W. Curtis, one of the secretaries of the delegation, made an eloquent and effective appeal on the same side, and said that from the turn the debate had taken and the persons who had shared in the discussion, it was very evident that the main reason which led a large portion of the delegates to oppose Mr. Dickinson's nomination was the certainty that it would render necessary Mr. Seward's withdrawal from the Cabinet, as two such posts could not be given to one State; and he thought it quite time that the real motive of their opposition to Mr. Dickinson should be understood. Mr. Raymond replied that he could only regard this as a virtual declaration that Mr. Dickinson must be nominated *for the purpose* of ejecting Mr. Seward from the Cabinet; and while he should very gladly assent to any change in the Cabinet which the good of the country might require, he protested against such an attempt to use Mr. Dickinson as an instrument for degrading Mr. Seward.

This led to disavowals of any such purpose and to a conversational though very animated discussion, after which a formal ballot was taken, which resulted in giving Dickinson 29, Johnson 30, Hamlin 7, Holt 1; but before it was announced two more votes were given to Johnson—so that it finally stood, Johnson 32, Dickinson 29, Hamlin 6. Upon Mr. Raymond's motion, it was then resolved that the vote just taken should be announced in Convention as the vote of New York on the first ballot; and the delegation then adjourned to meet at the call of the Chairman, Hon. John A. King.

After the adjournment the outside canvass became very animated—Mr. Dickinson's New York friends being determined to overrule the action of the delegation and to make

him the candidate. At one time it seemed almost certain that he would be the nominee, and various names of new men were suggested by different delegations. This led to a consultation among some of the New York supporters of Mr. Johnson, who were further embarrassed by the fact that the delegation from Tennessee had not yet been admitted to the Convention, and the friends of Mr. Dickinson were resolute in their purpose to exclude all the Border States, as having properly no representatives of the Union party. Hon. Horace Maynard, who was one of the delegates from Tennessee, was active and very influential in pressing the claims of his State to admission, and it was resolved by the delegates from New York, who had voted for Mr. Johnson, to insist upon the admission of Tennessee and to stand by Johnson as their candidate.

At the opening of the session of the Convention, the Committee on Credentials reported against the admission of delegates from Tennessee, in conformity with the views presented by Hon. Thad. Stevens of Pennsylvania, at the opening of the Convention. Hon. Preston King, alone of the committee, dissented from this conclusion, and made a minority report, which, with remarkable courage and skillful management, he pressed upon the action of the Convention. The vote was taken amidst great confusion, and at one time Mr. King's motion to admit Tennessee was lost; but before any result was declared the struggle was renewed, and the result was described, with substantial accuracy as to the facts, though in a very unfair tone, in the *New York Tribune* of the next day, which said:

“On the admission of Tennessee, she was rejected by decided and increasing majorities, *until New York gave her forty-four votes*. The secesh applause was tremendous and instantly infectious. Ohio voted forty-two, and right off *eight States* that had voted *noy*, caved in and changed their votes.”



The delegates from Tennessee were thus admitted, and renewed with activity and zeal their canvass for Mr. Johnson. After the adoption of the platform and the nomination of Mr. Lincoln for President, the ballot for Vice-President was called. Some of the New York delegates called for a new canvass of the delegation, but under the resolution of the previous day this was declined, and the vote of New York announced as, 32 for Johnson, 29 for Dickinson, 6 for Hamlin. The aggregate vote of the Convention gave Johnson 200, Hamlin 145, Dickinson 113; but before it was declared, Hon S. Cameron, after consultation with Mr. Raymond of the New York delegation, and with the assent of his own, announced that Pennsylvania, which had voted for Hamlin, now cast her vote for Johnson. Other States at once followed the example, and the nomination was finally made unanimous.

New York may well feel proud of her choice, and in view of subsequent events, the delegates who so persistently recognized the Democratic element, as having powerfully aided to achieve peace and put down Rebellion, deserve not only the thankful congratulations of the loyal States, but of those returning States which receive the benefits of President Johnson's wise and generous views on reorganization.

When the result of the Baltimore Convention was known, a Union mass meeting was held at Nashville, where the presence of Governor Johnson was hailed with great acclamation. No man could truthfully say that he had asked his influence in behalf of the position for which he was nominated, or for any other. On the contrary, he had avoided the candidacy. While it was conferred unsought it was appreciated the more highly. He accepted the nomination on principle, and in the address to his fellow-citizens at Nashville, he spoke with his characteristic fearlessness on the principal topics of the day, and especially those identified with the policy ratified by the re-nomination of Presi-

dent Lincoln. The nomination he thought equivalent to saying, not only to the United States, but to all the nations of the earth, that we were determined to maintain and carry out the principles of free government. The Convention had announced that the right of secession and the power of a State to place itself outside of the Union are not recognized. Tennessee had been in rebellion against the Government, and waged a treasonable war, just as other Southern States had done. She had seceded just as much as other States had, and left the Union as far as she had any power to do so. Nevertheless, the National Convention had declared that a State cannot put itself from under the national authority. It said by its first nomination, that the present President, take him altogether, was the man to steer the ship of State for the next four years. Next it said—if he might be permitted to speak for himself, not in the way of vanity, but to illustrate a principle—“We will go into one of the rebellious States and choose a candidate for the Vice-Presidency.” Thus, the Union party declared its belief that the rebellious States are still in the Union, and that their loyal citizens are still citizens of the United States. Our duty is to sustain the Government, and help it with all our might to crush out a rebellion which is in violation of all that is right and sacred.

He held up the aristocracy of the slave States as having been their bane, nor did he believe the North wholly free from the curse of aristocracy. One of the chief elements, he believes, of this rebellion, was the opposition of the slave aristocracy to be ruled by men who have risen from the ranks of the people. And it just occurred to him that if it was so violently opposed to being governed by Mr. Lincoln, what in the name of conscience would it do with Lincoln and Johnson.

Governor Johnson avowed himself as opposed, in the case of a Convention to restore his State, to permit those to par-

ticipate in it who had given all their influence and means to destroy it. They should undergo a purifying ordeal. The most honest and industrious foreigner, who sought America, had to dwell five years with us until he became a citizen. If we were so cautious about foreigners, who voluntarily renounce their homes to live with us, what should we say to the traitors who, born and reared here, sought to destroy the Government which always protected them.

Upon the slavery and emancipation questions, Governor Johnson was not less direct or explicit, but the occasion warrants the re-production of this clear and spirited exposition of National and State policy.

“Governor Johnson said he had no impassioned appeal to make to the people in his own behalf. He had not sought the position assigned him by the National Convention. Not a man in all the land can truthfully say that I have asked him to use his influence in my behalf in that body, for the position allotted me, or for any other. On the contrary, I have avoided the candidacy. But while I have not sought it, still being conferred upon me unsought, I appreciate it the more highly. Being conferred on me without solicitation, I shall not decline it. [Applause.] Come weal or woe, success or defeat, sink or swim, survive or perish, I accept the nomination on principle, be the consequences what they may. I will do what I believe to be my duty.

“I know there are those here who profess to feel a contempt for me, and I, on the other hand, feel my superiority to them. I have always understood that there is a sort of exclusive aristocracy about Nashville which affects to contemn all who are not within its little circle. Let them enjoy their opinions. I have heard it said that

‘Worth makes the man, and want of it the fellow.’

“This aristocracy has been the bane of the slave States; nor has the North been wholly free from its curse. It is a class which I have always forced to respect me, for I have ever set it at defiance. The respect of the honest, intelligent and industrious class I have endeavored to win by my conduct as a man. One of the chief elements of this rebellion is the opposition of the slave aristocracy to being ruled by men who have risen from the ranks of the people. This aristocracy hated Mr. Lincoln because he was of humble origin, a rail-

splitter in early life. One of them, the private Secretary of Howell Cobb, said to me one day, after a long conversation, 'We people of the South will not submit to be governed by a man who has come up from the ranks of the common people, as Abe Lincoln has.' He uttered the essential feeling and spirit of this Southern rebellion. Now it has just occurred to me, if this aristocracy is so violently opposed to being governed by Mr. Lincoln, what in the name of conscience will it do with Lincoln and Johnson. [Great laughter.] I reject with scorn this whole idea of an arrogant aristocracy.

"I believe that man is capable of self-government, irrespective of outward circumstances, and whether he be a laborer, a shoemaker, a tailor or grocer. The question is whether a man is capable of self-government. I hold with Jefferson that government was made for the convenience of man, and not man for the government; that laws and constitutions were designed as mere instruments to promote his welfare. And hence from this principle I conclude that governments can and ought to be changed and amended to conform to the wants, to the requirements and progress of the people, and the enlightened spirit of the age. [Loud applause.] Now, if any of you secessionists have lost faith in man's capability of self-government, and feel unfit for the exercise of this great right, go straight to rebellion, take Jeff. Davis, Beauregard and Bragg for your masters, and put their collars on your necks.

"And here let me say, that now is the time to recur to these fundamental principles. While the land is rent with anarchy and upheaved with the throes of a mighty revolution; while society is in this disordered state, and we are seeking security, let us fix the foundations of the Government on principles of eternal justice, which will endure for all time.

"There is an element in our midst who are for perpetuating the institution of slavery. Let me say to you, Tennesseans and men from the Northern States, that slavery is dead. It was not murdered by me. I told you long ago what the result would be if you endeavored to go out of the Union to save slavery, and that the result would be bloodshed, rapine, devastated fields, plundered villages and cities; and therefore I urged you to remain in the Union. In trying to save slavery you killed it, and lost your own freedom. Your slavery is dead, but I did not murder it. As Macbeth said to Banquo's bloody ghost:

'Never shake thy gory locks at me,  
Thou canst not say I did it.'

"Slavery is dead, and you must pardon me if I do not mourn over

its dead body; you can bury it out of sight. In restoring the State leave out that disturbing and dangerous element, and use only those parts of the machinery which will move in harmony.

“Now, in regard to emancipation, I want to say to the blacks that liberty means liberty to work and enjoy the fruits of your labor. Idleness is not freedom. I desire that all men shall have a fair start and an equal chance in the race of life, and let him succeed who has the most merit. This, I think, is a principle of heaven. I am for emancipation for two reasons: first, because it is right in itself; and second, because in the emancipation of the slaves, we break down an odious and dangerous aristocracy. I think that we are freeing more whites than blacks in Tennessee.

“I want to see slavery broken up, and when its barriers are thrown down, I want to see industrious, thrifty immigrants pouring in from all part of the country. Come on! we need your labor, your skill, your capital. We want your enterprise and invention, so that hereafter Tennessee may rank with New England in the arts and mechanics, and that when we visit the Patent Office at Washington, where the ingenious mechanics of the free States have placed their models, we need not blush that Tennessee can show nothing but a mouse-trap or something of about as much importance. Come on! We greet you with a hearty welcome to the soil of Tennessee. Here is soil the most fertile in every agricultural product; a delightful and healthy climate, forests, water-power and mines of inexhaustible richness; come and help us to redeem Tennessee and make her a powerful and flourishing State!

“But in calling a convention to restore the State, who shall restore and re-establish it? Shall it be the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of reorganization? Shall he who brought this misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers so freely poured out, will have been wantonly spilled. All the glorious victories won by our noble armies will go for naught, and all the battle-fields which have been sown with dead heroes during this Rebellion, will have been made memorable in vain. Why all this carnage and devastation? It was that treason might be put down and traitors punished. Therefore I say that traitors should take a back seat in the work of restoration. If there be but five thousand men in Tennessee, loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of reorganization and reformation absolutely. [Loud and prolonged applause.] I say that the traitor has ceased to be a citizen, and in joining the

Rebellion, has become a public enemy. He forfeited his right to vote with loyal men when he renounced his citizenship and sought to destroy our Government. We say to the most honest and industrious foreigner who comes from England or Germany, to dwell among us, and add to the wealth of the country, 'Before you can be a citizen you must stay here for five years.' If we are so cautious about foreigners, who voluntarily renounce their homes to live with us, what should we say to the traitor, who, although born and reared among us, has raised a paricidal hand against the Government which always protected him? My judgment is that he should be subjected to a severe ordeal before he is restored to citizenship. A fellow who takes the oath merely to save his property, and denies the validity of the oath, is a perjured man and not to be trusted. Before these repenting rebels can be trusted, let them bring forth the fruits of repentance. He who helped to make all these widows and orphans, who drape the streets of Nashville in mourning, should suffer for his great crime. The work is in our own hands. We can destroy this Rebellion. With Grant thundering on the Potomac before Richmond, and Sherman and Thomas on their march towards Atlanta, the day will ere long be ours. Will any madly persist in rebellion? Suppose that an equal number be slain in every battle, it is plain that the result must be the utter extermination of the rebels. Ah, these rebel leaders have a strong personal reason for holding out to save their necks from the halter. And these leaders must feel the power of the Government. Treason must be made odious, and traitors must be punished and impoverished. Their great plantations must be seized and divided into small farms, and sold to honest, industrious men. The day for protecting the lands and negroes of these authors of rebellion is past. It is high time it was.

"I have been most deeply pained at some things which have come under my observation. We get men in command who, under the influence of flattery, fawning and caressing, grant protection to the rich traitor, while the poor Union man stands out in the cold, often unable to get a receipt or a voucher for his losses. [Cries of 'That's so?' from all parts of the crowd.] The traitor can get lucrative contracts, while the loyal man is pushed aside unable to obtain a recognition of his just claims. I am telling the truth. I care nothing for stripes and shoulder straps. I want them all to hear what I say. I have been on a gridiron for two years at the sight of these abuses. I blame not the Government for these wrongs, which are the work of weak or faithless subordinates. Wrongs will be committed under every form of government and every administra-

tion. For myself I mean to stand by the Government till the flag of the Union shall wave over every city, town, hill-top and cross-road in its full power and majesty.

“The nations of Europe are anxious for our overthrow. France takes advantage of our internal difficulties and sends Maximilian off to Mexico to set up a monarchy on our Borders. The day of reckoning is approaching. The time is not far distant when the Rebellion will be put down, and then we will attend to this Mexican affair and say to Louis Napoleon, ‘You can get up no monarchy on this continent.’ [Great applause.] An expedition into Mexico would be a sort of recreation to the brave soldiers who are now fighting the battles of the Union, and the French concern would quickly be wiped out. Let us be united. I know that there are but two parties now, one for the country and the other against it, and I am for my country.

“I am a democrat in the strict meaning of the term. I am for this Government because it is democratic—a Government of the people. I am for putting down this Rebellion because it is war against democracy. He who stands off stirring up discontent in this State and higgling about negroes, is practically in the rebel camp and encourages treason. He who in Indiana or Ohio makes war upon the Government out of regard for slavery is just as bad. The salvation of the country is now the only business which concerns the patriot.

“In conclusion, let us give our thanks, not formal but heartfelt thanks, to these gallant officers and soldiers who have come to our rescue and delivered us from the Rebellion. And though money be expended, though life be lost, though farms and cities be desolated, let the war for the Union go on, and the Stars and Stripes be bathed, if need be, in a nation’s blood, till law be restored, and freedom firmly established.”

Governor Johnson retired amid loud and continued cheering, and the large crowd dispersed to their homes.

Governor Johnson’s official acceptance of the nomination is as follows :

NASHVILLE, TENN., *July 2, 1864.*

HON. WILLIAM DENNISON, *Chairman, and others, Committee of the National Union Convention :*

GENTLEMEN,—Your communication of the 9th ult., informing me of my nomination for the Vice-Presidency of the United States, by the National Convention held at Baltimore, and enclosing 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 saying 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, I denounced it as treason, worthy of the punishment of death, and warned the Government and people of the impending danger. But my voice was not heard or council 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 the 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 have been, or could now be proposed, which they would accept. The clamor for "Southern rights," as the rebel 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 recurrence 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 cannot be disregarded without the destruction of the Government itself. In the support and practice of correct principles we can never reach wrong results; and by rigorously 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 endorsed and approved; and the nomination having been conferred without any solicitation on my part, is, with the greater pleasure, accepted.

In accepting the nomination, I might here close, but I cannot 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 Freedom.

I am, gentlemen, with sentiments of high regard,

Yours truly,

ANDREW JOHNSON.

## CHAPTER XIX.

### THE CANDIDATES AND CANVAES OF 1864.

NOMINATIONS of Parties for President and Vice-President — Generals Fremont and Cochrane withdraw — General McClellan, a good Soldier and Patriot, falls into Evil Hands — Mr. Pendleton a Disunionist — The Plot of the "Peace" Democrats — McClellan's Letter for War confuses them — The Chicago Candidates diametrically opposed — The real Question "Union" or "Disunion" — Lincoln and Johnson the Representatives of Union — Was the War a Failure? Secretary Chase's Reply — The Army Successes ruin the Chicagoites — Military History of 1864, its Losses and Gains — Permanent Achievements of Union Generals — Wails from the South sound the Death of "Peace" Sedition in the North — Reorganization of Tennessee — Letters and Speeches by Governor Johnson — Negro Equality a Humbug — On his Early Life — Orders an Election and prescribes a Test Oath — Protest against it presented to President Lincoln, its Reception — A Moses for the Enthralled Race — Elected Vice-President — Inaugural Speech — Unmeaning Censure — The Fall of Richmond — Great Enthusiasm — Johnson's Speech in Washington.

A WEEK previous to the nomination of Abraham Lincoln and Andrew Johnson at Baltimore, a Convention assembled at Cleveland, O., and nominated John C. Fremont for the Presidency and John Cochrane for the Vice-Presidency. On the 29th of August the "Democratic" Convention assembled at Chicago, and on the 31st nominated George B. McClellan and George H. Pendleton as candidates for the same offices. Generals Fremont and Cochrane subsequently withdrew, indicating with various personal and political reservations and explanations their preferences for Mr. Lincoln: so the Presidential Contest was between the respective supporters of the Baltimore and Chicago nominees.

It is unnecessary to reiterate the position occupied by Mr. Lincoln and Governor Johnson. General McClellan was a

gentleman of excellent nature and sympathies, a soldier of distinguished ability and a patriot of undoubted purity. His military successes had been achieved at epochs of such general gloom that his failures or want of success, from whatever cause, at other periods were overlooked by the masses of the people. Great responsibilities had devolved upon him at moments of national peril and disaster; and he successfully retrieved, if he did not permanently exalt, the national character. He is not fairly to be judged by contrast with the greater successes which followed, but by the disorder which reigned before him. He was greatly beloved by the soldiers, and their affection extending in a large degree to the masses, pointed him out as the most popular man for the purposes of the anti-administrationists. As a candidate little fault could be found with General McClellan; but the antecedents and present purposes of the managers, by whose intrigues an anti-national platform was adopted at the Chicago Convention, were not such as to command either private respect or public enthusiasm. Had General McClellan exercised the same caution toward his political friends he had on some occasions exhibited to the country's enemies, he would not have permitted himself to be surrounded by men who had no faith in national honor, no hope of national success, and no charity save for those in arms against the life of the Republic.

Mr. Pendleton much more suitably filled the desires and designs of these men. He was comparatively unknown. He never made a figure in Congress; and could not by any means be considered a leader in that body or out of it. What he had done since the secession had taken place tended to encourage it and weaken the National Government. In January, 1861, when four States had seceded, he delivered a calm and carefully prepared speech, in which, while expressing great solicitude for the Union, he avowed his belief that in the face of united action by the seceding States, the Con-

stitution of the United States was a virtual nullity and did not provide for the execution of its own clauses. He did not see how we could carry out the enactments of the supreme law of the Republic if the people of the seceding States were opposed to our so doing. He clearly mistook the spirit of the Constitution while expressing his own sentiment against coercion. Because he did not think it feasible to carry out the spirit of the Constitution which authorizes Congress to raise and support an army and navy; and "provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion"—because he thought we had not strength to do it, he expressed himself as though we had no right to do it. Deeming it impracticable, he completely overlooked the constitutional right and the constitutional duty to attempt it. He was for letting the seceded States go, and instituted a parallel—degrading to the revolutionary fathers of 1776—between the Colonies and Great Britain, and the rebellious States and the Union. While Mr. Pendleton's talents were certainly respectable, he was, until his nomination at Chicago, the least known of the Ohio representatives; which fact, in the minds of party tacticians, was doubtless not the least recommendation to his availability as a candidate for the Vice-Presidency. It was thought his nomination would not materially affect McClellan, while at the same time a recognition of the peace policy might be surreptitiously achieved, and thus receive the ostensible endorsement of the people at the election. General McClellan's letter of acceptance, in which he declared himself in favor of prosecuting the war, however, completely turned the tables on these managers. The Peace men rebelled against him, saying he did not accept the platform; and fell back on Pendleton, who was thus made to act a more important part in the drama, than the McClellan managers—who regarded him as a comparative nonentity—or he himself ever dreamed of. Thus the ostensible war party

and the professed peace party which fraternized at Chicago, found that they had been respectively cheated by each other. These developments were fraught with great importance to the people ; and no clear thinking man could have a rational doubt as to the result of the contest. Having sacrificed General McClellan, his political managers made a violent show of earnestness in the campaign : hoping by extravagant and malignant abuse of the national Executive to infer a devotion to their own candidate.

But the question at issue became narrowed down to the great and simple point : Should the traitors be encouraged, or the war for the Union endorsed? It was not a time for party. If "party," as a phrase, was to be recognized, it was only as indicating a Union party or a Disunion party : a party to save the Union by the arbitrament of the sword to which the traitors had appealed ; or a party to dissolve the Union by overtures to the rebel chiefs or by the reception of such overtures from them as would make our dead heroes turn in their martyr graves. Before the world Mr. Lincoln was the recognized head of the Union party, as distinguished from Jefferson Davis as the representative man of Disunion. Those unfriendly to the United States, at home and abroad, had made war on Mr. Lincoln as the representative of the Union cause and army ; and both the seceded States and sympathizers in foreign States looked forward to Mr. Lincoln's defeat as a defeat to the cause of the Union, and as a virtual recognition by the people of the doctrines for which Davis and his Generals had fought the Government of their fathers. On the other hand, the re-election of Mr. Lincoln and the election of Governor Johnson was an unquestionable guarantee to the people and the world that the cause of the Union would not be permitted to droop or waver ; that in the words of Johnson, no peace or compromise could be thought of until the rebels grounded their arms in submission to the national authority and law. Thus the fact be-

came settled in thoughtful minds that the success of Lincoln and Johnson was the success of nationality ; their defeat, the success of secession. These considerations placed the chances of the Chicago nominees out of the question. Moreover, those who desired to support McClellan on principle, found in Johnson a War Democrat whose sacrifices and sufferings more fully illustrated the principle and commanded wider sympathy. If a man so tried as Johnson could support Lincoln, assuredly they as War Democrats could do likewise ; and relieve themselves of contamination with the doctrines represented by Mr. Pendleton.

Other and equally convincing reasons were writing themselves on the page of history in justification of a loyal indorsement of the war policy. With equal want of truth and taste—considering the intention to nominate a soldier on it, and the hope to gain soldiers' votes in its favor—the Chicago platform declared the war a failure. The wish was father to the statement. It was also untrue. The Mississippi was open, which had been lined from Cairo to the mouth with rebel batteries. When Farragut went past Forts Jackson and Philip, and met their "invincible" fleet upon the Mississippi, and by one of the greatest achievements known to history, took New Orleans, and Vicksburg fell before Grant, then the Father of Waters was virtually, and in fact, open from the source to the gulf. As ex-Secretary Chase said at the time in reply to this statement : "Three years ago Kentucky was doubtful. Kentucky, I think, will vote the Union ticket in a few days. That is not a failure. Tennessee, so far as a Disunion legislature could effect it, was taken out of the Union. Now, Tennessee is under the government of Andrew Johnson, who is as loyal a man as breathes. Well, that is not a failure. Missouri was doubtful, and Missouri is loyal to-day. So, West Virginia was taken out of the Union, and West Virginia is a State in the Union to-day. We have taken back from the

rebels, of that which they suddenly usurped from us, at least one half of all they had."

The activity of our armies and the accumulating news of success kept pace with the course of politics, and at once lightened the labors of one side and confused those of the other. If the first portion of 1864 was full of gloomy and various disasters, the summer and fall more than overbalanced its sorrows in the number and magnificence of achievements. Chief among the movements and engagements which resulted either to the positive grief, or useless waste of blood and treasure of the Union cause, were the Florida expedition and the battle of Olustee; Forrest's Kentucky raid, with the affairs at Paducah and the massacre at Fort Pillow; the rebel capture of Plymouth and Washington, in North Carolina; the Red River expedition; Early's invasion of Maryland, knocking at the very gates of Baltimore and Washington; the rebel raid into Pennsylvania and burning of Chambersburg; and the discomfitures of Sigel and Hunter.

On the other hand, our list of successes embraced a series of brilliant, glorious, ably planned and ably conducted victories. In the early portion of the year the lamented Mulligan's battle, driving the rebels from Morefield, after six hours hard fighting, was almost the only positive gleam of light amid the gloom indicated. Among the prominent Union achievements were General A. J. Smith's handsome capture of Fort de Russey; the surrender of Forts Morgan and Gaines, with all their contents, after Farragut's glorious sea-fight in Mobile Bay; Sheridan's brilliant campaign in the Shenandoah Valley, and the victories of Winchester, Fisher's Hill and Cedar Creek; the matchless campaign of Sherman against Atlanta, illustrated by a brilliant chain of battle-fields at every point on the long route, by the terrible punishment inflicted on the enemy at Peachtree Creek and Atlanta; and, at last, by the triumphant entrance of that General into the streets of the long-sought city. These



were soon to be followed—after the election, and as though in ratification of the policy then sustained—by the defeat of Price in Missouri; Schofield's skillful battle at Franklin; Thomas's glorious victory at Nashville; last, and the grandest of all, by the campaign of the "conqueror of Atlanta" through the broad State of Georgia, culminating in the assault of McAllister, and the ever-memorable siege and fall of Savannah.

Richmond was still in the scale; but the greatest confidence was every where felt and expressed in General Grant. His operations were confidently believed to be, as they were, part of the great plan to the completion of which the Union armies elsewhere occupied were contributing. The object for which General Grant's army was around Richmond and Petersburg was not achieved; but the battles fought to obtain the position then occupied were great achievements, and some of them, at least, cannot be omitted from the glories of the year. The battles of the Wilderness, 5th and 6th of May, resulting in the falling back of Lee, and the occupation of Spottsylvania Court-House, twenty miles south of the battle-field, on the 8th; the terrible battles which followed all through May and June, showed the indomitable character of our troops in steadily holding and the tenacity of General Grant in improving their position.

But as was justly remarked,\* the retrospect is not perfect until the essential differences between our victories and those of the enemy's is observed. The rebel successes were only so many neck-or-nothing diversions, without positive results. Our successes were permanent, and but the means by which to make assurance of the great end "doubly sure." Forrest raided, but Kentucky, Fort Pillow and the rest were ours. Plymouth and little Washington were ours. The rebels beat us at Monocacy, but Maryland was ours. They burnt Chambersburg, but Pennsylvania was ours. They

\* By the *Army and Navy Journal*, an interesting, useful and able periodical.

“were all round Washington,” but the people there only laughed at the “scare” they had, as their fathers used to laugh at the fright caused by the British in 1814—but then it was of a more serious description. A year previous the Army of the Potomac was overpowered at Culpepper; then it was hugging Richmond and Petersburg. What we won we held. Forts De Russey, Morgan and Gaines, Mobile Bay, Missouri and Tennessee, the Shenandoah Valley, from Harper’s Ferry to Strasburg, were won by us and were ours.

Besides the territory regained by us, the loss to the rebels by the waste and desolation of war was immense. They had largely lost in all the material of war, in mills, factories, saltworks and arsenals. In Sheridan’s brief and brilliant campaign the rebels lost over one hundred guns; in Thomas’s Nashville campaign, forty-nine.\*

From the Confederacy also the loyal States received every encouragement to renewed efforts to sustain the Government and its Generals. The report of the rebel Secretary of War plainly indicated the failing strength of its resources; the proposition to arm the slaves, holding out future freedom as a reward for faithful service, admitted that the negro had a higher destiny than slavery, and created angry discussion in the South. Davis’s speeches at Atlanta, Macon, Montgomery, on a recruiting tour, evidently a forlorn hope, sounded a continuous and distracted wail. It was the death-chant of rebellious ambition in the South and of “Peace” sedition in the North. Every thing conspired to wisely guide the hearts and heads of the people.

In the meantime, while the canvass was progressing, Governor Johnson was arduously engaged in the work of reorganizing the State of Tennessee and otherwise raising his voice in behalf of the cause of which he was now a chosen

\* Following up this, Sherman captured one hundred and eighty-two guns at Savannah.

national representative. He was in receipt of so many letters daily on national topics, that he found it physically impossible to give personal attention to them. A reply to a reverend correspondent by his Secretary *pro tem*, says :

“The Governor feels, in the moral, political and social wreck produced by the rebellion, that it is truly grateful to the patriotic heart to find so distinguished a clergyman, when so many South have fallen, standing like a beacon light in the wide waste of desolation around him, firm to the laws of God and man, and devoting his whole heart and soul to uphold the legitimate authority of both.

“The influence of the churches, and especially of their great lights, in this hour of the country’s severest trial, is not lightly to be appreciated. If guided by pure and patriotic hearts, their power for good is beyond all computation ; but if tainted by treason and prostituted to wild ambition, their power for evil is no less extensive. Upheld by the churches, and protected by a kind Providence, he feels the righteous cause of the Government will soon triumph ; organized treason must be broken down ; traitors justly punished and impoverished ; and free government, without slavery and its disturbing elements, re-established and permanent in every State.

“To the accomplishment of these ends he has dedicated his life and all his mental and physical powers ; and as the struggle grows fiercer and the carnage becomes more appalling, he, with all true patriots, will only redouble his energies until the end shall be fully accomplished.”\*

A letter from the Governor himself, dated Nashville, August 21st, indicates the progress of his labors and the end to which they tended :

“We are getting along here under the circumstances as well as could be expected. We are taking steps gradually to restore the State ; re-organizing the counties and courts as important prelimi-

\* Mr. S. Milligan to Rev. S. H. Cox, D. D., LL. D.

nary steps to calling a convention, and holding elections by the people for all the offices of the State. If our armies are successful at Richmond and Atlanta (as I trust in God they will be), we can give a vote in November for President and Vice-President. Submission to the Constitution and obedience to the laws made in pursuance thereof are the only peace measures that should be offered to any portion of the people of the United States. These form the best and most substantial compromise, and one that can be adopted by the people of the rebellious States, when in their discretion they may think proper to do so. It is with them how long this war shall continue, or when peace shall be made. The terms of peace have been before them, and with them, and could have been made at any time they thought proper to adopt them. If the Constitution and laws of the United States are now to be disregarded, and separation and the acknowledgment of an independent Southern Confederacy agreed to, American freedom is gone. A separation of the South from the North will only be the entering wedge to other divisions which will follow, and become as numerous as the States themselves, resulting in interminable civil war. Heaven avert the impending catastrophe, and preserve the nation from consequences too disastrous and terrific for contemplation.\*

In a speech at Louisville, not very long after, this subject of "compromise" was again the topic, when he showed that the disturbing element which should have been settled in 1820 was only patched up in 1850, and that in 1861 the Southern leaders would have no compromise, but designedly defeated the Crittenden compromise and nullified the Corwin amendment to the Constitution. "All the talk of them and their Northern coadjutors, then and since, about compromise, has been sheer hypocrisy—a mere pretence to delude the people." Practical emancipation was the order of the day in Tennessee and Kentucky, and after they had passed the transition state, black labor would, he believed, be more profitable than before. "Slavery is a slow, tardy, inactive, inert and wasteful system of labor. Black labor emancipated in all the Southern States will eventually prove more profitable than it ever was while enslaved. These broad

\* To John W. Wright, Logansport, Ind.

acres have been worked long enough by a few lords and great gangs of slaves."

He reiterates his view of negro freedom :

"Negroes, when freed, have got to work—must work; those who won't work will be subject to vagrant laws or an apprentice system, till they are educated to the idea that freedom for anybody of color simply means liberty to work and to enjoy the productions of his labor. Let the negro have a fair chance and an equal start in the race of life. The talk about "nigger equality" is all humbug. I have seen more of it in the South than I have in the North. If the negro, as a free man, can compete with the white, he has a right to compete with him; if, after a fair test, he can't, he must give way to the white. In my opinion, freedom will not make negroes any worse, and will result in their advancement. I am for an aristocracy of labor, of intelligent, stimulating, virtuous labor; of talent, of intellect, of merit; for the elevation of each and every man, white and black, according to his talent and industry."

This topic of aristocracy *versus* democracy was constantly forced into the contest by the ungenerous epithets used by the opposition press, referring to the early life and occupation of Governor Johnson. In a speech at Logansport, Ind., in the early part of October, he alluded to the subject thus :

"I hold in my hand, from which I wish to read an extract or two, for the benefit of some old Democrats and young ones, too, a letter written by General Jackson himself, in his own hand-writing; and, in handling this relic, my mind goes back to the time of 1832. When it was written and published I was a young man, or boy, at work in my shop, and heard it read. And this memory of being in my shop calls to mind what was said when Mr. Lincoln was first nominated. He was called a rail-splitter, and I saw to-day you were making good use of the idea. While the butternut party was being split to pieces, you said the Union could never be split. When the recent nominations were made at Baltimore, the tory papers of the country said :

"They have a rail-splitter and a buffoon for the head of the ticket, and 'upon the tail they have a boorish tailor.' The idea at the bottom of all this opposition is, that the man who rises up from the mass of the people, who advocates the doctrines that man is capable of self-government, has virtue and intelligence to govern himself, should be repudiated. I have nothing to regret that my early life

was spent in the shop. I never boast of it in my canvasses, but when it is brought up as a reproach, I have met it in the way that it should be met.

Governor Johnson issued a proclamation ordering an election for President and Vice-President, under certain regulations and prescribing the following test oath :

“ I solemnly swear that I will henceforth support the Constitution of the United States, and defend it against the assaults of its enemies ; that I am an active friend of the Government of the United States ; that I ardently desire the suppression of the rebellion against the Government of the United States ; that I sincerely rejoice in the triumph of the armies and navies of the United States, and the enemy of the so-called Confederate States, and in the defeat and overthrow of the armies, navies, and of all armed combinations in the interests of the so-called Confederate States ; that I will cordially oppose all armistices or negotiations for peace with rebels in arms until the Constitution of the United States and all laws and proclamations made in pursuance thereof shall be established over all the people of every State and Territory embraced within the national Union, and that I will heartily aid and assist the loyal people in whatever measures may be adopted for the attainment of those ends ; and further, that I take this oath freely and voluntarily and without mental reservation. So help me God.”

A most emphatic and lengthy protest was framed against this proclamation and oath, and signed by ten persons of as many counties in the State. The protest avowed that the names of the signers appended to it had been issued as candidates for electors, and that if chosen they would cast the electoral vote of Tennessee for McClellan and Pendleton. It further stated that the proclamation was issued a few days after their electoral ticket had been announced. The dreadful experience of the past in Tennessee undoubtedly

warned Governor Johnson that the voice and destinies of a brave and loyal people were not to be entrusted to any whose unconditional loyalty would not stand any test he was willing not only to prescribe but to act up to. The protest was presented to President Lincoln on the 15th of October, and one of the signers and deputation, Mr. John Lelleyet, published a certified account of the interview :

"I called upon the President to-day and presented and read to him the above protest. Having concluded, Mr. Lincoln responded :

" 'May I inquire how long it took you and the New York politicians to concoct that paper.'

"I replied it was 'concocted' in Nashville, without communicating with any but Tennesseans. We communicated with citizens of Tennessee outside of Nashville, but not with New York politicians.

" 'I will answer,' said Mr. Lincoln, emphatically, 'that I expect to let the friends of George B. McClellan manage their side of this contest in their own way ; and I will manage my side of it in my way.'

" 'May we ask an answer in writing,' I suggested.

" 'Not now. Lay those papers down here. I will give no other answer now. I may or may not write something about this hereafter. I understand this. I know you intend to make a point of this. But go ahead. You have my answer.'

" 'Your answer, then, is that you expect to let the friends of General McClellan manage their side of this contest in their own way and you will manage your side of it in your way.'

" 'Yes.'

"I then thanked the President for his courtesy in giving us a hearing at all, and took my leave."

In a few days the President found leisure to reply in writing, as follows :

"EXECUTIVE MANSION, WASHINGTON, D. C., }  
October 22, 1864. }

"GENTLEMEN,—On the 15th day of this month, as I remember, a printed paper, manuscript, with a few manuscript interlineations, called a protest, with your names appended thereto, and accompanied by another printed paper purporting to be a proclamation by Andrew Johnson, Military Governor of Tennessee, and also a manu-

script paper purporting to be extracts from the Code of Tennessee, were laid before me.

"The protest, proclamation and extracts are respectively as follows:

[The protest, the proclamation of Governor Johnson of September 30, a list of the counties in East, Middle and West Tennessee, and extracts from the Code, are here recited.]

"At the time these papers were presented, as before stated, I had never seen either of them, nor heard of the subject to which they relate, except in a general way one day previously.

"Up to the present moment, nothing whatever upon the subject has passed between Governor Johnson, or any one else, connected with the proclamation, and myself.

"Since receiving the papers, as I stated, I have given the subject such brief consideration as I have been able to do, in the midst of so many pressing public duties.

"My conclusion is, that I have nothing to do with the matter, either to sustain the plan as the Convention and Governor Johnson have initiated it, or to revoke or modify it as you demand.

"By the Constitution and laws, the President is charged with no duty in the Presidential elections in any State, nor do I in this case perceive any military reason for his interference in the matter.

"The movement set on foot by the Convention and Governor Johnson does not, as seems to be assumed by you, emanate from the National Executive.

"In no proper sense can it be considered other than an independent movement of, at least, a portion of the loyal people of Tennessee.

"I do not perceive in the plan any menace, or violence, or coercion toward any one.

"Governor Johnson, like any other loyal citizen of Tennessee, has the right to favor any political plan he chooses; and as Military Governor, it is his duty to keep the peace among and for the loyal people of the State.

"I cannot discern that by this plan he purposes any more. But you object to the plan.

"Leaving it alone will be your perfect security against it. It is not proposed to force you into it.

"Do as you please, on your own account, peaceably and loyally, and Governor Johnson will not molest you, but will protect you against violence as far as in his power.

"I presume that the conducting of a Presidential election in Ten-



nessee, in strict accordance with the old Code of the State, is not now a possibility.

“It is scarcely necessary to add, that if any election shall be held and any votes shall be cast in the State of Tennessee for President and Vice-President of the United States, it will not belong to the military agents, nor yet to the Executive Department, but exclusively to another department of the Government to determine whether they are entitled to be counted in conformity with the Constitution and laws of the United States.

“Except it be to give protection against violence, I decline to interfere in any way with any Presidential election.

“ABRAHAM LINCOLN.”

Upon the receipt of this the signers\* withdrew their names as McClellan Electors for Tennessee.

This attempt to waylay him in his efforts at re-organizing the State on an incorruptibly loyal basis gave him but renewed vigor, and at the torch-light procession in Nashville, in the next month, Governor Johnson said “it was evident a mighty revolution was abroad, and that it was breaking up and casting down the hoary abomination which had for so many years held our great State, and its citizens, both white and black, in cruel and galling thralldom. To-night every breeze rings with the glad cry of Freedom to all mankind, without respect to race or complexion. Proclamations have been made from many quarters during the progress of this great social revolution. And to-night, in the presence of this vast throng of laborers, whose strong arms had contributed so much to the wealth of this State, through many years of unpaid toil, he stood upon the steps of her capitol and proclaimed *freedom to all men in Tennessee!* The task-master’s fetters and the scourge of the overseer lie broken beneath the feet of the ransomed slaves forever.

“I have often said to myself, as I looked on this enthralled race, ‘Is there no Moses who will arise and lead these peo-

\* Wm. B. Campbell, Tho’s. A. R. Nelson, Jas. T. P. Carter, John Williams, A. Blizzard, Henry Cooper, Bailie Peyton, John Lellyet, Emerson Etheridge and John D. Perryman.

ple to freedom?' [A voice, 'You shall be our Moses, Governor.'] Yes, if no other deliverer will come to you, I will be your Moses, and help to secure and perpetuate your freedom."

On the 8th of November Abraham Lincoln was re-elected President and Andrew Johnson elected Vice-President of the United States, to the great joy of the loyal people.

It was unmistakably a people's triumph, and it was not to be wondered at that in his inaugural address, delivered in the Capitol on the 4th of March, 1865, Vice-President Johnson—who ever felt proud of the class from which he sprung, and which had befriended him—should take occasion to declare himself in the hour of his triumph a child of the masses, and apply with defiant pride to himself that phrase which aristocracies only use to the people in contempt.

#### " INAUGURAL ADDRESS.

" SENATORS,—I am here to-day as the chosen Vice-President of the United States, and as such, by constitutional provision I am made the presiding officer of this body. I therefore present myself here in obedience to the high behests of the American people to discharge a constitutional duty, and not presumptuously to thrust myself in a position so exalted. May I at this moment—it may not be irrelevant to the occasion—advert to the workings of our institutions under the Constitution which our fathers framed and Washington approved, as exhibited by the position in which I stand before the American Senate, in the sight of the American people? Deem me not vain or arrogant; yet I should be less than man if under such circumstances I were not proud of being an American citizen, for to-day one who claims no high descent, one who comes from the ranks of the people, stands, by the choice of a free constituency, in the second place of this Government. There may be those to whom such things are not pleasing, but those who have labored for the consummation of a free Government will appreciate and cherish institutions which exclude none, however obscure his origin, from places of trust and distinction. The people, in short, are the source of all power. You, Senators, you who constitute the bench of the Supreme Court of the United States, are but the creatures of the American people; your exaltation is from them; the power of this Government consists in

its nearness and approximation to the great mass of the people.) You, Mr. Secretary Seward, Mr. Secretary Stanton, the Secretary of the Navy, and the others who are your associates—you know that you have my respect and my confidence—derive not your greatness and your power alone from President Lincoln. Humble as I am, plebeian as I may be deemed, permit me in the presence of this brilliant assemblage to enunciate the truth that Courts and Cabinets, the the President and his advisers, derive their power and their greatness from the people. A President could not exist here forty-eight hours if he were as far removed from the people as the autocrat of Russia is separated from his subjects. Here the popular heart sustains President and Cabinet officers; the popular will gives them all their strength. Such an assertion of the great principles of this Government may be considered out of place, and I will not consume the time of these intelligent and enlightened people much longer; but I could not be insensible to these great truths when I, a plebeian, elected by the people the Vice-President of the United States, am here to enter upon the discharge of my duties. For those duties I claim not the aptitude of my respected predecessor. Although I have occupied a seat in both the House of Representatives and the Senate, I am not learned in parliamentary law, and I shall be dependent on the courtesy of those Senators who have become familiar with the rules which are requisite for the good order of the body and the dispatch of its business. I have only studied how I may best advance the interests of my State and of my country, and not the technical rules of order; and if I err I shall appeal to this dignified body of representatives of States for kindness and indulgence.

“Before I conclude this brief inaugural address in the presence of this audience—and I, though a plebeian boy, am authorized by the principles of the Government under which I live to feel proudly conscious that I am a man, and grave dignitaries are but men—before the Supreme Court, the representatives of foreign governments, Senators and the people, desire to proclaim that Tennessee, whose representative I have been, 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 is the State from which you came. It is the doctrine of the Federal Constitution that no State can go out of this Union; and moreover Congress cannot reject a State from this Union. Thank God, Tennessee has never been out of the Union! It is true the operations of her government were for a time interrupted; there was an interregnum; 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 of 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.

"I am now prepared to take the oath of office and renew my allegiance to the Constitution of the United States."

This speech was made the subject of much severe censure and animadversion. Of course those journals that had ridiculed his early life and struggles, and based invidious comparisons on the facts, were loudest in denouncing the want of dignity that admitted the Vice-President's rise from the ranks of toil. But it will be remembered by readers of these pages that he said no more as Vice-President than he had said as Senator in the Capitol, in his reply to the proscriptive principles of C. C. Clay and the mud-sill doctrine of Hammond, and other occasions. In one of his arguments for the Homestead Bill, drawing a distinction between mere poor men and idle vagabonds, he denied that poverty was a crime. The bill was intended to aid such, and in this connection he said: "If being poor was a crime, and I was before you as my judge upon trial, and the charge was read to me, and I was asked to put in my plea, I should have to plead that I was guilty; that I was a great criminal; that I had been born a criminal; and that I had lived a criminal a large portion of my life. Yes, I have wrestled with poverty, that gaunt and haggard monster. I have met it in the day and night. I have felt his withering approach and his blighting influence; but did I feel myself a criminal? No; I felt that I was chastened, and that I was an honest man, and that I would rescue myself from the grasp of the monster." He did rescue himself from the monster, only to find a more relentless one in the apologists of treason. The manner of his delivery was subjected to a not less censurable ordeal than the matter of which his inaugural was composed. The latter, however, may have been premeditated,

and doubtless was ; the former has received an explanation in the developments since made of an attempt to poison both the President and the Vice-President at the period of the inauguration.

The thrilling intelligence of the evacuation of Petersburg, and the entrance of the national army under General Weitzel into Richmond on the morning of the third of April, was received with indescribable joy. "Not the fall of Richmond, nor Wilmington, nor Charleston, nor Savannah, nor Mobile, nor of all combined can effect the issue of the present contest." So said Jefferson Davis in a message to his Congress the year previous ; but one of the Richmond journals commenting on this boastful declaration in a spirit of novelty, because of common sense, said : "the evacuation of Richmond would be the loss of all respect and authority toward the Confederate government, the disintegration of the army, and the abandonment of the scheme of an independent Southern Confederacy." This was the view generally held in the loyal States, and the fall of the rebel capital was regarded as the virtual fall of the Rebellion. Hence the enthusiasm which possessed the whole people on the intelligence was utterly beyond description. The feeling of the loyal people was for peace, a peace based on victory and the unmistakable supremacy of the Union arms ; a peace that should command respect and give confidence to the country. In the fall of Richmond they beheld the promise of such a peace, and manifestations of self-reliant joy were everywhere abundant.

On the evening of the day on which Richmond was captured great rejoicings were held in Washington, and among other distinguished men called on to dial the popular feeling was the Vice-President. He addressed the excited and vast assemblage in the following speech :

"As I have been introduced I will make one or two remarks, for I feel that no one would be justified in attempting to make an ad-

dress on such an occasion, when the excitement is justly at so great a height.

“We are now, my friends, winding up a rebellion—a great effort that has been made by bad men to overthrow the Government of the United States—a Government founded upon free principles, and cemented by the best blood of the Revolution. You must indulge me in making one single remark in connection with myself. At the time that the traitors in the Senate of the United States plotted against the Government and entered into a conspiracy more foul, more execrable, and more odious than that of Cataline against the Romans, I happened to be a member of that body, and, as to loyalty, stood solitary and alone among the Senators from the Southern States.

“I was then and there called upon to know what I could do with such traitors, and I want to repeat my reply here. I said, if we had an Andrew Jackson he would hang them as high as Haman, but as he is no more, and sleeps in his grave in his own beloved State, where traitors and treason have even insulted his tomb and the very earth that covers his remains, humble as I am, when you ask me what I would do, my reply is, I would arrest them—I would try them—I would convict them, and I would hang them.

“As humble as I am and have been, I have pursued but one, undeviating course. All that I have—life, limb and property—have been put at the disposal of the country in this great struggle. I have been in camp, I have been in the field, I have been everywhere where this great rebellion was; I have pursued it until I believe I can now see its termination. Since the world began, there never has been a rebellion of such gigantic proportions, so infamous in character, so diabolical in motive, so entirely disregarding of the laws of civilized war. It has introduced the most savage mode of warfare ever practiced up the earth.

“I will repeat here a remark, for which I have been in no small degree censured. What is it, allow me to ask, that has sustained the nation in this great struggle? The cry has been you know, that our Government was not strong enough for a time of rebellion; that in such a time she would have to contend against internal weakness as internal foes. We have now given the world evidence that such is not the fact; and when the rebellion shall have been crushed out, and the nation shall once again have settled down in peace, our Government will rest upon a more enduring basis than ever before.

“But, my friends, in what has the great strength of this Government consisted. Has it been in one-man power? Has it been in some autocrat, or in some one man who held absolute government?

No! I thank God I have it in my power to proclaim the great truth, that this Government has derived its strength from the American people. They have issued the edict; they have exercised the power that has resulted in the overthrow of the rebellion, and there is not another government upon the face of the earth that could have withstood the shock.

“We can now congratulate ourselves that we possess the strongest, the freest and the best Government the world ever saw. Thank God that we have lived through this trial, and that, looking in your intelligent faces here to-day, I can announce to you the great fact that Petersburg, the outpost to the strong citadel, has been occupied by our brave and gallant officers and our untiring, invincible soldiers. And not content with that, they have captured the citadel itself—the stronghold of traitors. 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!

“In the language of another, let that old flag rise higher and higher, until it meets the sun in his coming, and let the parting day linger to play upon its ample folds. It is the flag of your country, 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. It is not my intention to make any imprudent remarks or allusions, but the hour will come when those nations that exhibited toward us such insolence and improper interference in the midst of our adversity, and, as they supposed, of our weakness, will learn that this is a Government of the people possessing power enough to make itself felt and respected.

“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 must triumph. We cannot forget them when we view the many bloody battle-fields of the war, the new-made graves, our maimed friends and relatives, who have left their limbs, as it were, on the enemy’s soil, and others who have been consigned to their long narrow houses, with no winding sheet save their blankets saturated with their blood.

“One word more, and I have done. It is this: I am in favor of leniency; but, in my opinion, evil-doers should be punished. Treason is the highest crime known in the catalogue of crimes, and for him that is guilty of it—for him that is willing to lift his impious hand against the authority of the nation—I would say death is too easy a punishment. My notion is that treason must be made odious, and traitors must be punished and impoverished, their social power

broken, though they must be made to feel the penalty of their crime. You, my friends, have traitors in your very midst, and treason needs rebuke and punishment here as well as elsewhere. It is not the men in the field who are the greatest traitors. It is the men who have encouraged them to imperil their lives, while they themselves have remained at home, expending their means and exerting all their power to overthrow the Government. Hence I say this: "the halter to intelligent, influential traitors." But to the honest boy, to the deluded man who has been deceived into the rebel ranks, I would extend leniency; I would say, return to your allegiance, renew your support to the Government, and become a good citizen; but the leaders I would hang. I hold, too, that wealthy traitors should be made to remunerate those men who have suffered as a consequence of their crime—Union men who have lost their property, who have been driven from their homes, beggars and wanderers among strangers. It is well to talk about these things here to-day, in addressing the well-informed persons who compose this audience. You can, to a very great extent, aid in moulding public opinion, and in giving it a proper direction. Let us commence the work. We have put down these traitors in arms, let us put them down in law, in public judgment, and in the morals of the world."

In company with President Lincoln, Vice-President Johnson visited Richmond a few days after its fall; crowning, as it were, by their presence the military triumph of those democratic sentiments which the popular will had already maintained through the ballot-box.



## CHAPTER XX.

### THE REBELLION ENDED—LINCOLN ASSASSINATED—JOHNSON PRESIDENT.

THE End of the Rebellion—Surrender of Lee—Lieut.-Gen. Grant's Terms—Lee's Acceptance—Great Rejoicing—Assassination of President Lincoln—Ex-Governor Farwell's Precautions to Protect Vice-President Johnson—Visit to the Dying President—General Growth of Respect for Lincoln—The Cabinet Officially Notify Vice-President Johnson—His Inauguration as President of the U.S.—Address to the Cabinet—His Future Policy to be Based on His Past—Solemnity of the Occasion—Historical Resumé of the Action of the Constitution Convention in Creating the Office of Vice-President—Plans Proposed—Deemed of No Importance—One of the Last Acts of the Convention—Wisdom of a Popular Selection of the Vice-President.

THE grand climax of the Rebellion was reached on the 9th day of April, when General Lee with the Army of Northern Virginia, which had been the heroic bulwark of treason, surrendered to Lieutenant-General U. S. Grant. The insurmountable combinations of General Grant, powerfully aided by the activity of Sheridan in the immediate locality, and by Sherman and Thomas on the South and Southwest, had so completely throttled the rebels that fighting was rendered hopeless, as any attempt at escape was made impossible. Lee was therefore compelled to accept the generous terms offered by General Grant. The day, Palm Sunday, had a peculiar significance to the Christian world in being sacred to the glory of the Prince of Peace; and the terms of the Union General were commensurately magnanimous. The terms and acceptance are embraced in the following letters:

“ APPOMATTOX COURT HOUSE, }  
April 9, 1865. }

“General R. E. LEE, *Commanding Confederate States Army:*

“In accordance with the substance of my letter to you of the 8th

instant, I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit:

"Rolls of all the officers and men to be made in duplicate; one copy to be given to an officer designated by me, the other to be retained by such officers as you may designate.

"The officers to give their individual paroles not to take arms against the Government of the United States until properly exchanged, and each company or regimental commander sign a like parole for the men of his command.

"The arms, artillery and public property to be parked and stacked and turned over to the officers appointed by me to receive them.

"This will not embrace the side arms of the officers, nor their private horses or baggage.

"This done, each officer and man will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their parole and the laws in force where they may reside.

"Very respectfully,

"U. S. GRANT, *Lieutenant General.*"

GENERAL LEE TO GENERAL GRANT.

"HEADQUARTERS, ARMY OF NORTHERN VIRGINIA, }  
*April 9, 1865.* }

"*Lieutenant General* U. S. GRANT,

*Commanding United States Armies:*

"GENERAL,—I have received your letter of this date, containing the terms of surrender of the Army of Northern Virginia as proposed by you. As they are substantially the same as those expressed in your letter of the 8th inst., they are accepted. I will proceed to designate the proper officers to carry the stipulations into effect.

"Very respectfully, your obedient servant,

"R. LEE, *General.*"

The loyal States regarded this announcement as the close of actual hostilities, and the joy throughout the country was earnest, deep-felt and elevated by a spirit of magnanimity worthy of a great people. The prompt proclamation of "Thanks to Almighty God" and to General Grant and the armies under him, issued by the War Department, faintly indicated popular action. A sublime feeling of fraternity, after four years of war, possessed the people.

In the midst of this universal rejoicing President Lincoln was shot by an assassin at a theatre in Washington, during the performance, on the night of the 14th of April, and died the next morning. Almost at the same moment the President received his death wound, the house of Secretary Seward was intruded into, the way into his chamber forced, and a desperate attempt made to assassinate him by an associate of the murderer of the President. From the evidence subsequently elicited, a conspiracy was brought to light which contemplated the assassination of Vice-President Johnson, the Secretary of War, Lieutenant-General Grant, the Chief Justice of the United States and probably other members of the Government. The evidence is clear that the train was laid by which the Vice-President was to have fallen at the same time with the President, an effort to kill both by poison at the time of the inauguration having failed.

On the night of the assassination ex-Governor Farwell of Wisconsin, then of the United States Patent Office, was among the spectators in the theatre. Simultaneously with the consternation at the terrible deed, the remembrance of a reward offered in the Southern papers for the killing of the President, Vice-President and members of the Cabinet flashed to his mind. He immediately left the theatre and proceeded as rapidly as possible to the room of the Vice-President, in the Kirkwood House, at which hotel the Governor was also domiciled. Rapping in vain for entrance, he said in a loud voice, "Governor Johnson, if you are in the room I must see you." He succeeded in arousing the Vice-President, and having gained admission, he locked and bolted the doors, rang for the servants, and conveyed the awful news, on realizing which Mr. Johnson evinced the greatest emotion. The sensibilities of both gentlemen became overpowered in the sudden contemplation of the fearful facts, and found expression only by a spontaneous warm embrace and a nervous grasping of the hands. Immediately on comprehending the

immense consequences of the foul deed, the Vice-President exhibited great coolness and presence of mind in deliberating upon the best means for meeting the emergency. He expressed no apprehension for his own safety, but Governor Farwell promptly caused a guard to be placed at the door until the authorities took proper precautions of that nature. Meantime other friends, anxious for his safety, visited Mr. Johnson, while Governor Farwell went, at the Vice-President's request, to the house where the President was lying, and to Secretary Seward's, to obtain information of their condition. Returning, he, with Major O'Byrne, of the provost guard, accompanied the Vice-President to see Mr. Lincoln, who was still insensible. Governor Farwell expressed the highest admiration of the remarkable presence of mind and depth of thought evinced by the Vice-President, thus startled late at night from profound quiet with intelligence of such a harrowing and profoundly momentous character.

The tremendous nature of the crime carried out in the assassination of the President, throws into comparative disability any attempt to chronicle it, at the same time that the demise of so prominent an official compels some respectful notice, however brief.

The murder of President Lincoln was a terrible conclusion to the tragedy which had been enacting for four years. Undoubtedly the leading and most equally-balanced spirit defending the Republic, President Lincoln just lived long enough to see his labors measurably successful, their prolongation guaranteed, and the Republic safe, when his useful life was cut short by the hand of an assassin. People who had differed from President Lincoln, politicians who had abused him, partisans who had denied his wisdom, doubted his motives and rebuked his efforts, were now lifted to the level of the nation's loss by the blow which struck him down. The high tone which had characterized his utterances since the surrender of General Lee, the thorough absence of the

slightest approach to vindictiveness, bravado or personal ill feeling against the rebels, lent an additional lustre to the glory of the day. The admirable qualities which in Abraham Lincoln disclosed themselves the more prominently as the climax of the war was reached, and elevated statemanship into a paternal aspect of comprehensive forgiveness, now, stood forth in grand proportions. Their nobility became enlarged when contrasted with his unexpected grave.

At an early hour on the morning after the assassination, the Cabinet officially communicated with Vice-President Johnson, informing him of the sudden decease of President Lincoln, and requesting that his inauguration should take place as soon as possible :

“WASHINGTON CITY, *April 15.*

“SIR,—Abraham Lincoln, President of the United States, was shot by an assassin last evening at Ford’s theatre in this city, and died at the hour of twenty-two minutes after 7 o’clock. About the same time at which the President was shot an assassin entered the sick-chamber of the 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 President of the United States. If you will please make known your pleasure, such arrangements as you deem proper will be made.

“Your obedient servants,

HUGH McCULLOCH, *Secretary of the Treasury.*

EDWIN M. STANTON, *Secretary of War.*

GIDEON WELLES, *Secretary of the 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.*”

Mr. Johnson requested that the ceremony should take

place in his rooms at the Kirkwood House, at 10 o'clock in the morning. Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States, was accordingly notified of the fact. At the above-named hour, Chief Justice Chase, Secretary McCulloch, Attorney General Speed, F. P. Blair, Sr., Hon. Montgomery Blair, Senators Foot of Vermont, Yates of Illinois, Ramsay of Minnesota, Stewart of Nevada, Hale of New Hampshire, and General Farnsworth of Illinois, assembled at the Vice-President's hotel, when the following oath was administered by the Chief Justice :

"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."

After receiving the oath and having been declared President of the United States, Mr. Johnson remarked :

"GENTLEMEN,—I must be permitted to say that I have been almost overwhelmed by the announcement of the sad event which has so recently occurred. I feel incompetent to perform duties so important and responsible as those which have been so unexpectedly thrown upon me. As to an indication of any policy which may be pursued by me in the administration of the Government, I have to say that that must be left for development as the administration progresses. The message or declaration must be made by the acts as they transpire. The only assurance I can now give of the future is reference to the past. The course which I have taken in the past in connection with this rebellion must be regarded as a guarantee of the future. My past public life, which has been long and laborious, has been founded, as I in good conscience believe, upon a great principle of right, which lies at the basis of all things. The best energies of my life have been spent in endeavoring to establish and perpetuate the principles of free government, and I believe that the Government in passing through its present

perils will settle down upon principles consonant with popular rights, more permanent and enduring than heretofore. I must be permitted to say, if I understand the feelings of my own heart, I have long labored to ameliorate and elevate the condition of the great mass of the American people. Toil, and an honest advocacy of the great principles of free government, have been my lot. The duties have been mine—the consequences are God's. This has been the foundation of my political creed. I feel that in the end the Government will triumph, and that these great principles will be permanently established. In conclusion, gentlemen, let me say that I want your encouragement and countenance. I shall ask and rely upon you and others in carrying the Government through its perils. I feel, in making this request, that it will be heartily responded to by you and all other patriots and lovers of the rights and interests of a free people.”

The solemnity of the occasion precluded more than the expression of those kind wishes which honest respect and courtesy inspired. All were bowed beneath the calamity which elevated the Vice-President to the responsibilities of the executive office; but the solemn and dignified bearing of the new President produced a most gratifying impression. The first formal meeting of the Cabinet was held on the same day at the Treasury Department.

Mr. Johnson is the third Vice-President who became President. As the subject has attracted some attention recently it may be a matter of interest to most readers to make a brief historical reference to the views which guided the founders of the Constitution in creating an office, of the importance of which they did not seem to have had an adequate idea. It is but natural to expect that the Constitution should provide for any exigency arising from the death or disability of the President; but neither the importance of a Vice-President, nor the mode of his appointment, seem

to have impressed the leading members of the Constitutional Convention as they doubtless would have done had they lived to share the dangers and necessities of our day.

The first section of Article II. provides that in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President. It further declares that Congress can provide for the case of removal, death, resignation or inability both of the President and Vice-President, by appointing an officer to act as President until the disability be removed, or a President elected. The act of 1792, simplified the matter very much by providing for vacancies in the Presidency and Vice-Presidency, the President of the Senate, or in default of one, the Speaker of the House of Representatives assuming the Executive office until an election for President is had.

In the various plans proposed to the Constitutional Convention by Edmund Randolph, Charles Pinckney, Alexander Hamilton, and William Paterson, there was no provision whatever made for a Vice-President. Neither, was such an office suggested in the resolutions of the Convention referred (July 25 and 26, 1787), to the "Committee of Detail" for the purpose of reporting a Constitution, nor in the draft of a Constitution reported by this committee, August 6. It was only towards the very close of the labors which perfected that great instrument that such an office was created, and it appeared in the amended Constitution as adopted, 17th of September, 1787.

It had been variously proposed to elect a President by the Legislature, to have an advisory Council administrate the Government, the duties to devolve on the Chief Justice of the Supreme Court, or on the President of the Senate—the last idea chiefly prevailing. Gouverneur Morris and Madison objected to it, the former proposing the Chief Justice, and the latter suggesting that the Council to the Presi-



dent should fill an "occasional vacancy." Hugh Williamson, of North Carolina, thought that Congress should provide for "occasional vacancies."

David Brearley, of New Jersey, from a compromise committee of eleven, reported a Vice-President, who should be "ex-official President of the Senate, except when they sit to try the impeachment of the President, in which case the Chief Justice shall preside, and excepting also when he shall exercise the powers and duties of President," etc. Elbridge Gerry opposed this clause, and, also, the having any Vice-President, arguing that they might as well put the President himself at the head of the Legislature." "The close intimacy that must subsist between the President and Vice-President makes it absolutely improper." Mr. Gerry lived long enough to see—as in the case of Jefferson and Burr—that the President and Vice-President are not always on what he deemed a too dangerous intimacy. Had he lived longer he would have seen that the danger he feared might arise from the want of a friendly intimacy, as between Jackson and Calhoun, and from the more political intrigues of a later date. In reply to Gerry's dread of this "close intimacy," Gouverneur Morris shrewdly remarked: "The Vice-President, then, will be the first heir-apparent that ever loved his father." Roger Sherman argued that the Vice-President would be without employment if he was not President of the Senate, and Williamson, who had been on the special committee to which was referred the question of how to elect the President, said "Such an officer as Vice-President is not wanted. He was introduced merely for the sake of a valuable mode of election, which required two to be chosen at the same time." And such seems to have been the true reason for the provision, near the close of the session, for such an officer.

It is needless to discuss the utility of such an officer at this day. The office, although comparatively insignificant as

to duties, is of very high dignity, and may become of great importance at a crisis like the present. Hence the choice of a man for it should never be unthinkingly made. His election makes him a national representative in fact, if he were not so before in feeling; and the position is now generally regarded as a useful political balance between the sections, there being only one instance in which the President and Vice-President were both chosen from States in the same section—that of Andrew Jackson of Tennessee, and John C. Calhoun of South Carolina.

Moreover, in the event of its incumbent becoming President, the people feel a confidence in having voted for him through their electors. He is the second choice of the people, made with the view of a contingency by which he may fill the place of the first.

On the plan which received greatest favor from the Convention, the President, in such a crisis as that through which we have recently passed would be only the choice of the Senate, and might not represent any views save those confined to the interests of his own State which sent him. In the thorough representation of the people, according to the present system, the republicanism of our institutions is illustrated and vindicated. It shows to the world that even the pressing weight of such a national calamity as has befallen us does not, in the words of Secretary McCulloch, "affect in the slightest degree the permanence of our institutions, or the regular administration of our laws; that an event which would have shaken any other country to the centre, does not even stagger for a moment a government like our own."

Lord Brougham (*Political Philosophy, vol. III.*) writing on the establishment of American Independence, "the new constitution upon the federal plan, and of the republican form," regarded these achievements as perhaps the most important events in the history of our species; and

used such language as is fully qualified by the events through which we are passing, in testifying to the fact that, "contrary to all the predictions of statesmen and the theories of speculative inquirers, a great nation, when fully prepared for the task, is capable of self-government; in other words, that a purely republican form of government can be founded and maintained in a country of vast extent, peopled by millions of inhabitants."

## CHAPTER XXI.

### JOHNSON AS PRESIDENT — END OF ARMED REBELLION.

CANCELS a Slave-dealer's Pardon — Conversation with the President — Indications of Policy — Distinctions between the Leaders and Masses of the South — Treason the Highest Crime — Reply to Deputation of Citizens of Illinois — The Crime and its Cause — Treason to be made Odious — A People's Attachment the Strongest National Defence — Reply to Christian Commission — Deputations from Societies, Cities, and States — Opposed to Monopoly, but Supports the Aristocracy of Talent, Virtue, and Labor — Formal and Informal Interviews with Sir F. Bruce, the British Ambassador — Reply to Baron Von Gerolt and the Diplomatic Body — Address of Southern Refugees and President's Reply — The Exercise of Clemency — The Aristocracy of Treason — Proclamation of Mourning — Ten Days' Retrospection — Capture and Death of Booth, the Assassin — Surrender of Joe Johnston to General Sherman — President's Arduous Labors — Reduction of Army and Navy — Removal of Trade Restrictions — Reception of the Swiss Delegation — Order for Military Commission to try the Assassins — Proclamation of Rewards for Conspirators — Trade Regulations — Orders on the Restoration of Virginia — Proclamation on the Close of the Rebellion and Foreign Hospitality to Rebel Cruisers — Audience and Reply to Colored Ministers — Interview with Marquis de Montholon, the French Ambassador — Capture of Jefferson Davis — Acknowledged Failure of Secession — A. H. Stephens a Prisoner — Surrender of Dick Taylor's Forces — The President Declines a Present from New York — Grand Review of the Victorious Veterans — Surrender of Kirby Smith's Forces.

THUS have we followed Andrew Johnson through an early career as remarkable as romantic, and a maturity of successes, the outlines of which are as broad as they are rigidly defined—from his apprenticeship to his installation into the Presidency. My readers have been presented with a narrative designed to illustrate the times which moulded him, the measures he desired to apply to them, the men with whom he rose in prominent contrast; and to render more intelligently comprehensive the several public services which have

so consecutively won for Andrew Johnson increased responsibility and confidence. In the concluding chapters will be embraced the principal addresses, proclamations and orders which have emanated from President Johnson. Already familiar with his past, the reader can thus, from the President's own voice and pen, form some reasonable idea of the policy destined to shape the character of the Republic on emerging from the fiery furnace of rebellion and devastation to the benign influences of peace, industry and reorganization.

Among the first acts of Mr. Johnson, on assuming the duties of President, was one which showed what might be expected of him in the way of pardons. About seven or eight years ago a person was tried in Boston on the charge of slave-dealing. He was convicted and sentenced to twenty years' imprisonment. He had served out six or seven years of that penalty when there was a strong pressure upon Mr. Lincoln to pardon him. Several prominent politicians of Boston strenuously urged the use of the pardoning power. They presented several extenuating facts, and finally Mr. Lincoln consented to sign it. He placed his signature to the document on the day on which he was assassinated, and sent it to the Attorney General's office to be attested and executed. It arrived there too late to be attended to on that day, and before the office was again opened Mr. Lincoln had breathed his last. The several Cabinet Ministers, as a matter of form, presented the unfinished business in their departments to President Johnson, and among this class was this pardon, signed, but not executed. It attracted President Johnson's attention, and he immediately said, "I must examine into this." Upon making inquiries he had it cancelled, saying that no person ever engaged in that business would get a pardon from him.

After having had a long conversation with the President on subjects calculated to indicate the policy of his adminis-

tration, Governor Stone of Iowa, addressing a meeting of citizens of that State in Washington, declared that while the President would deal kindly and leniently with the mass of the people of the South, and rank and file of their armies, regarding them as he did merely as the victims and sufferers of the rebellion, he nevertheless would be careful not to pursue any policy which would prevent the Government from visiting condign punishment on the guilty authors of the rebellion.

The President regarded it as due to the loyal people of the country, and to the memory of the thousands of brave men who had fallen in the defense of the Union during this struggle, and to the claims of justice and freedom throughout the world, that treason should still be regarded as the highest crime under our Constitution and flag, and that it should be rendered infamous for all time to come. While entertaining these views, he would endeavor to gain the confidence of the deceived and betrayed masses of the Southern people, regarding them as the proper material by which to reconstruct the insurgent States, and restore them to their proper relations to the Government. He would neither recognize nor hold official communication with those who had occupied official stations or acknowledged the sovereignty of the rebel government. For four years he had fought the rebel government with all the energy of his character. He expressed deep sympathy with the betrayed and deluded masses of the South, earnestly desiring their return to their allegiance to the Government and the restoration of their former peace and prosperity.

On the 17th of April the citizens of Illinois in Washington, who were drawn together by the recent mournful events, thought it not inappropriate before separating to wait on the President, to express their confidence in him and to pledge to him the strong support of their State. An influential deputation, composed of Governor Oglesby of

Illinois, Senator R. Yates, ex-Senator O. H. Browning, General J. N. Haynie, General Gamble, General J. T. Farnsworth, Hon. Isaac N. Arnold, Hon. D. S. Phillips, and accompanied by Governor Pickering of Oregon and many others, paid their respects at the Treasury Department. In reply to Governor Oglesby's address, President Johnson said :

GENTLEMEN,—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 that 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 readily appropriate to your kind assurances of confidence, would be to receive them in silence. The throbbings of my heart since the sad catastrophe which has appaled us, cannot 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 cannot permit such expressions of the 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. 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 often considered merely formal. To me they are real. Your words of countenance and encouragement sink deep in my heart; and were I even a coward I could not but gather from them strength to carry out my convictions of the right. Thus feeling, I shall enter upon the discharge of my great duty firmly, steadfastly, if not with the signal 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 law and observe the rules of Christian conduct, our Chief Magistrate, the beloved of all 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 most barbarous, 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 of ever so desperate 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 extremest 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; 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 there find 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—treason. With other and inferior offenses our people are familiar; but in our peaceful history treason has been almost unknown. The people must understand that it is the blackest of crimes, and will be surely punished. I make this allusion, not to excite the already exasperated feelings of the public, but to point out the principles of public justice which should guide our action at this particular juncture, and which accord with sound public morals. Let it be engraven on every heart that treason is a crime, and traitors shall suffer its penalty. ¶ While we are appalled, overwhelmed at the fall of one man in our midst by the hand of a traitor, shall we allow men—I care not by what weapons—to attempt the life of the State with impunity? While we strain our minds to comprehend the enormity of this assassination, shall we allow the nation to be assassinated?

“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. In general terms, I would say that public morals and public opinion should be established upon the sure and inflexible principles of justice. When the question of exercising mercy comes before me, it will be considered calmly, judicially, remembering that I am the Executive of the nation. I know that men love to have their names spoken of in connection with acts of mercy, and how easy it is to yield to this impulse. But we must not forget that what may be mercy to the individual, is cruelty to the State. In the exercise of mercy, there should be no doubt left that the high prerogative is not used to relieve a few at the expense of the many. 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. In regard to my future course I will now make no professions, no pledges. I have been connected somewhat actively with public affairs, and to the history of my past public acts, which is familiar to you, I refer for those principles which have governed me heretofore, and will guide me hereafter. In general I will say I have long labored for the amelioration and elevation of the great mass of mankind. My opinions as to the nature of popular government have long been cherished, and, constituted as I am, it is now too late in life for me to change them. I believe that government was made for man, not man for government. This struggle of the people against the most gigantic rebellion the world ever saw, has demonstrated that the attachment of the people to their Government is the strongest national defense human wisdom can devise. So long as man feels that the interests of the Government are his interests, so long as the public heart turns in the right direction, and the people understand and appreciate the theory of our Government, and love liberty, our Constitution will be transmitted unimpaired. If the time ever comes when the people shall fail, the Government will fail, and we shall cease to be one of the nations of the earth. After having preserved our form of free government, and shown its power to maintain its existence through the vicissitudes of nearly a century, it may be that it was necessary for us to pass through this last ordeal of intestine strife to prove that this Government will not perish from internal weakness, but will stand to defend itself against all foes, and punish treason. In the dealings of an inscrutable Providence, and by the operation of the Constitution, I have been thrown unexpectedly into this position. My past life, especially my course during the present unholy rebellion, is before you. I have no principles to retract. I defy any one to point to any of my public acts at variance with the fixed principles which have guided me through life. I have no professions to offer. Professions and promises would be worth nothing

at this time. No one can foresee the circumstances that will hereafter arise. Had any man gifted with prescience, four years ago, uttered and written down in advance the events of this period, the story would have seemed more marvelous than any thing in the 'Arabian Nights.' I shall not attempt to anticipate the future. As events occur, and it becomes necessary for me to act, I shall dispose of each as it arises, deferring any declaration or message until it can be written paragraph by paragraph in the light of events as they transpire.")

During the delivery of these significant remarks, the President was frequently interrupted by expressions of approval. On the same day he was addressed by a large delegation of the Christian Commission, through the Rev. Mr. Borden, of Albany, who believed, in the words of the Address, that God had sent President Lincoln "as Moses, to lead the people, and his successor, as Joshua, to give them a land of promise." The President reiterated the views expressed to the Illinois delegation, which were received with equal warmth and many hearty responses of "Amen."

Deputations from loyal societies, cities and States crowded into Washington, and surrounded the President. After his accession to office, a praiseworthy anxiety inspired all loyal men and municipalities to strengthen him in this hour of awful trial to the nation. The President's policy was also a subject of daily-widening consideration: hence the national capital became a common centre for all desiring either to offer support, or elicit intelligence. Prominent amid the many groups desiring to do both were the Ohio deputation, headed by Governor Brough; the Indiana deputation, supporting Governor O. P. Morton; the New Jersey delegation, under the lead of Governor Parker; Massachusetts, represented by Governor Andrew, Ex-Governor Clifford, Ex-Lieutenant Governor Brown, John Pierpont, the poet, and numerous others; two delegations from Maine—one under the Ex-Vice-President Hannibal Hamlin, the other having Hon. J. H. Rice, Representative in Congress as spokesman; New York, represented by Sen-

ator Harris, Hon. Preston King, and several Committees, including the Union League, John Jay and Jonathan Sturges leading the deputation; the Citizens' Committee, with Moses Taylor as Chairman, Samuel Sloan as Secretary, and such merchants and millionaires as William B. Astor, A. T. Stewart and Moses H. Grinnell on it; the Chamber of Commerce, with Hiram Walbridge as spokesman; two deputations from Pennsylvania, one bearing a letter from Governor Curtin, and the other headed by Ex-Secretary-of-War Cameron and Hon. Thaddeus Stevens, Representative in Congress. Besides these, and such as these, there were deputations from the Departments and numbers of Generals and Admirals and distinguished officers of both the Army and Navy. The latter did not shape their courtesies into any oratorical form. The sentiments expressed in the addresses presented by Governors, Senators and the numerous delegations were naturally of a similar character, and only rivaled each other in their loftiness and fervor of expression. The point and force of the President's many replies, also similar in all leading features to those alluded to above, captivated and strengthened all who had the pleasure of an interview, and brought hope and strong sense of reliability to the masses which they reached through the public journals.

Some of these addresses derive additional interest from some special point made by the President, or the character of the delegates addressed, and indicate the propriety of more special notice. Addressing one of the Pennsylvanian deputations, he said :

"It is the work of freemen to put down monopolies. You have seen the attempt made by the monopoly of slavery to put down the free Government; but the making of the attempt, thereby to control and destroy the Government, you have seen the Government put down the monopoly and destroy the institution. Institutions of any kind must be subordinate to the Government, or the Government cannot stand. I do not care whether it be North or South. A Gov-

ernment based upon popular judgment must be paramount to all institutions that spring up under that Government; and if, when they attempt to control the Government, the Government don't put them down, they will put it down. Hence, the main portion of my efforts has been devoted to the opposition of them. Hence, I have ever opposed aristocracy—opposed it in any shape. But there is a kind of suffrage that has always, that always will, command my respect and approbation—the aristocracy of talent, the aristocracy of virtue, the aristocracy of merit, or an aristocracy resting upon worth, the aristocracy of labor, resting upon honest industry, developing the industrial resources of the country—this commands my respect and admiration, my support in life.”

On the afternoon of the 25th April, the *diplomatique corps* called upon the President. Sir Frederick Bruce, the new Ambassador from Great Britain, with his attachés, arrived a few moments before the other ministers, presented his credentials, and enjoyed an interview of a very cordial and pleasant nature. The British Ambassador made the following remarks on the occasion :

“MR. PRESIDENT,—It is with deep and sincere concern that I have to accompany my first official act with expressions of condolence. On Saturday last the ceremony that takes place to-day was to have been performed, but the gracious intentions of the late lamented President were frustrated by events which have plunged this country into consternation and affliction, and which will call forth in Great Britain feelings of horror as well as profound sympathy for the victims. It becomes, therefore, my painful duty, sir, to present the letter from my Sovereign, of which I am bearer to you as President of the United States, and it is with pleasure that I convey the assurances of regard and goodwill which her Majesty entertains toward you, sir, as President of the United States. I am further directed to express her Majesty's friendly disposition toward the great nation of which you are the Chief Magistrate, her hearty good wishes for its peace, prosperity and welfare. Her Majesty has nothing more at heart than to cultivate those relations of amity and good understanding which have so long and so happily existed between the two kindred nations of the United States and Great Britain; and it is in this spirit that I am directed to perform the duties of the important and honorable post confided to me. Permit me, sir, to say that it shall be the object of my earnest

endeavors to carry out my instructions faithfully in that respect; and express the hope, sir, that you will favorably consider my attempts to meet your approbation, and to give effect to the friendly intentions of the Queen and her Majesty's Government. I have the honor, sir, to place in your hands the letter of credence confided to me by her Majesty."

To which the President replied :

"SIR FREDERICK A. W. BRUCE,—The cordial and friendly sentiments which you have expressed on the part of Her Britannic Majesty give me great pleasure. Great Britain and the United States, by the extended and varied forms of commerce between them, the contiguity of portions of their possessions, and the similarity of their language and laws, are drawn into contrast and intimate intercourse at the same time. They are from the same causes exposed to frequent occasions of misunderstanding only to be averted by mutual forbearance. So eagerly are the people of the two countries engaged throughout almost the whole world in the pursuit of similar commercial enterprizes, accompanied by natural rivalries and jealousies, that at first sight it would almost seem that the two Governments must be enemies, or at best, cold and calculating friends. So devoted are the two nations throughout all their domain, and even in their most remote territorial and colonial possessions to the principles of civil rights and constitutional liberty, that, on the other hand, the superficial observer, might erroneously count upon a continual concert of action and sympathy, amounting to an alliance between them. Each is charged with the development of the progress and liberty of a considerable portion of the American race. Each, in its sphere, is subject to difficulties and trials not participated in by the other. The interests of civilization and of humanity require that the two should be friends. I have always known and accepted it as a fact honorable to both countries that the Queen of England is a sincere and honest well-wisher to the United States. I have been equally frank and explicit in the opinion that the friendship of the United States towards Great Britain is enjoined by all the considerations of interest and of sentiment affecting the character of both. You will, therefore, be accepted as a minister friendly and well disposed to the maintenance of peace and the honor of both countries. You will find myself and all my associates acting in accordance with the same enlightened policy and consistent sentiments; and so I am sure that it will not occur in your case that either yourself or this Government will ever

have cause to regret that such an important relationship existed at such a crisis."

A correspondent gives a racy account of the informal conversation which took place on the occasion of the formal presentation; and a report of the one may fitly accompany an account of the other: "The new Minister made his appearance with all his stars and decorations on, presented his credentials, and formally read his speech. Mr. Johnson, after welcoming to the Capitol a representative of Great Britain, remarked that he was not much used to the diplomatic formalities customary on such occasions, adding, 'that two great nations ought to conduct their relations very much as two neighbors who sincerely desire peace and good fellowship between themselves would do, and that the less mere formality about it the better.' 'I assure you, Mr. President,' interrupted Sir Frederick, pointing to his uniform and decorations, 'that I should feel very much more at ease without these things than with them.' The remark was so consonant to American prejudice against 'fuss and feathers,' that the President and Minister became friends at once, and sat down for a chat. Sir Frederick asked about Sherman. President Johnson explained the position. 'What chance is there for Mr. Davis then?' asked Sir Frederick. 'Oh! a small particle still: doubtless his escape across the country,' said the President. 'Well,' replied the Minister, in an inquiring tone, 'I should think that Mr. Davis and a few members of his cabinet would probably find it well to start pretty soon?' 'If they know what is for their own interest,' responded the President, rather grimly, 'they had better lose no time about it. The time has come,' he added, 'when traitors must be taught they are criminals. The country has clearly made up its mind on that point, and it can find no more earnest agent of its will than myself.' There was then a renewal of the mutual promise to talk over any difficulties that might arise between Great Britain and the

United States like two neighbors sincerely desirous of good terms with each other, and so the interview ended."

The other representatives of the foreign nations arrived escorted by Wm. Hunter, Esq., Acting Secretary of State, walking arm in arm with Baron Von Gerolt the Prussian Minister, Dean of the Diplomatic body. On this occasion the Governments of Russia, France, Austria, Prussia, Spain, Denmark, Sweden, the Hanseatic Republic, Belgium, Brazil, Mexico, Costa Rica, Chile and Peru were represented. The Ministers were mostly attended by their secretaries and attachés, all arrayed in full court dress, and most of the number wearing the badge of mourning on the left arm.

Baron Von Gerolt delivered the following address of condolence, sympathy and international respect :

"MR. PRESIDENT,—The representatives of foreign nations have assembled here to express to your Excellency their feelings at the deplorable events of which they have been witness, to say how sincerely they share the national mourning for the cruel fate of the late President, Abraham Lincoln, and how deeply they sympathize with the Government and people of the United States in their great affliction. With equal sincerity we tender to you, Mr. President, our best wishes for the welfare and prosperity of the United States, and for your personal health and happiness. May we be allowed also, Mr. President, to give utterance on this occasion, to our sincerest hopes for an early re-establishment of peace in this great country, and for the maintenance of the friendly relations between the Government of the United States and the Governments which we represent."

To which the President replied :

"GENTLEMEN OF THE DIPLOMATIC BODY,—I heartily thank you, on behalf of the Government and people of the United States, for the sympathy which you have so feelingly expressed upon the mournful events to which you refer. The good wishes also which you so kindly offer for the welfare and prosperity of the United States, and for my personal health and happiness, are gratefully received. Your hopes for the early restoration of peace in this country are cordially reciprocated by me. You may be assured that I shall leave nothing undone towards preserving those relations of friendship which now fortunately exist between the United States and all foreign powers."

On the 24th a large number of refugees from the insurrectionary States called upon President Johnson. The President was profoundly moved by this demonstration on the part of those who, like himself, had personally experienced the atrocity of the rebellion, and suffered every thing save death, and sometimes worse than death for their loyalty to the Constitution and the integrity of the nation.

The refugees, through Judge Underwood of Virginia, addressed the President as follows :

“MR. PRESIDENT,—The gentlemen who come with me to pay their respects to the Chief Magistrate of the nation are for the most part exiles from the South—exiles for their devotion to the Union and the Constitution, in defiance of threats and persecution of the slaveholding aristocracy. Your recent utterances have stirred our spirits like the sound of a trumpet, and encouraged the hope that we may ere long in safety visit our desolated farms, and rebuild our houses in the sunny South. We have no feelings but those of kindness for the common people of our section—even for those who, by physical or moral compulsion, or by gross deception, have been arrayed in arms against the Government. We would not say, with Joshua of old, ‘Every one who rebels shall be put to death ;’ but woe to the wicked leaders who, though baffled, are neither humbled nor subdued ; whose arrogance and treason are as dangerous to us and to the country as ever. We thank you for declaring that these great criminals must be punished. The Great Author of nature and providence decrees that those who sow the wind shall reap the whirlwind. We know that we cannot go home in safety while traitors, whose hands are still dripping with the warm blood of our martyred brothers, remain defiant and unpunished. It is folly to give sugar plums to tigers and hyenas. It is more than folly to talk of clemency and mercy to these worse than Catalines, for clemency and mercy to them is cruelty and murder to the innocent and unborn. If General Jackson had punished the treason of Calhoun we should not have witnessed this rebellion. If the guilty leaders of this rebellion shall be properly punished our children’s children will not be compelled to look upon another like it for generations. By the blood of our martyred President, by the agonies of our starved and mutilated prisoners, by the tens of thousands slain in battle, and the desolations of home and country, and all the waste of life and treasure for the last four years with no feelings of revenge, but in sincerest sorrow, we pray that



your administration may be both a terror to evil-doers and a protection to all who pursue the paths of peace. And while we mourn and lament our great and good and murdered Chief, too kind and too indulgent, we fear, for these stormy times, we thank God for the belief that, knowing the character of the leaders of the rebellion as you do, you will so deal with them that our whole country will be an asylum for the oppressed of every creed and every clime—the home of peace, freedom, industry, education and religion—a light and an example to the nations of the whole earth, down a long, bright beneficent future.”

¶ The President then made the following reply :

“It is hardly necessary for me on this occasion to say that my sympathies and impulses in connection with this nefarious rebellion beat in unison with yours. Those who have passed through this bitter ordeal, and who participated in it to a great extent, are more competent, as I think, to judge and determine the true policy which should be pursued. I have but little to say on this question in response to what has been said. It enunciates and expresses my own feelings to the fullest extent; and in much better language than I can at the present moment summon to my aid. The most I can say is that, entering upon the duties that have devolved upon me under circumstances that are perilous and responsible, and being thrown into the position I now occupy unexpectedly, in consequence of the sad event, the heinous assassination which has taken place—in view of all that is before me and the circumstances that surround me—I cannot but feel that your encouragement and kindness are peculiarly acceptable and appropriate. I do not think that you, who have been familiar with my course—you who are from the South—deem it necessary for me to make any professions as to the future on this occasion, nor to express what my course will be upon questions that may arise. If my past life is no indication of what my future will be, my professions were both worthless and empty; and in returning you my sincere thanks for this encouragement and sympathy, I can only reiterate what I have said before, and, in part, what has just been read. As far as clemency and mercy are concerned, and the proper exercise of the pardoning power, I think I understand the nature and character of the latter. In the exercise of clemency and mercy that pardoning power should be exercised with caution. I do not give utterance to my opinions on this point in any spirit of revenge or unkind feelings. Mercy and clemency have been pretty large ingredients in my compound, having been the Executive of a State, and

thereby placed in a position in which it was necessary to exercise clemency and mercy. I have been charged with going too far, being too lenient, and have become satisfied that mercy without justice is a crime, and that when mercy and clemency are exercised by the Executive it should always be done in view of justice, and in that manner alone is properly exercised that great prerogative. The time has come, as you who have had to drink this bitter cup are fully aware, when the American people should be made to understand the true nature of crime. Of crime generally, our people have a high understanding, as well as of the necessity for its punishment; but in the catalogue of crimes there is one, and that the highest known to the law and the Constitution, of which, since the days of Jefferson and Aaron Burr, they have become oblivious. That is—treason. Indeed, one who has become distinguished in treason, and in this rebellion, said that ‘when traitors become numerous enough treason becomes respectable, and to become a traitor was to constitute a portion of the aristocracy of the country.’ God protect the people against such an aristocracy. Yes, the time has come when the people should be taught to understand the length and breadth, the depth and height, of treason. An individual occupying the highest position among us was lifted to that position by the free offering of the American people—the highest position on the habitable globe. This man we have seen, revered and loved—one who, if he erred at all, erred ever on the side of clemency and mercy—that man we have seen treason strike, through a fitting instrument, and we have beheld him fall like a bright star from its sphere. Now, there is none but would say, if the question came up, what should be done with the individual who assassinated the Chief Magistrate of the nation?—he is but a man—one man, after all; but if asked what should be done with the assassin, what should be the penalty, the forfeit exacted? I know what response dwells in every bosom. It is, that he should pay the forfeit with his life. And hence we see there are times when mercy and clemency, without justice, become a crime. The one should temper the other, and bring about that proper mean. And if we would say this when the case was the simple murder of one man by his fellow man, what should we say when asked what shall be done with him or them or those who have raised impious hands to take away the life of a nation composed of thirty millions of people? What would be the reply to that question? But while in mercy we remember justice, in the language that has been uttered, I say, justice towards the leaders, the conscious leaders; but I also say amnesty, conciliation, clemency and mercy to the thousands of our countrymen whom

you and I know have been deceived or driven into this infernal rebellion. And so I return to where I started from, and again repeat, that it is time our people were taught to know that treason is a crime, not a mere political difference, not a mere contest between two parties, in which one succeeded and the other has simply failed. They must know it is treason; for if they had succeeded the life of the nation would have been reft from it—the Union would have been destroyed. Surely the Constitution sufficiently defines treason. It consists in levying war against the United States, and in giving their enemies aid and comfort. With this definition it requires the exercise of no great acumen to ascertain who are traitors. It requires no great perception to tell us who have levied war against the United States; nor does it require any great stretch of reasoning to ascertain who has given aid to the enemies of the United States; and when the Government of the United States does ascertain who are the conscious and intelligent traitors, the penalty and the forfeit should be paid. I know how to appreciate the condition of being driven from one's home. I can sympathize with him whose all has been taken from him—with him who has been denied the place that gave his children birth. But let us, withal, in the restoration of true government, proceed temperately and dispassionately, and hope and pray that the time will come, as I believe, when all can return and remain at our homes, and treason and traitors be driven from our land; when again law and order shall reign, and the banner of our country be unfurled over every inch of territory within the area of the United States. In conclusion, let me thank you most profoundly for this encouragement and manifestation of your regard and respect, and assure you that I can give no greater assurance regarding the settlement of this question than that I intend to discharge my duty, and in that way which shall, in the earliest possible hour, bring back peace to our distracted country. And I hope the time is not far distant when our people can all return to their homes and firesides, and resume their various avocations."

On the 25th, the President issued a proclamation, designating the 25th of May, subsequently changed to the 1st of June, as a day of humiliation and mourning and solemn service to Almighty God, "in memory of the good man who had been removed."

From the midnight when Governor Farwell aroused Mr. Johnson, to the date of this proclamation, the country had

undergone, without doubt, the greatest series of excitements to which it or any other had ever been subjected. Incidents followed each other so rapidly that the mind became almost morbidly nervous from over exertion. The dissemination of the news of the murder coming in the midst of triumphal celebrations every where; the thousands pouring into Washington, and the thousand rumors pouring out of it; the meetings of condolence like a universal wail for the dead President; the meetings of confidence expressing a general reliance on the live one; the obsequies, gathering strength of woe from city to city; the hunt after Jefferson Davis and "cabinet;" the chase after the assassin Booth and his accomplices; the anxiously-looked for bulletins touching the futile butchery of Secretary Seward; the raising of the old flag on Fort Sumter; the capture of Mobile by General Canby and Commodore Thatcher; the groundless fears that General Sherman had compromised his own and the national glory in his armistice with the rebel general Joe Johnston; the announcement from the War Department that "the murder was organized in Canada and approved in Richmond;" these and other facts and rumors combined to create and keep excited an amount of popular pride, passion and patriotism, sorrow, hate and vengeance, humiliation, horror and hope, that to a very great extent interfered with business over the whole country, and fixed the eyes of all on the action of the Government. Men who lived through those days, especially in Washington or New York, underwent mental experiences and developments of feeling which can never be forgotten. The anxious and tumultuous nature of the public mind received a definite direction by the news that Booth and Harrold were tracked, the latter caught and the former shot on the morning of April 26; and the following announcement gave a refreshing turn to public sentiment:

“WAR DEPARTMENT, WASHINGTON, D. C., }  
*April 28, 1865—3 P. M.*

“Major-General DIX, New York,—A dispatch from General Grant, dated at Raleigh, 10 A. M., April 26, just received by this department, states that ‘Johnston surrendered the forces in his command, embracing all from here to Chattahoochee, to General Sherman, on the basis agreed upon between Lee and myself for the Army of Northern Virginia.’

“EDWIN M. STANTON, *Secretary of War.*”

Johnston’s was the last remaining military organization of any account on the east side of the Mississippi.

Throughout the period thus briefly and inadequately indicated, President Johnson had full necessity for all the resources of his physical and mental strength. The state of affairs demanded all his thoughts; the deputations and public men all his presence. By arduous labor he satisfied both, and was not less remarkable for the self-reliant courage displayed by his frequent and unattended appearance in public. The Secretary of War had ordered a guard of soldiers for the protection of the President’s temporary residence, but the President felt no danger, or if he felt, faced it with his usual determination. A friend meeting him soon after his inauguration, and while the air was clouded with threats and rumors of treasonable plots, said, “Mr. President, is it wise for you thus to jeopardise yourself?” He replied, “Yes, I have already been shot at twice, you remember, without injury. Threatened men live long.”

The President’s old doctrine of retrenchment in Government outlay was put into practice as soon as public safety warranted. Under direction of the War Department and Lieutenant-General Grant, the military reduction amounted to something like one million per day. Similar measures of reduction, commenced after the capture of Fort Fisher, were favorably urged in the Navy Department. With retrenchment in our expenses, the President desired to open up all available channels of commerce in the insurrectionary States.

## REMOVAL OF TRADE RESTRICTIONS.

“EXECUTIVE CHAMBER, WASHINGTON, }  
 “April 29, 1865. }

“Being desirous to relieve all loyal citizens and well-disposed persons residing in the insurrectionary States from unnecessary commercial restrictions, and to encourage them to return to peaceful pursuits, it is hereby ordered :

“*First*—That all restrictions upon internal, domestic and coastwise commercial intercourse be discontinued in such part of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River, as shall be embraced within the lines of the national military occupation, excepting only such restrictions as are imposed by the acts of Congress, and regulations in pursuance thereof prescribed by the Secretary of the Treasury, and approved by the President, and excepting also from the effect of this order the following articles, contraband of war, to wit : Arms, ammunition and all articles from which ammunition is manufactured ; gray uniforms and cloth, locomotives, cars, railroad iron and machinery for operating railroads ; telegraph wires, insulators and instruments for operating telegraph lines.

“*Second*—All existing military and naval orders in any manner restricting internal, domestic and coastwise commercial intercourse and trade with or in the localities above named be and the same are hereby revoked, and that no military or naval officer in any manner interrupt or interfere with the same, or with any boats or other vessels engaged therein under proper authority pursuant to the regulations of the Secretary of the Treasury.

“ANDREW JOHNSON.”

A delegation of the Swiss residents of Washington, Baltimore, Philadelphia and New York, waited on President Johnson on the 1st May. The delegation was attended by Colonel Lecompte, of the Swiss army, who accompanied General McClellan during the Peninsula campaign, and was also with General Grant at the capture of Richmond, for the purpose of obtaining for the Swiss Government such military information as the two campaigns afforded. The

Swiss Consul-General, Mr. Hitz, expressed the sentiments of the delegation in the following address :

“MR. PRESIDENT,—Your Excellency, no doubt, will readily appreciate why it is that the citizens of Switzerland residing in the United States were unable to remain passive spectators of the important events and tragic occurrences they have witnessed transpire during the past month. They now desire me to express to you publicly the intense feelings of sympathy which have been engendered in their hearts. Like all loyal Americans, my countrymen rejoice over the recent brilliant successes of your arms—successes which, having been planned with marked ability, in a few days gave the deathstroke to the most formidable and unjustifiable rebellion which history bears record of. Our joy, like yours, has been marred by horror at the odiousness of a crime unheard of in the annals of republics. Well can it be said that in the death of the late lamented President, Abraham Lincoln, your country was robbed of a dear father, and thus added another, and the most precious, to the long list of sacrifices which it has been called on to make during the late troublous times. But the Swiss, as republicans, are proud to bear witness to the fact that the great republic of the United States, owing to the wisdom of her institutions and to the energy of her people, shows at the present moment to the world her ability to pass unscathed through the severest calamities, to overcome the most manifold trials, and defy as well the openly planned attacks of anarchy, as also the secret conspiracies of assassins. A profound and general mourning extends over the land, but devoid of those political convulsions which would infallibly follow such events in many other countries. The whole nation is afflicted, but remains unmoved and vigilant, the law inflexible, yet scarcely ceased not an instant to reign supreme, and the great work which is being performed continues uninterrupted. May your republic always overcome in like manner such other trials as God in His inscrutable providence may yet have in store for you. May the noble victim whom we all mourn—the greatest of the struggle—also be its last, and may his tomb become the seal to the restoration of the Union on a more solid basis than ever before. The time is near, and we can already hail with joy the national greatness which shall succeed all your trials so fruitful in results. The faith in the final triumph of right and justice—faith in the right of liberty and republican institutions—will every where be strengthened. We cannot terminate without asking your Excellency to accept, also, the expression of

our entire confidence in your ability so to administer your Government as to fulfill its important mission at home as well as abroad. Your past public life, already reaffirmed by the wisdom of your acts as Chief Magistrate, is a sure guarantee that the task which so unexpectedly devolved upon you has fallen into good hands."

REPLY OF THE PRESIDENT.

The reply of the President was read by Mr. Hunter, the Acting Secretary of State, as follows :

"MR. CONSUL GENERAL HITZ,—I thank you for the sympathy which you have expressed on behalf of your countrymen, for our recent bereavement, and for your congratulations upon the success of our arms. We can have no distrust of the heartiness of these feelings. Switzerland herself has had her trials, and has been called on to endure sacrifices. She has, however, triumphed over all, and her heroism, patience and self-denial have had and will continue to have the effect of strengthening similar qualities in the people of other countries. The good wishes which you offer to me personally, and your confidence in my administration, are generous and gratifying. Trusting that results may justify this kindness, I will add that in the United States citizens of the Swiss Confederation are always welcome either as guests or as members of the family. My own home, Eastern Tennessee, whose inhabitants are distinguished by that love of freedom which is so characteristic of the Swiss of the Old World, is proud to be known as the Switzerland of America."

MILITARY COMMISSION FOR THE TRIAL OF THE ASSASSINS.

"EXECUTIVE CHAMBER, WASHINGTON CITY, }  
 May 1, 1865. }

"Whereas, the Attorney-General of the United States hath given his opinion :

"That the persons 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 an alleged conspiracy to assassinate other officers of the Federal Government at Washington city, and their aiders and abettors, are subject to the jurisdiction of, and legally triable before, a military commission :

"It is ordered: 1st, That the Assistant Adjutant-General detail nine competent military officers to serve as a commission for the trial



of said parties, and that the Judge Advocate-General proceed to prefer charges against said parties for the alleged offenses, and bring them to trial before said military commission; that said trial or trials be conducted by the said Judge Advocate-General, and, as recorder thereof, in person, aided by such assistant or special judge advocates as he may designate, and that said trials be conducted with all diligence consistent with the ends of justice: the said commission to sit without regard to hours.

"2d. That Brevet Major-General Hartranft be assigned to duty as special Provost-Marshal-General for the purposes of said trial and attendance upon said commission and the execution of its mandates.

"3d. That the said commission establish such order or rules of proceeding as may avoid unnecessary delay and conduce to the ends of justice.

"ANDREW JOHNSON."

"ADJUTANT-GENERAL'S OFFICE,  
WASHINGTON, May 6, 1865. }

[Official copy.]

"W. A. NICHOLS, *Assistant Adjutant-General.*"

The following proclamation was issued after the unanimous decision of a Cabinet meeting, and in pursuance of the decision of the proper legal authority:

PROCLAMATION: REWARDS FOR THE CONSPIRATORS.

"Whereas, It appears from evidence in the Bureau of Military Justice that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. W. H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders, W. C. Cleary, and other rebels and traitors against the Government of the United States, harbored in Canada; now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards: One hundred thousand dollars for the arrest of Jefferson Davis; twenty-five thousand dollars for the arrest of Clement C. Clay; twenty-five thousand dollars for the arrest of Jacob Thompson, late of Mississippi; twenty-five thousand dollars for the arrest of George N. Sanders; twenty-five thousand

dollars for the arrest of Beverly Tucker, and ten thousand dollars for the arrest of William C. Cleary, late clerk of Clement C. Clay.

“The Provost-Marshal-General of the United States is directed to cause a description of said persons, with notice of the above rewards, to be published.

“In testimony whereof I have hereunto set my hand,  
[L. s.] and caused the seal of the United States to be affixed.

“Done at the City of Washington, the second day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

“ANDREW JOHNSON.”

“By the President :

“W. HUNTER, *Acting Secretary of State.*”

The Trade regulations were the subject of grave consideration. The President's proclamation of the 1st indicated his desire to throw open the Southern States to the benefits and blessings of unrestricted commerce. The Act of Congress of July, 1864, however, was a barrier to his purposes. The Act could not be overruled by any Presidential action. It must wait to be repealed ; but the cumbersome and harassing system instituted by ex-Secretary Fessenden, under the Act, might be modified or abrogated in favor of such rules as would materially lessen and loosen the fetters on trade. To further the President's views the following rules and regulations were adopted and promulgated :

“TREASURY DEPARTMENT, *May 9, 1865.*

“With a view of carrying out the purposes of the Executive, as expressed in his Executive Order, bearing date of April 29, 1865, ‘To relieve all loyal citizens and well-disposed persons residing in insurrectionary States from unnecessary commercial restrictions, and to encourage them to return to peaceful pursuits, the following regulations are prescribed, and will hereafter govern commercial intercourse between the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana east of the Mississippi river, heretofore declared in insurrection, and the loyal States :

“*First.*—All commercial transactions under these regulations shall

be conducted under the supervision of officers of customs and others acting as officers of customs.

*“Second.—PROHIBITED ARTICLES.—*The following articles are prohibited, and none such will be allowed to be transported to or within any State heretofore declared in insurrection, except on Government account, viz: Arms, ammunition, all articles from which ammunition is manufactured, gray uniforms and cloth, locomotives, cars, railroad iron, and machinery for operating railroads, telegraph wires, insulators, and instruments for operating telegraph lines.

*“Third.—AMOUNTS OF PRODUCTS ALLOWED AND PLACES TO WHICH SUCH MAY BE TRANSPORTED.—*It having been determined and agreed upon by the proper officers of the War and Treasury Departments, in accordance with the requirements of section nine of the act of July 2, 1864, that the amount of goods required to supply the necessities of the loyal persons residing in the insurrectionary States, within the military lines of the United States forces, shall be an amount equal to the aggregate of the applications therefor, and that the places to which such goods may be taken shall be all places in such lines that may be named in the several applications for transportation thereto, it is therefore directed that clearance shall be granted, on application by any loyal citizen, for all goods not prohibited, in such amounts and to such places which, under the revenue and collection laws of the United States, have been created ports of entry and delivery in coastwise trade, as the applicant may desire.

*“Fourth.—CLEARANCE.—*Before any vessel shall be cleared for any port within the insurrectionary States, or from one port to another therein, or from any such ports to a port in the loyal States, the master of every such vessel shall present to the proper officer of customs a manifest of her cargo, which manifest shall set forth the character of the merchandise composing said cargo, and, if showing no prohibited articles, shall be certified by such officer of customs.

*“Fifth.—ARRIVAL AND DISCHARGE OF CARGO IN AN INSURRECTIONARY STATE.—*On the arrival of any such vessel at the port of destination, it shall be the duty of the master thereof forthwith to present to the proper officer of the customs the certified manifest of her cargo, whereupon the officer shall cause the vessel to be discharged under his general supervision, and if the cargo is found to correspond with the manifest a certificate to that effect shall be given to the master. If there shall be found any prohibited articles they shall be seized and held subject to the orders of the Secretary of the Treasury, and the officer shall forthwith report to the Department all

the facts of the case; and any such vessel arriving from any foreign port, or from any domestic port, without a proper clearance, or with contraband articles, shall, with the cargo, be seized and held as subject to confiscation under the laws of the United States.

*Sixth.*—**LADING WITHIN AND DEPARTURE FROM AN INSURRECTIONARY STATE.**—Vessels in ports within an insurrectionary State not declared open to the commerce of the world shall be laden under the supervision of the proper officer of this Department, whose duty it shall be to require before any articles are allowed to be shipped satisfactory evidence that upon all merchandise the taxes and fees required by law and these regulations have been paid, or secured to be paid, which fact, with the amount so paid, shall be certified upon the manifest. No clearance shall be granted. If upon any article so shipped the fees and internal revenue taxes or either shall only have been secured to be paid, such facts shall be noted upon the manifest, and the proper officer at the port of destination of such vessel shall hold the goods till all such taxes and fees shall be paid according to law and these regulations.

*Seventh.*—**SUPPLY STORES.**—Persons desiring to keep a supply store at any place within an insurrectionary State shall make application therefor to the nearest officer of the Treasury Department, which application shall set forth that the applicant is loyal to the Government of the United States; and upon being convinced of such loyalty a license for such supply store shall forthwith be granted, and the person to whom the license is given shall be authorized to purchase goods at any other supply store within the insurrectionary States, or at such other point as he may select. The party receiving such license shall pay therefor the license fee prescribed by the Internal Revenue law.

*Eighth.*—**EXEMPTED ARTICLES.**—All articles of local production and consumption, such as fruits, butter, ice, eggs, meat, wood, coal, etc., may, without fee or restriction, be freely transported and sold at such points, in an insurrectionary State as the owner may desire.

*Ninth.*—**SHIPMENT OF PRODUCE OF AN INSURRECTIONARY STATE.**—All cotton not produced by persons with their own labor or with the labor of freedmen or others employed and paid by them must, before shipment to any port or place in a loyal State, be sold to and resold by an officer of the Government especially appointed for the purpose under regulations prescribed by the Secretary of the Treasury and approved by the President; and before allowing any cotton or other product to be shipped, or granting clearance for any vessel, the proper customs officer or other persons acting as such must

require from the purchasing agent or the internal revenue officer a certificate that the cotton proposed to be shipped has been resold by him, or that twenty-five per cent. of the value thereof has been paid to such purchasing agent in money, and that the cotton is thereby free from further fee or tax. If the cotton proposed to be shipped is claimed and proved to be the product of a person's own labor, or of freedmen or others employed and paid by them, the officer will require that the shipping fee of three cents per pound shall be paid or secured to be paid thereon. If any product other than cotton is offered for shipment the certificate of the internal revenue officer that all internal taxes due thereon have been collected and paid must be produced prior to such products being shipped or cleared, and if there is no internal revenue officer then such taxes shall be collected by the customs officer, or he shall cause the same to be secured to be paid, provided in these regulations.

*Tenth.*—INLAND TRANSPORTATION.—The provisions of these regulations, necessarily modified, shall be considered applicable to all shipments inland to or within the insurrectionary States by any means of transportation whatsoever.

*Eleventh.*—CHARGES.—Goods not prohibited may be transported to insurrectionary States free. The charges upon all products shipped or transported from an insurrectionary State, other than upon cotton, shall be the charges prescribed by the internal revenue laws. Upon cotton, other than that purchased and resold by the Government, three cents per pound, which must be credited by the officer collecting as follows, viz: Two cents per pound as the shipping fee. All cotton purchased and resold by the Government shall be allowed to be transported free from all fees and taxes whatsoever.

*Twelfth.*—RECORDS TO BE KEPT.—Full and complete accounts and records must be kept by all officers acting under these regulations of their transactions under them, in such manner and form as shall be prescribed by the Commissioner of Customs.

*Thirteenth.*—LOYALTY A REQUISITE.—No goods shall be sold in an insurrectionary State by or to, nor any transportation held with, any person or persons not loyal to the Government of the United States. Proof of loyalty must be the taking and subscribing the following oath or evidence, to be filed, that it, or one similar in purport and meaning has been taken, viz: I, ——, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and all laws made in pursuance thereto.

*Fourteenth.*—FORMER REGULATIONS REVOKED.—These regula-

tions shall take effect and be in force on and after the 10th day of May, 1865, and shall supersede all other regulations and circulars heretofore prescribed by the Treasury Department concerning commercial intercourse between loyal and insurrectionary States, all of which are hereby rescinded and annulled.

“HUGH McCULLOCH, *Secretary of the Treasury.*”

APPROVED BY THE PRESIDENT.

“EXECUTIVE CHAMBER, WASHINGTON, *May 9, 1865.*”

“The foregoing rules and regulations concerning commercial intercourse with and in States and parts of States declared in insurrection, prescribed by the Secretary of the Treasury in conformity with the acts of Congress relating thereto, having been seen and considered by me, are hereby approved.

“ANDREW JOHNSON.”

Under the same date, the following important Executive orders were issued on

#### THE RESTORATION OF VIRGINIA.

“EXECUTIVE CHAMBER, WASHINGTON CITY, }  
*May 9, 1865.*

“ORDERED—*First*: That all acts and proceedings of the political, military and civil organizations which have been in a state of insurrection and rebellion within the State of Virginia against the authority and laws of the United States, and of which Jefferson Davis, John Letcher and William Smith were late the respective chiefs, are declared null and void. All persons who shall exercise, claim, pretend, or attempt to exercise any political, military or civil power, authority, jurisdiction, or right, by, through, or under Jefferson Davis, late of the City of Richmond, and his confederates, or under John Letcher or William Smith and their confederates, or under any pretended political, military, or civil commission or authority issued by them or either of them since the 17th day of April, 1851, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly.

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

“*Third*—That the Secretary of the Treasury proceed, without delay, to nominate for appointment assessors of taxes and collectors of cus-

toms and internal revenue, and such other officers of the Treasury Department as are authorized by law, and shall 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 within the districts where their respective duties are to be performed. But if suitable persons shall not be found residents of the districts, then persons residing in other States or districts shall be appointed.

"*Fourth*—That the Postmaster-General shall proceed to establish Post-offices and post routes, and put into execution the postal laws of the United States, within the said States, giving to loyal residents the preference of appointment; but if suitable persons are not found, then to appoint agents, etc., from other States.

"*Fifth*—That the District Judge of said district proceed to hold courts within said State, in accordance with the provisions of the acts of Congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said State, in all matters civil and criminal within the cognizances and jurisdiction of the Federal courts.

"*Sixth*—That the Secretary of War assign such Assistant Provost-Marshal-General, and such Provost-Marshals in each district of said State as he may deem necessary.

"*Seventh*—The Secretary of the Navy will take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of Congress in relation to naval affairs having application to the said State.

"*Eighth*—The Secretary of the Interior will also put in force the laws relating to the Department of the Interior.

"*Ninth*—That to carry into effect the guarantee of the Federal Constitution of a Republican form of government, and afford the advantage and security of domestic laws, as well as to complete the re-establishment of the authority of the laws of the United States, and the full and complete restoration of peace within the limits aforesaid, Francis H. Pierpont, Governor of the State of Virginia, will be aided by the Federal Government, so far as may be necessary, in the lawful measures which he may take for the extension and administration of the State Government throughout the geographical limits of said State.

"In testimony whereof, I have hereunto set my hand and caused

[SEAL.] the seal of the United States to be affixed,  
"ANDREW JOHNSON.

"By the President :

"W. HUNTER, *Acting Secretary of State.*"

On the next day the President issued his Proclamation, announcing the virtual close of the rebellion, and declaring that the vessels of all foreign Governments extending hospitality to insurgent cruisers will be refused hospitality in all ports of the United States.

PROCLAMATION.—CLOSE OF THE REBELLION.

“Whereas, The President of the United States, by his proclamation of the nineteenth day of April, one thousand eight hundred and sixty-one, did declare certain States therein mentioned in insurrection against the Government of the United States :

“And whereas armed resistance to the authority of this Government, in the said insurrectionary States may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operations of insurgent cruisers, were directed, are fugitives or captives :

“And whereas it is understood that some of those cruisers are still infesting the high seas, and others are preparing to capture, burn, and destroy vessels of the United States :

“Now, therefore, be it known, that I, Andrew Johnson, President of the United States, hereby enjoin all naval, military, and civil officers of the United States, diligently to endeavor, by all lawful means, to arrest the said cruisers, and to bring them into a port of the United States, in order that they may be prevented from committing further depredations on commerce, and that the persons on board of them may no longer enjoy impunity for their crimes.

“And I further proclaim and declare, that if, after a reasonable time shall have elapsed for this proclamation to become known in the ports of nations claiming to have been neutrals, the said insurgent cruisers, and the persons on board of them, shall continue to receive hospitality in the said ports, this Government will deem itself justified in refusing hospitality to the public vessels of such nations in ports of the United States, and in adopting such other measures as may be deemed advisable toward vindicating the national sovereignty.

“In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

“Done at the City of Washington, this tenth day of May, in the



year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

“ANDREW JOHNSON.

“*By the President :*

“W. HUNTER, *Acting Secretary of State.*”

On the 11th May, the President admitted to audience a number of colored pastors and others, who were introduced by Rev. E. Turner, President of the National Theological Institute for colored ministers. Mr. Turner addressed the President, and presented a copy of resolutions, expressing, among other things, their gratitude for the Emancipation Proclamation.

In reply, President Johnson thought it almost unnecessary to repeat what his views and course had been in relation to the colored man. It was known that he was born and raised in a slave State, and had owned slaves ; but had never sold one. They were now all free. Referring to the difference in the responsibility which persons who reside in the slave States have to take on the subject of emancipation from those who reside out of them, he said it was very easy for men who live beyond their borders, to get up a sympathy and talk about the condition of colored persons when they knew nothing about it. Their great sympathy was not reduced to practice. It was known that there were men in the South, notwithstanding the two classes once occupied the position of master and servant, who felt a deep interest in their welfare, and did much to ameliorate the condition of the freedmen. He repeated that it would be unnecessary for him to make a profession of what he had done on the subject of emancipation, for which he had met with taunts, frowns and jibes, and incurred all kinds of dangers to property, life and limb. He claimed no merit for this, because he was only carrying out the principles he always entertained, namely that man could not hold property in man. He was the first who stood in a slave community and an-

nounced the fact that the slaves of the State of Tennessee had as much right to be free as those who claimed them as their property. When the tyrant's rod is bent, and the yoke broken, the passing from one extreme to the other, from bondage to freedom, is difficult, and in this transition state some think they have nothing to do but fall back upon the Government for support in order that they may be taken care of in idleness and debauchery. There was an idea which those whom he addressed ought to inculcate, namely, that freedom simply means liberty to work and to enjoy the product of a man's own toil, and how much he may put into his stomach and on his back. He meant this in its most extensive sense. Gentlemen in Congress and people of the North and South talk about Brigham Young and debauchery of various kinds existing among the Mormons, but it was known that four millions of people within the limits of the South have always been in open and notorious concubinage. The correction of these things is necessary in commencing a reform in the social condition, and in this there must be a force of example. He would do all in his power to secure their protection and ameliorate their condition. He trusted in God the time may come when all the colored people may be gathered together in one country best adapted to their condition, if it should appear that they could not get along well together with the whites. He expressed the hope that the efforts for their social and moral improvement would be successful, and in this he promised his co-operation ; and in conclusion he thanked his audience for their manifestations of kindness and the evidences of their friendship.

On the 13th May the new French Minister (Marquis de Montholon) was presented to President Johnson, when the following official courtesies were exchanged. The Marquis said :

“ Mr. President,—I have the honor to place in your hand the letter of the Emperor of the French, which accredits me in the character

of Envoy Extraordinary and Minister Plenipotentiary near your Excellency. If I seek for what may have determined his Imperial Majesty to give me this distinguished mark of his confidence, I can attribute it only to the recollection of the ties which already attach me to this country. The personal relations which I have previously contracted in it during a long sojourn, and the sympathies of which I am proud to have received numerous proofs, have made me appear, without doubt, better prepared than another to serve as the interpreter of the sentiment which animates the Imperial Government towards the Government and people of the United States. In fact, glorious traditions, the importance whereof we maintain with pride, do not permit that France should ever be indifferent to the destinies of this great republic. Immense interests, which every day develop themselves more fully, will draw together more and more closely this noble and ancient alliance. I am happy to bring, rather on a solemn occasion, the loyal and frank expression of the wishes which the Emperor, my august sovereign, forms for the complete restoration of peace and concord on the continent of America. The whole of France participates in the same thought, and will always view with satisfaction the consolidation of the prosperity and greatness of the United States. Animated by the sentiments of deep sympathy with the American Union, their Imperial Majesties and France share equally with the whole nation in the grief which the most atrocious of crimes has just plunged the Government and people of the United States."

The President replied :

"M. Le Marquis de Montholon,—I cannot forbear to welcome as the diplomatic representative of France a gentleman who claims to be strongly attached to the United States by those ties incident to family connection and long previous official residence in this country, to which you so gracefully allude. The intimacy with the head of your own Government, which has resulted from well-known antecedents, cannot fail to impart, perhaps, universal confidence to your representations in respect to his purposes and policy with reference to the United States. The people of this country have a traditional regard for France, which was originally so deeply planted, and has been so universally and warmly cherished that it must continue to furnish and expand, unless it should be checked by events most uncommon, and not to be anticipated by ordinary foresight. I trust that the result of your mission will be to strengthen and perpetuate the good understanding between our two Gov-

ernments, and that perfect peace may be restored on the American continent pursuant to these wishes of your Sovereign to which you refer. I offer you my hearty thanks for the sympathy which you express in behalf of their Imperial Majesties, for the recent tragical events in this metropolis."

On the 13th also a dispatch was received at the War Department from Brevet Major-General J. H. Wilson, dated Macon, Ga., May 12th, 11 A. M., reporting that at daylight of the 10th instant Colonel Pritchard, commanding Fourth Michigan cavalry, surprised and captured Jeff. Davis and family, with J. H. Reagan, "Postmaster-General," and others. A later dispatch from the same officer gives the incidents following the surprise :

"The captors report that he hastily put on one of his wife's dresses and started for the woods, closely followed by our men, who at first thought him a woman, but seeing his boots while he was running, they suspected his sex at once. The race was a short one, and the rebel President was soon brought to bay. He brandished a bowie knife and showed signs of battle, but yielded promptly to the persuasions of Colt's revolvers without compelling the men to fire. He expressed great indignation at the energy with which he was pursued, saying that he had believed our Government were too magnanimous to hunt down women and children. Mrs. Davis remarked to Colonel Harden, after the excitement was over, that the men had better not provoke the President, or 'he might hurt some of 'em.' Reagan behaves himself with dignity and resignation. The party, evidently, were making for the coast.

"J. H. WILSON, *Brevet Major-General.*"

General Wilson had previously, by dispatch of the 8th, announced the surrender of the rebel General Dick Taylor. Prominent civil and military leaders of the rebellion were being captured or surrendered themselves at various points—among them A. H. Stephens, Vice-President of the "Confederacy"—acknowledging the utter failure of their attempt at secession. The War Department issued an order declaring that all the forces of the enemy east of the Mississippi river having been duly surrendered, under agreements of

parole and disbandment, and there being no authorized troops of the enemy east of the Mississippi river, all persons found in arms against the United States, or who committed acts of hostility against it east of the Mississippi river, from and after June 1st, would be regarded as guerrillas and punished with death. Major-General Philip H. Sheridan was assigned to the command of all the troops west of the Mississippi. The work of reconstruction therefore presented itself with still greater force on the Administration,\* and will be mainly illustrated by the following documents :

OPENING OF TRADE—BELLIGERENT RIGHTS DISAVOWED.

“ *Whereas*, by the proclamation of the President, of the 11th day of April last, certain ports of the United States therein specified, which had previously been subject to blockade, were, for objects of public safety, declared, in conformity with previous special legislation of Congress, to be closed against foreign commerce during the national will, to be thereafter expressed and made known by the President :

“ *And whereas*, events and circumstances have since occurred which, in my judgment, render it expedient to remove that restriction, except as to the ports of Galveston, La Salle, Brazos de Santiago, Point Isabel and Brownsville, in the State of Texas :

“ Now, therefore, be it know, that I, Andrew Johnson, President of the United States, do hereby declare that the ports aforesaid, not excepted as above, shall be open to foreign commerce from and after the 1st day of July next ; that commercial intercourse with the said ports may from that time be carried on subject to the laws of the United States, and in pursuance of such regulations as may be prescribed by the Secretary of the Treasury. If, however, any vessel from a foreign port shall enter any of the before-named excepted ports in the State of Texas, she will continue to be held liable to the penalties prescribed by the act of Congress, approved on the 13th day of July, 1861, and the persons on board of her to such penalties as may be incurred pursuant to the laws of war for trading or attempting to trade with an enemy.

“ And I, Andrew Johnson, President of the United States of America, do hereby declare and make known that the United States

\* On the 15th the Hon. Mr. Usher, Secretary of the Interior, retired and was succeeded by Hon. James Harlan, formerly United States Senator from Iowa.

of America do henceforth disavow to all persons trading or attempting to trade in any of the United States in violation of the laws thereof, all pretense of belligerent rights and privileges; and I give notice, from the date of this proclamation, all such offenders will be held and dealt with as pirates.

"It is also ordered that all restrictions upon trade heretofore imposed in the territory of the United States east of the Mississippi river, save those relating to contraband of war, to the reservation of the rights of the United States, to property purchased in the territory of an enemy, and to the twenty-five per cent. upon purchases of cotton, are removed. All provisions of the Internal Revenue law will be carried into effect under the proper officer.

"In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this twenty-second day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America, the eighty-ninth.

"By the President:

"ANDREW JOHNSON.

W. HUNTER, *Acting Secretary of State.*"

On the 22d of May President Johnson declined to receive a fine carriage, span of horses, and suitable equipments from a number of prominent citizens of New York, having ever held it to be the duty of those occupying high official positions to decline such offerings. On the 23d the grand Army of the Potomac, under Major-General Meade, and Major-General Sheridan's invincible cavalry, were reviewed by the President, attended by the Cabinet, Generals Grant and Sherman, the diplomatic corps and a vast multitude of spectators from all parts of the United States. On the next day General Sherman's command, the Armies of Tennessee and Georgia, were reviewed amid equal demonstrations of enthusiasm and delight. On both days the paths of the favorite and successful generals were strewn with flowers, and the soldiers welcomed with boundless joy. President Johnson, members of the Cabinet, and Generals Grant, Sherman and Meade were frequently compelled to rise and bow their acknowledgments.

The President removed his office to the White House on the 25th, where he received a visit from Secretary Seward, supported by two servants and accompanied by his daughters.

A dispatch from General Canby, dated New Orleans, May 26, announcing the conclusion of "arrangements for the surrender" of Kirby Smith's forces in the Trans-Mississippi having been received, the President issued the following order :

" WASHINGTON, *Saturday, May 27.*

"The following order has just been issued from the War Department:

"That in all cases of sentences by military tribunals of imprisonment during the war, the sentence be remitted, and that the prisoners be discharged.

"The Adjutant-General will issue immediately the necessary instructions to carry this order into effect.

" *By order of the President.*

(Signed)

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

## CHAPTER XXII.

### RECONSTRUCTION OF THE SOUTHERN STATES.

AMNESTY Proclamation — Reconstruction Policy — The President and the Sunday-school Children — Provisional Governors for North Carolina and Mississippi — Further Removal of Trade Restrictions — A Deputation of Colored Men from Virginia — Provisional Governors for Georgia, Texas and Alabama — All Trade Restrictions removed — Interesting Interview of South Carolinians with the President — Plain Talk — Negro Suffrage : who would control the Negro vote ? — Position and Desires of South Carolina — The Twenty-thousand Dollar Clause in the Amnesty Proclamation — Provisional Governor for South Carolina — Ill-health of the President — Gettysburgh Letter — Approves the Sentences on the Assassination Conspirators — Virginia Merchants wish the Twenty-thousand Dollar Exceptions removed ; the President's Views on the subject — Provisional Governor for Florida — Interview with South Carolina Delegation ; Governor Perry's account to Governor Brownlow — Attorney-General's Opinion on Legality of the Military Tribunal — Secretary of Interior's Decision on Homestead Law — Appointments to the Port of New York — Interview with Pardon-seekers — Conclusion.

ALL organized means of military resistance to the supremacy of the United States Government flag were now terminated ; and President Johnson immediately followed up the announcement by two most important documents on the 29th of May—the Amnesty Proclamation and the Proclamation appointing a Provisional Government for the State of North Carolina ; and indicating the reconstruction or restoration policy to be pursued by him towards the lately insurgent States.

#### AMNESTY.

*Proclamation by the President of the United States of America.*

“Whereas, the President of the United States, on the eighth day of December, A. D. eighteen hundred and sixty-three, and on the



twenty-sixth day of March, A. D. eighteen hundred and sixty-four, 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 said proclamation failed or neglected to take the benefits offered thereby; and

“Whereas, many persons, who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion and continued hostility 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 in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted, but on the 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 presence of Almighty God, that I will henceforth faithfully support 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 classes of 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 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 the rebellion.

“*Fifth*—All who resigned or tendered resignations of their commissions 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 the pretended offices of Governors of States in insurrection against the United States.

“*Tenth*—All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military 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 lakes and rivers that 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 bonds of the civil, military or naval authorities of agents of the United States, as prisoners of war, or persons detained for offences 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 eight, A. D. one thousand eight hundred and sixty-five, 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 may be made to the President for pardon by any person belonging to 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 benefit to the people, and guard the Government against fraud.

“In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the city of Washington, the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

“ANDREW JOHNSON.

“By the President:

“WM. H. SEWARD, *Secretary of State.*”

#### NORTH CAROLINA—RECONSTRUCTION.

##### *Proclamation by the President of the United States.*

“*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 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 tranquility 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 practical 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 said 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 guarantee of the United States therefor, and its people to the protection of the United States against invasion, insurrection and domestic violence: Provided that in any election that may be hereafter held for choosing delegates to 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 to the oath or amnesty as set forth in the President’s proclamation of May 29, 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, A. D. 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 qualifications of electors and the 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 a 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 the appointments the preference shall be given to qualified loyal persons residing within the districts where the respective duties are to be performed; but if suitable residents of the district shall not be found, then persons residing in other States or districts shall be appointed.

"*Fourth*—That the Postmaster General proceed to establish post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then appoint agents from other States.

"*Fifth*—That the District Judge for the Judicial District in which North Carolina is included proceed to hold courts within said State, in accordance with the provisions of the act of Congress.

"The Attorney General will instruct the proper officers to libel and bring to judgment, confiscation and sale, property subject to confiscation, and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the federal courts.

"*Sixth*—That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of Congress in relation to naval affairs having application to said State.

"*Seventh*—That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

"In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington, this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

"ANDREW JOHNSON.

"By the President:

"WILLIAM H. SEWARD, *Secretary of State.*"

The same day on which these most important documents were promulgated the President made an address which is in beautiful contrast, though auxiliary to his more pointedly political and diplomatic expressions of thought. Although spoken to children, it cannot be omitted from the record of the man, much less the President. On that day the twenty-fifth anniversary of the Washington City Sunday School Union was celebrated. Five thousand children and seven hundred teachers and school officers having assembled at an early hour in Lafayette Square, marched past the residence of President Johnson. The President appeared and was greeted by the children, who while marching by sang a patriotic hymn. The *National Intelligencer*, describing the scene, says: "The President was frequently cheered, and was the recipient of a large number of bouquets, which were thrown into his hat until it was so full that a basket was brought forth to contain the floral gifts. After the children had marched past the residence of the President, they marched down Fifteenth-street, and thence to the Executive Mansion, where, after they had assembled, the President took position in front of the outside railing and delivered an address. Just before he began to speak, a number of little girls were placed upon the stand beside and all around him, and he seemed much pleased to be surrounded by the children."

"The President said, if he understood the design of the exhibition, it was intended, in part, to show how many children are collected together in good schools. This was their annual celebration, and they had come by what was generally known as the Executive Mansion in order, he supposed, to manifest their regard for the chief executive officer of the nation. And this respect was offered now to one who knew well how to appreciate the condition of poor or obscure children. He had always opposed the idea of treating persons beyond their due, and what they justly merited, and he would lay that down as a general proposition in his address to the little boys and girls who had done him the honor to call upon him. He was opposed to

deifying or canonizing anything that is mortal; but there should always be a just and proper respect and appreciation of true merit, whether it belongs to the Christian, the statesman, or the philanthropist. This was the foundation of his creed: that all things should be done with the approval of Him who controls the events and destinies of the world. To these children—he might say his little sons and daughters—he would say he desired them to appreciate the difference between merit and demerit, and he would address his remarks to those who were in better, as well as to those who were in humbler circumstances. To those who had superior advantages he would say, do not become foolish and silly because your parents can afford to dress you a little better, or to educate you better. They should feel and know that their parents and teachers cannot of themselves educate them. No one ever would be educated unless he educated himself. Whether you have superior advantages or not, you must educate yourselves. Parents, teachers and advantages given are simply the means placed in your hands from which you must mould and shape your own course through life. But never feel that you are superior to your more humble companions and comrades. Instead of trying to humble them and make their condition lower, your pride should be to elevate them to the standard you occupy. Sometimes one may come in rags and begrimed with dirt; but beneath the rags and the dirt a jewel may be found as bright as any yet discovered, and the humble individual may develop that which would prove as bright an ornament as the jewels of any crowned head. All should understand this, and that even those who have no means can at least make an effort to be good and great. In this matter he (the speaker) was an agrarian—such an agrarian as would elevate and estimate all in proportion to their virtue and merit. Intrinsic merit should be the base upon which all should stand. He would pull none down, but would elevate all—level upwards, not level downwards. His notion had always been that the great mass of the American people could be elevated. If all will be elevated, we may become the greatest and most exalted nation on the earth.

“My little daughters and sons, give me your attention while I say, honestly and truly, that if I could inform you of something, and put that into immediate effect, which would tend to the elevation of you all, I would be prouder of it than to be President forty times. Here is the Executive Mansion, and yonder is the Capitol of a great nation, and you look to those who make and execute the laws as persons sublime and grand. But just think for a moment. You are the crop behind us. All those buildings, and all of this Government,

will one day pass under your control and become your property, and you will have to put in force and control the principles of government, of religion and humanity. And let all boys consider—every mother's son of them—[laughter]—that each one is born a candidate for the Presidency. [Laughter and applause.] Why not, then, commence at once to educate yourselves for the Presidency? And he would say to the little girls, that while they could not be Presidents, they are born candidates for the wives of Presidents. [Laughter.] While each little boy may feel he is a candidate for the Presidency, each little girl may feel she is a candidate for a President's wife; and each should commence at once to qualify himself and herself morally, intellectually and socially for such high positions. While upon this subject he would say that teachers occupy most responsible positions. It is the teacher who fashions, to a great degree, the mind of the child, and, consequently, the great importance of having good teachers, especially for the very young, in order to instil into their minds the foundation of a good education.

“With regard to religion, the speaker said the time had come when the first inquiry should be whether one is a good man or a good woman. If they are good it matters little to what sect or church they belong. There can be no greatness without goodness; and all should remember with Pope, that

‘Honor and fame from no condition rise;  
Act well your part—there all the honor lies.’

“Under institutions such as ours, he who performs his part well, performs all his obligations, will sooner or later be properly estimated and rewarded by his friends, his neighbors, and the nation.

“In looking upon the children, and upon the grown persons, too, the speaker said he could not but think of the heavy task and responsibility devolving upon those who rear children, and especially upon the mothers. The speaker then eloquently referred to the ancient Roman mothers, who ever took pride in infusing proper ideas into the minds of those who afterwards became distinguished in life. So, with them, each mother of to-day should feel that her children are her greatest jewels. They should be reared with a view to future usefulness; for much depends upon how they are educated in youth. The daughters should be raised to fit them for the high and exalted duties of wives and mothers. And much in this world depends upon woman. Her mind properly prepared and cultivated, she has an almost omnipotent power. Drop, then, into the minds of your daughters germs that will expand and grow, and fit them to occupy any position to which they may be called in life.



“When we look at these boys and girls—at the banners which they carry—at the flag, with stripes and stars upon them, which they bear aloft; when we look upon the brave men and gallant officers around us, and remember what they have been contending for—we feel that we can best preserve this Government if we rear up our people properly, and make this, as we can, the most intelligent portion of God’s habitable globe. The stars and stripes is not an unmeaning symbol when we look back through the din of battle and see what it has cost to perpetuate this Government; and should we not, then, use every effort to bring up properly these children, whose cause has been sustained by strong arms on the field of battle? It was but the other day, when the stern voices of our commanders were heard upon the field of battle, and when men were bravely rushing to death, that the goddess of liberty made a glorious fight and in thunder tones proclaimed victory. Victory has perched upon our standard, and the speaker said he trusted the children’s little song of victory would be heard far up above; and that the angels, standing upon the battlements of Heaven, would take up the tune and make a response.

“Then, my little sons and little daughters (said the President, talking as a father to his children), let me say to you, educate yourselves; be industrious and persevering; store your minds with all that is good; put all things worthy of preservation in your brain, and your intellects will expand and grow. And, in conclusion, I say again, may your little song of victory be heard in heaven. God bless you.”

The President then attempted to enter the presidential mansion, but was intercepted in the carriageway by the ladies and gentlemen who had collected there, and who insisted upon shaking him by the hand. The President, complying in a most good-natured manner, held a sort of impromptu levee.

On the 13th of June the President issued a proclamation appointing Hon. William M. Sharkey Provisional Governor of Mississippi, and containing similar instructions and provisions as the above. He also, on the same day, issued the following proclamation, supplementary to those already issued respecting the more perfect and further removal of trade restrictions :

“ *Whereas*, By my proclamation of the 29th of April, 1865, all restrictions upon internal, domestic and commercial intercourse, with certain exceptions therein specified and set forth, were removed in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi river as shall be embraced within the lines of the national military occupation; and whereas, by my proclamation of the 22d of May, 1865, for reasons therein given, it was declared that certain ports of the United States which had been previously closed against foreign commerce should, with certain specified exceptions, be reopened to such commerce on and after the first day of July next, subject to the laws of the United States, and in pursuance of such regulations as might be prescribed by the Secretary of the Treasury, and, whereas, I am satisfactorily informed that dangerous combinations against the laws of the United States no longer exist within the State of Tennessee; that the insurrection heretofore existing within the said State has been suppressed; that within the boundaries thereof the authority of the United States is undisputed; and that such officers of the United States as have been duly commissioned are in the undisturbed exercise of their official functions;

“ Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal domestic and coastwise intercourse and trade, and upon the removal of products of States heretofore declared in insurrection—reserving and excepting only those relating to contraband of war as hereinafter recited, and also those which relate to the reservation of rights of the United States to property purchased in the territory of an enemy, heretofore imposed in the territory of the United States east of the Mississippi river—are annulled; and I do hereby direct that they be forthwith removed, and that on and after the first day of July next all restrictions upon foreign commerce with said ports, with the exception and reservation aforesaid, be removed, and that the commerce of said States shall be conducted under the supervision of the regularly-appointed officers of the customs provided by law; and such officers of the customs shall receive any captured and abandoned property that may be turned over to them under the law by the military or naval forces of the United States, and dispose of such property as shall be directed by the Secretary of the Treasury.

“ The following articles, contraband of war, are excepted from the effect of this proclamation—arms, ammunition, all articles from which ammunition is made, and gray uniforms and cloth.

“And I hereby also proclaim and declare that the insurrection, so far as it relates to and within the State of Tennessee and the inhabitants of the said State of Tennessee, as reorganized and constituted under their recently-adopted constitution and reorganization, and accepted by them, is suppressed; and therefore also, that all disabilities and disqualifications attached to said State and the inhabitants thereof, consequent upon any proclamation issued by virtue of the fifth section of the act entitled, ‘An act further to provide for collection of duties upon imports and for other purposes,’ approved the 13th day of July, 1861, are removed. But nothing herein contained shall be considered or construed as in anywise changing or impairing any of the penalties and forfeitures for treason heretofore incurred under the laws of the United States, or any of the provisions, restrictions or disabilities set forth in my proclamation bearing date the 29th day of May, 1865, or as impairing existing regulations for the suspension of the habeas corpus and the exercise of military law in cases where it shall be necessary for the general public safety and welfare during the existing insurrection; nor shall this proclamation affect or in any way impair any laws heretofore passed by Congress and duly approved by the President, or any proclamation or orders issued by him during the aforesaid insurrection abolishing slavery, whether of person or property; but, on the contrary, all such laws and proclamations heretofore made or issued are expressly saved and declared to be in full force and virtue.

“In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the city of Washington this thirteenth day of June, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

“ANDREW JOHNSON.

“*By the President:*

“WILLIAM H. SEWARD, *Secretary of State.*”

On the 16th of June a deputation of colored men from Richmond, Va., called on the President to state, in accordance with resolutions passed at a meeting in the former city, the grievances under which the colored people of Virginia were suffering, owing to the collision of civil and military authority. The address was quite lengthy, but was listened to throughout with great attention. At the conclusion the

President called for one of the city papers, and read to them the dismissal of Mayo from office as Mayor of Richmond, and then said :

“While you are in this state of transition, there are many things which we might prefer to be different—that we should like altered—that yet must be submitted to till they can be remedied. Whatever can be done, so far as I am concerned, will be done most cheerfully. I have no set speech to make to you. If my past has not been a sufficient guarantee of my future course on this subject, my professions now would be none. I will endorse this document ‘a series of depositions to prove arrests by Mayo and provost guards,’ to Major General Howard, and you can take it to him yourselves. Why did you not apply to General Halleck ?

“To this one of the delegates answered that they had applied to General Patrick, but he had told them he was acting under orders, and did not wish to be dictated to. They had applied to Governor Pierpont and he had sent for Mayo and deposed him the next morning.

“The President then remarked that Governor Pierpont was there without any law to guide him, and he should adapt himself to the necessities of the occasion.”

On the same day the President sent the following reply to an address from the Congregational Council at Boston :

“WASHINGTON, June 19.

“To Governor W. A. BUCKINGHAM, *Moderator of the National Council of Congregational Churches, Boston :*

“I received with profound thanks the dispatch of your council. In the arduous and embarrassing duties devolved upon me, I feel the need and co-operation and sympathy of the people, and of the assistance of the Great Ruler of the Universe. These duties I shall endeavor to discharge honestly, and to the best of my judgment, with the conviction that the best interests of civil and religious liberty throughout the world will be preserved and promoted by the success and permanency of our country. Let us all labor to that end, and that mission, upon which the people have been sent among the nations of the world, will be accomplished.

“ANDREW JOHNSON.”

June 17th President Johnson issued two proclamations furthering the work of reconstruction in the States of

Georgia and Texas ; and on the 21st of June a similar instrument for the benefit of the State of Alabama ; by these proclamations, which were of similar interest, scope and instructions as those issued in the cases of North Carolina and Mississippi, Hon. James Johnson of Georgia, Hon. Andrew J. Hamilton of Texas, and Hon. Lewis E. Parsons of Alabama, were appointed provisional Governors of their respective States.

ALL TRADE RESTRICTIONS REMOVED.

*Proclamation of the President of the United States of America.*

“ *Whereas*, it has been the desire of the general Government of the United States to restore unrestricted commercial intercourse between and in the several States as soon as the same could be safely done in view of resistance to the authority of the United States by combinations of armed insurgents ; and, *whereas*, that desire has been shown in my proclamations of the 29th of April, 1865, the 13th of June, 1865 ; and *whereas*, it now seems expedient and proper to remove the restrictions upon internal, domestic and coastwise trade and commercial intercourse between and within the States and Territories west of the Mississippi river :

“ Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic and coastwise intercourse and trade, and upon the purchase and removal of products of States and parts of States and Territories heretofore declared in insurrection, lying west of the Mississippi river (excepting only those relating to property heretofore purchased by the agents or captured by and surrendered to the forces of the United States, and to the transportation thereto or therein on private account of arms, ammunition, all articles from which ammunition is made, gray uniform and gray cloth), are annulled ; and I do hereby direct that they be forthwith removed, and also that the commerce of such States and parts of States shall be conducted under the supervision of the regularly appointed officers of the customs, who shall receive any captured or abandoned property that may be turned over to them under the law by the military or naval forces of the United States and dispose of the same in accordance with the instructions on the subject issued by the Secretary of the Treasury.

“ In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the city of Washington, this 24th day of June, in the year of our Lord 1865, and of the independence of the United States the eighty-ninth.

“ANDREW JOHNSON.

“*By the President:*

W. HUNTER, *Acting Secretary of State.*”

On the evening of the 24th<sup>th</sup> the President gave audience to a delegation from the State of South Carolina, composed of Messrs. Judge Frost, Isaac E. Holmes, Geo. W. Williams, W. H. Gillet, J. A. Sternmeyer, Frederick Richards, Wm. Whaley, Jas. H. Taylor, R. H. Gill and Joseph A. Yates. The interview was of great interest and importance :

“The PRESIDENT said that it was his intention to talk plainly, so there might be no misunderstanding. Therefore it were better they should look each other full in the face and not imitate the ancient augurs, who, when they met one another, could smile at their success in deceiving the people. He said if this Union was to be preserved it must be on the principle of fraternity, both the Northern and Southern States maintaining certain relations to the Government. A State cannot go out of the Union, and therefore, none of them having gone out, we must deal with the question of restoration, and not reconstruction. He suspected that he was a better State rights man than some of those now present.”

“Mr. HOLMES—You always so claimed to be. (Laughter.)

“The PRESIDENT replied that he always thought that slavery could not be sustained outside of the Constitution of the United States, and that whenever the experiment was made it would be lost. Whether it could or could not, he was for the Union, and if slavery set itself up to control the Government, the Government must triumph and slavery perish. The institution of slavery made the issue, and we might as well meet it like wise and patriotic and honest men. All institutions must be subordinate to the Government, and slavery has given way. He could not if he would remand it to its former status. He knew that some whom he now addressed looked upon him as a great people’s man and a radical. But, however unpleasant it might be to them, he had no hesitation in saying that before and after he entered public life he was opposed to monopolies and perpetuities and entails. For this he used to be denounced as a demagogue. We had a monopoly South in slaves. Though he had bought and held slaves, he had never sold one. From Magna Charta we had

derived our idea of freedom of speech, liberty of the press and unreasonable searches, and that private property should not be taken for public uses without just compensation. He had these notions fixed in his mind, and was therefore opposed to class legislation. Being providentially brought to his present condition, he intended to exert the power and influence of the Government so as to place in power the popular heart of this nation. He proceeded on the principle that the great masses are not the mushrooms about a stump, which wet weather supplies. He believed that this nation was sent on a great mission—to afford an example of freedom and substantial happiness to all the Powers of the earth. The Constitution of the United States, in speaking of persons to be chosen as Representatives in Congress, says that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. Here we find a resting place. This was the point at which the rebellion commenced. All the States were in the Union, moving in harmony; but a portion of them rebelled, and to some extent suspended and paralyzed the operations of their governments. There is a constitutional obligation resting upon the United States Government to put down rebellion, suppress insurrection and to repel invasion. The slaves went into the war as slaves, and came out free men of color. The friction of the rebellion has rubbed out the nature and character of slavery. The loyal men who were compelled to bow and submit to the rebellion should, now that the rebellion is ended, stand equal to loyal men everywhere. Hence the wish of restoration and the trying to get back the States to the point at which they formerly moved in perfect harmony. He did not intend to serve any particular clique or interest. He would say to the delegation that slavery is gone as an institution. There was no hope that the people of South Carolina could be admitted into the Senate or the House of Representatives until they had afforded evidence by their conduct of this truth. The policy, now that the rebellion is suppressed, is not to restore the State government through military rule, but by the people. While the war has emancipated slaves, it has emancipated a larger number of white men. He would talk plain, as the delegation had said that was what they desired. He could go to men who had owned fifty or a hundred slaves, and who did not care as much for the poor white man as they did for the negro. Those who own the land have the capital to employ help, and therefore some of our Northern friends are deceived when they, living afar off, think they can exercise a greater control over the freedmen than the Southern men who have been reared where the institution has prevailed. Now he did not want the late slaveholders to control the negro votes

against white men. Let each State judge of the depository of its own political power. He was for emancipation. He was for emancipating the white man as well as the black.]

“Mr. HOLMES asked—Is not that altogether accomplished?”

“The PRESIDENT replied that he did not think the question fully settled. The question as to whether the black man shall be engrafted in the Constitution will be settled as we go along. He would not disguise the fact that while he had been persecuted and denounced at the South as a traitor, he loved the great mass of the Southern people. He opposed the rebellion at its breaking out, and fought it everywhere, and now wanted the principles of the Government carried out and maintained.

“Mr. HOLMES interrupted by saying: We want to get back to the same position as you describe, as we are without law, no courts are open, and you have the power to assist us.

“The PRESIDENT replied that the Government cannot go on unless it is based on right. The people of South Carolina must have a convention, and amend their Constitution by abolishing slavery, and this must be done in good faith, and the convention or Legislature must adopt the proposed amendment to the Constitution of the United States which prohibits and excludes slavery everywhere.

“One of the delegates said, ‘We are most anxious for civil rule, for we have had more than enough of military despotism.’

The PRESIDENT, resuming, said that as the Executive he could only take the initiatory steps to enable them to do the things which it was incumbent upon them to perform.

“Another of the delegates remarked that it was assumed in some parts of this country that in consequence of the rebellion the Southern States had forfeited their rights as members of the confederacy, and that if restored it could only be on certain conditions, one of which was that slavery shall be abolished. This could be done only through a convention.

“The PRESIDENT repeated that the friction of the rebellion had rubbed slavery out, but it would be better so to declare by law. As one of the delegates had just remarked that the constitution of South Carolina did not establish slavery, it were better to insert a clause antagonistic to slavery.

“Judge FROST said, substantially: The object of our prayer is the appointment of a Governor. The State of South Carolina will accept these conditions in order that law and order may be restored, and that enterprise and industry may be directed to useful ends.



We desire restoration as soon as possible. It is the part of wisdom to make the best of circumstances. Certain delusions have been dispelled by the Revolution; among them, that slavery is an element of political strength and moral power. It is very certain that the old notion respecting State rights, in the maintenance of which those who made the rebellion in South Carolina erred, has ceased to exist. Another delusion, viz., that cotton is king, has likewise vanished in mist. We are to come back with these notions dispelled and with a new system of labor. The people of South Carolina will cordially co-operate with the Government in making that labor effective and elevating the negro as much as they can. It is, however, more a work of time than the labor of enthusiasm and fanaticism. The people of the South have the largest interest in the question. We are willing to co-operate for selfish, if for no higher motives. We have taken the liberty, encouraged by your kindness, to throw out suggestions by which the policy of the Government will be most surely and effectually subserved. I repeat that the new system of labor is to be inaugurated by sober, sound and discreet judgment. The negroes are ignorant. Their minds are much inflamed with liberty. They are apt to confound liberty with license. There great idea is, I fear, that freedom consists of exemption from work. We will take in good faith and carry out your intentions with zeal, and hope for the best; and none will rejoice more than the people of the South if emancipation proves successful. Freedom to the slave is freedom to the master, provided you can supply a motive for industry. The people of South Carolina, from their fidelity to honor, have submitted to great sacrifices; they endured all. We are defeated and conquered by the North, who are too strong for us. The same good faith which animated them in the contest will not be found wanting in their pledge of loyal support to the Government. There may grow out of this blessings which you have not foreseen, and some pleasing rays now illumine the horizon. I suppose the oath of allegiance will be taken with as much unanimity in South Carolina as anywhere else, and we will submit to the condition of things which Providence has assigned, and endeavor to believe

'All discords harmony not understood,  
And partial evil universal good.'

We cheerfully accept the measures recommended, and would thank you to nominate, at your convenience, a Governor to carry out the wishes you have expressed.

“President JOHNSON asked the delegation to submit whom they would prefer to have as Provisional Governor.

“To this they replied they had a list of five men, viz.: Aiken, McClahany, Boyce, Colonel Manning, late Governor, and B. F. Perry. All of them were spoken of as good men, but who had been more or less involved in the rebellion. Mr. Perry was a District Judge in the Confederacy until a few weeks before it collapsed, and is said to have always been a good Union man and a gentleman of strict integrity. The people certainly would respect him, and he could not fail to be acceptable.]

“The PRESIDENT said he knew Benjamin Perry well, having served with him in Congress. There was no spirit of vengeance or vindictiveness on the part of the Government, whose only desire was to restore the relations which formerly existed. He was not now prepared to give them an answer as to whom he should appoint. But at the Cabinet meeting next Tuesday he would repeat the substance of this interview, with a hope to the restoration which the gentlemen present earnestly desired.

“The delegates seemed to be much pleased with the proceedings, and lingered for some time to individually converse with the President.”

Owing to the ill-health of President Johnson, who was overpowered by overwork, this Cabinet meeting was not held. The usual reception of visitors had also, by the advice of his physician, to be dispensed with, and the rush of office-seekers and political soothsayers kept back several days.

On the 1st of July, however, the President appointed Hon. Benjamin F. Perry provisional Governor of South Carolina, by a proclamation similar to the others; and on the 3d he sent the following characteristic epistle, regretting that he could not participate in the celebration of the Fourth, and in the ceremonies of laying the corner-stone of the soldier's monument on the battle-field of Gettysburg:

“WASHINGTON, July 3, 1865.

“D. WILLIS, *Chairman of Committee of Arrangements, Gettysburg Monument Association.*

“DEAR SIR,—I had promised myself the pleasure of participating in person in the proceedings of to-morrow. That pleasure I am, by

indisposition, reluctantly compelled to forego. I should have been pleased, standing on that twice consecrated spot, to share with you your joy at the return of peace; to greet with you the surviving heroes of the war, who come back with light hearts, though heavily laden with honors, and with you to drop grateful tears to the memory of those that will never return. Unable to do so in person, I can only send you my greetings, and assure you of my full sympathy with the purpose and spirit of your exercise to-morrow. Of all the anniversaries of the Declaration of Independence, none has been more important and significant than that upon which you assemble. Four years of struggle for our nation's life have been crowned with success; armed treason is swept from the land; our ports are reopened; our relations with other nations are of the most satisfactory character; our internal commerce is free; our soldiers and sailors resume the peaceful pursuits of civil life; our flag floats on every breeze, and the only barrier to our national progress—human slavery—is forever at an end. Let us trust that each recurring Fourth of July shall find our nation stronger in number, stronger in wealth, stronger in the harmony of the citizens, stronger in its devotion to nationality and freedom. As I have often said, I believe that God sent this people on a mission among the nations of the earth, and that when he founded our nation, he founded it in perpetuity. That faith sustained me through the struggle that is passed—it sustains me now that new duties are devolved upon me and new dangers threaten us. I feel that whatever the means He uses, the Almighty is determined to preserve us as a people. And since I have seen the love our fellow-citizens bear their country, and the sacrifices they have made for it, my abiding strength has been stronger than ever that a government of the people is the strongest as well as the best of governments. In your joy to-morrow I trust you will not forget the thousands of whites as well as blacks whom the war has emancipated, who will hail this Fourth of July with a delight which no previous anniversary of the Declaration of Independence ever gave them. Controlled so long by ambitious, selfish leaders, who used them for their own unworthy ends, they are now free to serve and cherish the Government against whose life they in their blindness struck.

“I am greatly mistaken if in the States lately in rebellion we do not henceforward have exhibitions of such loyalty and patriotism as were never seen or felt there before. When you have consecrated a national cemetery you are to lay the corner-stone of a national monument which in all human probability will rise to the full height and proportion of your design. Noble as this monument of stone may

be, it will be but a faint symbol of the monument which, if we do our duty, we shall raise among the nations of the earth upon the foundation laid nine-and-eighty years ago in Philadelphia. Time shall wear away and crumble this monument; but that, based as it is upon the consent, virtue, patriotism and intelligence of the people, each year shall make firmer and more imposing.

“Your friend and fellow-citizen,

“ANDREW JOHNSON.”

On the 5th the President was so far improved as to be able to be out of bed for a portion of the day, though confined to his chamber. He approved the findings and sentence of the military commission in the cases of the assassination conspiracy, by which David E. Harrold, Lewis Payne, Mary E. Surratt and George A. Atzeroth were hung on the 7th; Dr. Mudd, Samuel Arnold and Michael O’Laughlin imprisoned for life; and Edward Spangler sentenced to six years’ imprisonment at hard labor.

On the 8th July, President Johnson was waited on by James A. Jones, R. A. Lancaster, William H. Haxall and J. L. Apperson, representatives of merchants and others of Virginia, who wished him to amend the amnesty proclamation by striking out the thirteenth exception—the twenty thousand dollar clause. They represented that this feature interfered with the development of industry by binding up capital, and in this way oppressed the poor, and that when they endeavored to borrow money in the Northern or Middle States they were at once met with the objection that perhaps they had over twenty thousand dollars, and, if they had, the accommodation could not be extended, so that they were unable to give work to the poor men who called upon them.)

The President reminded them that the amnesty proclamation did not cause this distrust; it was the commission of treason and the violation of law that did it. The amnesty proclamation left these men just where they were before—it did not add any disability to them. If they had committed treason they were amenable to the confiscation

law which Congress had passed, and which he, as President, could not alter nor amend. In the amnesty proclamation he had offered pardon to some persons, but that did not injure any other persons. Would they like to have the amnesty proclamation removed? Would they feel any easier in that case?

"A DELEGATE—No; but it would assist us very much if you would extend the benefits of the proclamation to persons worth over twenty thousand dollars.

"The PRESIDENT replied, that in making that exception, he had acted on the natural supposition that men had aided the rebellion according to the extent of their pecuniary means. Did they not know this?

"A DELEGATE—No, I did not know it.

"The PRESIDENT—Why, yes, you do. You know perfectly well it was the wealthy men of the South who dragooned the people into secession. I lived in the South, and I know how the thing was done. Your State was overwhelmingly opposed to secession; but your rich men used the press and bullies, and your little army, to force the State into secession. Take the twenty thousand dollar clause. Suppose a man is worth more than that now the war is over, and the chances are ten to one that he made it out of the rebellion by contracts, etc. We might as well talk plainly about this matter. I don't think you are so very anxious about relieving the poor. You want this clause removed so as to be able to make money, don't you? If you are very eager to help the poor, why don't you take the surplus over the twenty thousand dollars you own, and give it to them? In that way you will help them, and bring yourselves within the benefits of the proclamation. I am free to say to you that I think some of you ought to be taxed on all over twenty thousand dollars to help the poor. When I was Military Governor of Tennessee I assessed such taxes on those who had been wealthy leaders of the rebellion, and it had a good effect.

"A DELEGATE—It so happens that none of us were leaders. We stayed out as long as we could, and were the last to go in.

"The PRESIDENT—Frequently those who went in last were among the worst after they got in. But, be that as it may, understand me, gentlemen, I do not say this personally; I am just speaking of the general working of the matter. I know there has been an effort among some to persuade the people that the amnesty proclamation

was injuring them by shutting up capital and keeping work from the poor. It does no such thing. If that is done at all, it is done in consequence of the violation of law and the commission of treason. The President concluded by saying that he would look at the papers they presented, but, so far, had seen no reason for removing the thirteenth exception."

Early in July a movement was made by some citizens of Florida for assistance in the reconstruction of that State. A delegation—headed by Messrs. Brooks of Appalachicola, and Hopkins of Tallahassee—proceeded to Washington, and, on the 13th of that month, the President appointed, by the usual proclamation, Hon. William Marvin, Provisional Governor of the State of Florida.

On the 19th, a South Carolina delegation, at the head of which was the newly-appointed Provisional Governor Perry, had an interview with the President. The delegation was the result of various town meetings held in South Carolina, at which the members were selected. They were on their way to Washington before the news of Governor Perry's appointment had been received. Governor Perry subsequently\* gave the following account of the interview and the hopes of reconstruction based upon it :

"We were received very cordially, and remained an hour or two with the President. I told him that the people of South Carolina accepted the terms of his proclamation, and were disposed to return to their allegiance to the Union. That from having been the most rebellious State in the South, I was satisfied South Carolina would, henceforth, be one of the most loyal of the Southern States. That she would reform her constitution and abolish slavery, give the election of Governor and Presidential Electors to the people, and equalize the representation of the State. I gave it as my opinion that the disunion feeling of the South had originated in the parishes.

"The President expressed himself gratified at the course South Carolina was likely to pursue, and instead of manifesting any bitter or revengeful spirit, he evinced great kindness, solicitude and mag-

\* At Greenville, S. C., August 1.

nanimity. The whole delegation was deeply impressed with the courtesy, dignity and ability of his Excellency. His political views expressed to us were those of a patriot and a statesman. He wished to see the country once more quiet, peaceable, happy and prosperous. In regard to the relative powers of the State and the Federal Government, his opinions were identical with my own, so long expressed in South Carolina. He was equally opposed to the centralization and consolidation of powers in Congress as he was to the secession of the States. It must be left to the Legislature of each State to decide who shall be allowed to vote in the State. Any attempt on the part of Congress to control the elective franchise of a State would be unwarrantable usurpation. He expressed an ardent wish to see the constitution of South Carolina popularized by abolishing the parish representation, and equalizing the political power of the upper and lower country, giving the election of Governor to the people, and also the election of electors of President and Vice-President.

\* \* \* \* \*

“The last interview I had with the President, he requested me to write him, and keep him informed as to any difficulty which I might meet with in organizing a provisional government. I said to him, ‘I have already, Mr. President, organized a provisional government for South Carolina, by adopting the State Government. I have issued my proclamation, ordering all civil officers in South Carolina to take the oath of allegiance, and resume their official duties.’ ‘Well,’ said he, ‘you are a most expeditious Governor.’ I replied by saying that my appointment came late, and I thought it necessary to work rapidly. I further said to him that I would have the State ready, with the constitution reformed and her members of Congress elected by the first Monday in December, when Congress convened.

“In conclusion, let me say to you, fellow-citizens, that I am well pleased with all that I saw and heard at Washington in reference to the Southern States. Let us now do our duty, take the oath of allegiance, elect good and wise men to the convention, reform our State Constitution, abolish slavery, equalize the representation of the State in the Senate, give the election of Governor and Presidential electors to the people, and all will be well. Immediately after the convention has reformed the constitution, the Legislature will be convened to elect United States Senators, and provide for the election of members of the House of Representatives in Congress. This may all be done by the first Monday in December next, when the

State will be fully restored to all her rights under the constitution and laws of the United States."

On the 20th of July the President sent the following dispatch to Governor Brownlow of Tennessee :

“WASHINGTON, *July 20, 1865.*

“TO HON. W. G. BROWNLOW,—I hope and have no doubt you will see that the recent amendment to the Constitution of the State, as adopted by the people, and all laws passed by the Legislature in pursuance thereof, are faithfully and fairly executed, and that all illegal voters in the approaching election be excluded from the polls, and the election for members of Congress be legally and faithfully conducted; and when and wherever it may seem necessary to employ force for the execution of the laws and the protection of the ballot-box from violence and fraud, you are authorized to call upon Major-General Thomas for sufficient military force to sustain the civil authorities of the State.

“I have received your recent address to the people, and I think it well-timed, and hope it will do much good in reconciling the opposition to the amendment of the Constitution and the laws passed by the last Legislature. The law must be executed and the civil authority sustained. In your efforts to do this, if necessary, General Thomas will afford sufficient military force. You are at liberty to make what use you think proper of this dispatch.

“ANDREW JOHNSON, *President U. S.*”

The President continued to apply himself with unwearied devotion to the exciting duties of his office until again borne down by attacks of a bilious nature, which have visited him for years. He relieved himself by a brief excursion down the Potomac and Chesapeake Bay. His health was sufficiently restored to hold a prolonged Cabinet meeting on the 8th August.

The trial and execution of the accomplices of Booth, the assassin, having been made the subject of partisan comment, the President submitted the question to the law adviser of the Government.

Attorney-General Speed in response to an inquiry whether the persons charged with the offence of having assassi-



nated the late President should be tried before a military tribunal or a civil court, gave a written opinion sustaining the former mode of trial. This opinion has been printed. It maintains that a military tribune exists under and according to the Constitution in time of war ; that the law of nations constitutes a part of the law of the land ; and that the laws of war constitute the greater part of the law of nations. The laws of war authorize human life to be taken without legal process, or that legal process contemplated by those provisions in the Constitution that are relied upon to show that military judicial tribunals are unconstitutional. The law of nations, which is the result of the experience and wisdom of ages, has decided that "jay-hawkers," banditti, etc., are offenders against the law of nations and of war, and, as such, amenable to the military. Our Constitution has made those laws a part of the law of the land. Obedience to the Constitution and the law, then, requires that the military should do their whole duty. They must not only meet and fight the enemies of the country in open battle, but they must kill or take the secret enemies of the country, and try and execute them according to the law. The civil tribunals of the country cannot rightfully interfere with the military in the performance of their high, arduous and perilous, but lawful duties. The Attorney-General characterizes Booth and his associates as secret active public enemies ; and he concludes with the opinion that " the persons who are charged with the assassination of the President committed the deed as public enemies, and whether they did or not is a question to be decided by the tribunal before which they are tried. They not only can but ought to be tried before a military tribunal. If the persons charged have offended against the laws of war, it would be palpably wrong for the military to hand them over to the civil courts, as it would be wrong in a civil court to convict a man of murder who had in time of war killed another in battle."

The Homestead Law is of such extended importance, and the subject is so prominently discussed in this volume, that the latest decision touching its provision naturally seeks admission into these pages. On the 9th August the Secretary of the Interior, Mr. Harlan, made an important decision respecting the even or reserved sections along the line of the Union Pacific Railroad under grants by Acts of Congress, 1st July, 1862, also 2d July, 1864. In the case of a homestead entry at Junction City, Kansas, on one of the reserved or alternate sections, above referred to, question has been raised as to rate per acre at which said reserved sections shall be held. The Homestead Law allows one hundred and sixty acres to each settler, of one dollar and twenty-five cents per acre, or eighty acres of two dollars and fifty cents per acre. The Homestead party in this case applied to take one hundred and sixty acres of reserved sections in question. The Commissioner-General of the Land Office rejected the application upon the ground that tracts not being subject to pre-emption at a sum less than two dollars and fifty cents per acre, exceeded the number of acres that one party could acquire under the Homestead Act of the 20th of May, 1862. The Secretary, after an examination of the whole matter, affirmed the judgment of the General Land Office, deciding as follows: "The act entitled, An Act to extend pre-emption rights to certain lands therein mentioned, approved March 3, 1853, provides that the pre-emption laws of the United States, as they now exist, be and they are hereby extended over alternate reserved sections of public lands along the lines of all railroads in the United States, wherever public lands have been or may be granted by Act of Congress. The even sections along the line of the Pacific Railroad must be treated as reserved sections, within the meaning of this act. Being treated as subject to pre-emption, the question arises at what price may they be purchased. The proviso in the

above act declares that the price to be paid shall, in all cases be two dollars and fifty cents per acre, or such other minimum price as is now fixed by law or may be fixed upon lands hereafter granted. The price of reserved sections is to be two dollars and fifty cents per acre, unless changed by a price fixed, or to be fixed, by law, on granted sections. In this case, Congress has not fixed any price on granted sections until three years after the completion of the entire road; it consequently follows, that the price named, two dollars and fifty cents per acre, must now be paid for reserved sections under existing legislation."

The President steadily pursues his course of policy, ignoring party lines and only keeping in view the best means to serve the interests of the whole country in the best manner. The efforts of extremists to thwart his plans, or divert the appliances by which they are to be carried out, affect him not; and the only appointments of importance made by him thus far—that of ex-United States Senator Preston King to the Collectorship and ex-Representative Moses F. Odell to the Naval Office at the port of New York, are regarded as welcome and additional evidence of the national sentiments which will guide his policy.

His diligence to the affairs of State when not utterly borne down by attention to them, is a matter of as much anxious solicitude as of approval. The Executive Mansion has been crowded with deputations, advisers and petitioners for pardon. It having come to his knowledge that means were being taken to accomplish the latter by means of agents who received large fees for their services, the President promptly directed the Attorney-General to issue no more warrants for pardon at present, desiring to examine the cases himself and do full justice to the parties. One of many scenes in which he was surrounded by persons soliciting pardon is thus described :

"Some fifty persons were present, most of them seeking pardons.

A Mr. Keitt, of South Carolina (not Lawrence M., he having been killed by a loyal bullet at Fort Wagner), approached the President, and informed him that he desired a pardon. 'What have you done?' asked Mr. Johnson. 'I opposed secession until my State decided to go out of the Union, and then I determined to go with it. I never joined the army. I did nothing to bring on the rebellion,' was the reply. 'You,' rejoined the President, 'are like all the rest; you did nothing. Now,' he added, 'my experience is, that the men who didn't join the rebel army, but who acquiesced in rebellion, were the most mischievous and dangerous men we had. I cannot pardon you, sir.' Mr. Keitt made several other efforts. Among other things he reminded the President that he had come all the way from South Carolina and had been in Washington some time; that hotel living here was very high, and that altogether his daily expenses were extravagantly large, and that he would like to get away as soon as he could go. The President responded that the hardships of which he complained were the direct results of the rebellion; that he did not bring on, or contribute to bring on the rebellion; that he was not responsible for and could not extricate Mr. Keitt from the difficulties he complained of, nor hasten his pardon on account of them. The President was firm. His answer was a finality. A Mr. Birch, member of the late rebel Legislature of Virginia, next approached the President and applied for a pardon. Similar questions were put to him by the President as were asked Mr. Keitt. From the answers it appeared that Birch did nothing, only, as a member of the Virginia Legislature, in obedience to instructions, he voted that Virginia should secede from the Union of the United States. That is all he did that was—'nothing.' The President refused to pardon him. Next came a rebel clergyman who asked the President to grant him a pardon. 'What great sin have you committed that you come here in clerical robes and crave Executive pardon?' 'I was a rebel,' was the answer, 'and I desire your Excellency to pardon me that I may be restored to citizenship and be able to support and live under the Government of the United States.' 'You rebel preachers,' responded the President, 'have done the Government a great deal of harm. You have proclaimed devilish doctrines and misled the people. You forgot that it was your duty to yield obedience to the powers that be. You must rest awhile upon the stool of repentance. I decline to grant you pardon at present.'

"The President then remarked, addressing the entire crowd in the room, that it was a little singular that most of the non-combatants who had come here from the South for pardon assert that they did nothing, were opposed to the rebellion at the beginning, only acqui-

esced, and thought the rebel government ought to have surrendered earlier and stopped bloodshed; yet not one of them took advantage of the amnesty proclamation offered by Mr. Lincoln, an act which would have shown sincerity on their part, and contributed so much toward saving the enormous expenditure of life and treasure. 'I will grant no more pardons for the present,' was the emphatic conclusion of the President, and turning to Colonel Browning, he directed him to issue the order to the Attorney-General."

During the sitting of the Mississippi State Convention, Governor Sharkey communicated to it, 24th August, a telegraphic dispatch received by him from President Johnson. The work of State restoration, so spiritedly entered into by Mississippi, was a source of great gratification to the President, and his dispatch congratulated the members of the Convention on the progress they were making in paving the way to the readmission of the State of Mississippi into the Union, and expressed an earnest hope that all obstacles to such readmission would soon be removed. The dispatch further announced that the President would restore the writ of *habeas corpus*, and remove the troops from the State at the earliest moment that progressive loyalty of action would warrant.

M. Maurice Delfosse, the new Minister Resident from Belgium was presented on the 25th August. On delivering his credentials he said it was his first duty, and he was happy to fulfil it, to assure the President of the constant friendship of the King, and to express the sincere wishes of his Majesty for his personal happiness and for the prosperity and well-being of the United States. As for himself, the Minister said, he should have no other object in endeavoring to deserve the President's favorable regard than to maintain friendly relations between the government of Belgium and that of the United States, and to draw more closely the ties of friendship which happily exist between the two countries.

To this the President replied :

“Mr. DELFOSSE,—I receive you with pleasure as the representative of his Majesty, the King of the Belgians, and I hope that you may find your residence here satisfactory and agreeable. Your sovereign has performed promptly many friendly offices for the United States, and he is therefore held in high respect and esteem among the American people. Our best wishes are constantly given for not only the welfare of your enlightened country, but for the health and happiness of the King.”

By the following proclamation the President removed all remaining restrictions on articles announced as contraband of war in trade with the Southern States :

#### FREEDOM OF TRADE.

*Proclamation by the President of the United States of America.*

“Whereas, by my proclamations of the 13th and 24th of June, 1865, removing restrictions in part upon internal, domestic and coastwise intercourse and trade, with the States recently declared in insurrection, certain articles were exempted from the effect of said proclamations as contraband of war; and whereas the necessity for restricting trade in said articles has now, in a great measure, ceased, it is hereby ordered that on and after the first day of September, 1865, all restrictions aforesaid be removed, so that the articles declared by the said proclamations to be contraband of war may be imported into and sold in said States, subject only to such regulations as the Secretary of the Treasury may prescribe.

“In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

“Done at the City of Washington, this twenty-ninth day of August, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the nintieth.

“ANDREW JOHNSON.

“By the President :

“WILLIAM H. SEWARD, *Secretary of State.*”

While this work was passing through the press additional indications of the President's Restoration policy were manifested by his action towards the State of Mississippi, and his remarks to a delegation representing nine Southern States.

On the 19th August Governor Sharkey issued a proclamation calling on the people of Mississippi to organize under the militia laws of the State, in each county, a force for the prevention and detection of crime and the arrest of criminals. Major-General Slocum, department commander, issued an order preventing the execution of the Governor's intention. Hon. Carl Schurz, a Government commissioner, on a tour of inspection, sent a dispatch to the President expressing fears of the propriety of Governor Sharkey's course, and deprecating any action by the President adverse to the order issued by Major-General Slocum. The President, under date of August 30, telegraphed Mr. Schurz as follows: ]

"I presume General Slocum will not issue an order interfering with Governor Sharkey's efforts to restore the functions of the State without first consulting the Government and giving reasons for such proposed interference. It is believed that there can be organized in each county a force of citizens or militia to suppress crime, restore order, and enforce the civil authority of the State and of the United States, which would enable the Federal Government to reduce the army and withdraw to a great extent the forces from the States and reduce the enormous expenses of the Government. If there were any danger from the organization of the citizens for the purpose indicated, the military are there to suppress on the first appearance of any movement insurrectionary in its character. ] One great object is to induce the people to come forward in the defense of the State and Federal Governments. General Washington declared that the people or the militia were the army of the Constitution or the army of the United States; and as soon as it is practicable the original design of the Government should be resumed under the principles of the great charter of freedom handed down to the people by the foundation of the Republic. The people must be trusted with their Government; and, if trusted, my opinion is that they will act in good faith and restore their former constitutional relations with all the States composing the Union. The main object of Major-General Carl Schurz' mission to the South was to aid, as much as practicable, in carrying out the policy adopted by the Government for restoring the States to their former relations with the Federal Government. It is hoped such aid has been given. ] The proclamation authorizing the restoration of the State government, requires the military to aid the Provi-

sional Governor in the performance of his duties, as prescribed in the proclamation, and in no manner to interfere or throw impediments in the way of the consummation of the object of his appointment, at least, without advising the Government of the intended interference.

“ANDREW JOHNSON,  
*President of the United States.*”

By direction of the President a copy of this was given to Governor Sharkey, who earnestly requested permission to publish it. To this request the President replied by telegraph: “My dispatch was not intended for publication; but you can make such use of it as you deem best.” The same day the following dispatch was sent to General Slocum:

“WAR DEPARTMENT, WASHINGTON, D. C., }  
*September 2, 1865.* }

“Major-General SLOCUM, etc., etc.,—Upon the 19th of August, Governor Sharkey issued a proclamation calling for the formation of military companies in each county, to detect criminals, prevent crime and preserve good order in places where the military forces of the United States were insufficient to do so. If you have issued any order countermanding this proclamation, or interfering with its execution, you will at once revoke it. Acknowledge the receipt of this order, and telegraph your action.

“By order of the President of the United States.

“T. T. ECKERT, *Acting Assist. Sec. of War.*”

On the 11th September a meeting of Southerners, the most prominent of whom were in the city on business connected with the re-establishment of civil government in their respective States, assembled in Washington. Desiring to address the President on behalf of the South, and to express to him their unqualified confidence in the justice and magnanimity of the Government in the matter of restoration, they were admitted to an interview about noon. Presenting his associates, Mr. McFarland of Virginia made the following remarks:

Mr. President,—The gentlemen accompanying me, and whom I have the honor of introducing to you, constitute a number of the



most respectable citizens of nine of the Southern States. They come, sir, for the purpose of manifesting the sincere respect and regard they entertain for you, and to express their sincere determination to cooperate with you in whatever shall tend to promote the interests and welfare of our common country, and to say that they are as earnest now and faithful to their allegiance to the United States, and to the Constitution of the Union, as in the past, and that they have great confidence in your wisdom to heal the wounds that have been made, and in your disposition to exercise all the leniency which can be commended by a sound and judicious policy. That they are assured, in doing this, of your desire and intention to sustain and maintain Southern rights in the Union of the United States.

The President was surprised at the imposing appearance of the delegation, and was evidently much affected in reply. Every gesture and utterance was full of subdued eloquence. His reply was as follows :

Gentlemen,—I can only say in reply to the remarks of your chairman that I am highly gratified to receive the assurances he has given me. They are more than I could have expected under the circumstances. I must say I was unprepared to receive so numerous a delegation on this occasion ; it was unexpected. I had no idea it was to be so large, or represent so many States, when I expressed, as I did, my willingness to see at any time so many of you as chose to do me the honor to call upon me, and stated that I should be gratified at receiving any manifestations of regard you might think proper to make. I was totally unprepared for anything equal to the present demonstration. I am free to say it excites in my mind feelings and emotions that language is totally inadequate to express. When I look back upon my past actions, and recall a period scarcely more than four short years ago, when I stood battling for principles which many of you supposed and thought were wrong, I was battling for the same principles that actuate me to-day, and which principles I thank my God you have come forward on this occasion to manifest a disposition to support. I can say now, as I have said on many former occasions, that I entertain no personal resentments, enmities or animosities to any living soul south of Mason and Dixon's line, however much he may have differed from me in principle. The stand I then took I claim to have been the only true one. I remember how I stood pleading with my Southern brethren, when they stood with their hats in their hands ready to turn their backs upon

the United States—how I implored them to stand with me there and maintain our rights and fight our battles under the laws and Constitution of the United States. I think now as I thought then, and endeavored to induce them to believe, that our true position was under the law and under the Constitution of the Union with the institution of slavery in it; but if that principle made an issue that rendered a disintegration possible—if that made an issue which should prevent us from transmitting to our children a country as bequeathed to us by our fathers, I had nothing else to do but stand by the Government, be the consequences what they might. I said then what you all know, that I was for the institutions of the country as guaranteed by the Constitution, but above all things I was for the Union of the States. I remember the taunts, the jeers, the scowls with which I was treated; I remember the circle that stood around me, and remember the threats and intimidations that were freely uttered by the men who opposed me and whom I wanted to befriend and guide by the light that led me; but feeling conscious in my own integrity and that I was right, I heeded not what they might say or do to me, and was inspired and encouraged to do my duty, regardless of aught else, and have lived to see the realization of my predictions and the fatal error of those whom I vainly essayed to save from the results I could not but foresee. Gentlemen, we have passed through this rebellion. I say we, for we are responsible for it. Yes, the south made the issue, and 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, 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 against the institution of slavery; we selected as arbitrator the God of Battles; the arbitrament was the sword. The issue was fairly and honorably met. Both the questions presented have been settled against us, and we are prepared to accept the issue.” I find on all sides this spirit of candor and honor prevailing. It is said by all: “The issue was ours, the judgment has been against us, and the decision having been made against us we feel bound in honor to abide by the arbitrament. In doing this we are doing ourselves no dishonor, and should not feel humiliated or degraded but rather that we are ennobling ourselves by our action, and we should feel that the government has treated us magnanimously, and meet the government upon the terms it has so magnanimously proffered us.” So far as I am concerned personally, I am uninfluenced by any question, whether it affects the

North or the South, the East or the West. I stand where I did of old, battling for the Constitution and the Union of these United States. In doing so, I know I opposed some of you gentlemen of the South, when the doctrine of secession was being urged upon the country, and the declaration of your right to break up the government and disintegrate the Union was made. I stand to-day as I have ever stood, firmly in the opinion that if a monopoly contends against this country, the monopoly must go down and the country must go up. Yes, the issue was made by the South against the government and the government has triumphed; and the South, true to her ancient instincts of frankness and manly honor, comes forth and expresses her willingness to abide the result of the decision in good faith. While I think that the rebellion has been arrested and subdued, and am happy in the consciousness of a duty well performed, I want not only you, but the people of the world, to know that while I dreaded and feared disintegration of the States, I am equally opposed to consolidation or concentration of power here, under whatever guise or name; and if the issue is forced upon us, I shall still endeavor to pursue the same efforts to dissuade from this doctrine of running to extremes; but I say let the same rules be applied. Let the Constitution be our guide. Let the preservation of that and the Union of States be our principal aim. Let it be our hope that the government may be perpetual, and that the principles of the government, founded as they are on right and justice, may be handed down without spot or blemish to our posterity. As I have before remarked to you, I am gratified to see so many of you here to-day. It manifests a spirit I am pleased to observe. I know it has been said of me that my asperities are sharp; that I had vindictive feelings to gratify, and that I should not fail to avail myself of the opportunities that would present themselves to gratify such despicable feelings. Gentlemen, if my acts will not speak for me and for themselves, then any professions I might now make would be equally useless. But, gentlemen, if I know myself, as I think I do, I know that I am of the Southern people, and I love them, and will do all in my power to restore them to that state of happiness and prosperity which they enjoyed before the madness of misguided men, in whom they had reposed their confidence, led them astray to their own undoing. If there is anything that can be done on my part on correct principles, on the principles of the Constitution, to promote these ends, be assured it shall be done. Let me assure you, also, that there is no disposition on the part of the government to deal harshly with the Southern people. There may be speeches published from various quarters that may breathe a different spirit. Do not let them trouble or excite you, but

believe that it is, as it is, the great object of the government to make the union of these United States more complete and perfect than ever, and to maintain it on constitutional principles, if possible more firmly than it has ever before been.] Then why cannot we all come up to the work in a proper spirit? In other words: Let us look to the Constitution. The issue has been made, and decided. Then as wise men, as men who see right and are determined to follow it, as fathers and brothers, and as men who love their country in this hour of trial and suffering, why cannot we come up and help to settle the questions of the hour, and adjust them according to the principles of honor and of justice? [The institution of slavery is gone. The former status of the negro had to be changed, and we, as wise men, must recognize so patent a fact and adapt ourselves to circumstances as they surround us.]

VOICES: "We are willing to do so." "Yes, sir, we are willing to do so."

I believe you are. I believe when your faith is pledged—when your consent has been given, as I have already said—I believe it will be maintained in good faith, and every pledge or promise fully carried out.]

VOICES: "It will."

All I ask or desire of the South or the North, the East or the West, is to be sustained in carrying out the principles of the Constitution. It is not to be denied that we have been great sufferers on both sides. Good men have fallen on both sides, and much misery is being endured, as the necessary result of so gigantic a contest. Why, then, cannot we come together, and around the common altar of our country heal the wounds that have been made? Deep wounds have been inflicted. Our country has been scarred all over. Then why cannot 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 had 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 the influence of their error and its result, and governed by a generous spirit of conciliation, they have become mutually forbearing and forgiving, and returned to their old habits of fraternal kindness, and become better friends than ever. Then let us consider that the feud which alienated us has been settled and adjusted to our mutual satisfaction; and that we come together to be bound by firmer bonds of love, respect and confidence than ever. The North cannot get along without the South, nor the South without the North, the East without the West, nor the West without the

East, and I say it is our duty to do all that in our power lies to perpetuate and make stronger the bonds of our Union, seeing that it is for the common good of all that we should be united. I feel that this Union, though but the creation of a century, is to be perpetuated for all time, and that it cannot be destroyed, except by the all-wise God who created it. Gentlemen, I repeat, I sincerely thank you for the respect manifested on this occasion ; and for the expressions of approbation and confidence please to accept my sincere thanks.

Mr. McFARLAND replied :

Mr. President—On behalf of this delegation, I return you my sincere thanks for your kind, generous, aye, magnanimous expressions of kindly feeling to the people of the South.

The visitors then retired.

Among the numerous demonstrations of approval the President's course has drawn forth, a mass meeting in Richmond inviting the President and Cabinet to visit that city, was not the least remarkable. Mr. Charles Palmer, one of the Committee appointed to carry out the intention of the meeting, has published a report of the mission from which, as bearing on the subject under illustration, we quote an extract :

“The President spoke with much feeling in relation to the unhappy situation of Richmond and the condition of the South generally, which I think he will help as much as circumstances will allow. Take him all in all, I do not believe any proud monarch of Europe, whose race of kings by divine right has flourished a thousand years of time, has a clearer conception of his duties and knows better how to temper justice with mercy than Andrew Johnson, of Tennessee. From my interview with the President I drew the most cheering auguries ; it impressed me with the conviction that the South will find in him a friend and protector, if she will come up to his requirements cheerfully, and accept with true hearts the terms of reconstruction offered. With one voice and one heart we will greet his coming to this old Commonwealth with joyous welcome.”

The unfolding of President Johnson's restoration policy, in his proclamations and replies to the Southern delegations

who have waited upon him, attracted, as might be expected, the almost undivided attention of the country. It forms the staple comment in the public journals, and of conversation in private circles. By both he is almost universally sustained. In his knowledge of the South on the one hand, and the daring and brilliant record of his patriotism on the other, as well as on his expressed doctrine of non-interference with the constitutional rights and duties of the States engaged in reassuming their loyal status in the Republic, the great mass of the people find a solid basis on which to lay the foundation of future prosperity and glory. Facing the great work to which Providence has assigned him, he relies not upon the passions, prejudices and partisan feelings which to some extent may be pardonable in minds not purified by the great responsibilities which encircle him. Rising with the grandeur of the occasion, he desires to meet and guide it in the spirit of a true representative agent of a great People. The tolerated curse of slavery having been totally lifted from the soil, he desires, in a just democratic republican spirit to see the free Southern States, with cleansed constitutions, manage their internal affairs as the free Northern States do.

All the seceding States are provided with civil Executives either elected or provisionally appointed ; and that portion of our country lately reeling in the maelstrom of insurrection and civil war is now undergoing the wise influences of the American system ; preparing to enter upon a new and brighter path—to achieve a wider and grander destiny ; and to contribute to the prosperity, the honor and glory of a mighty and a Free Republic.

## A P P E N D I X .

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SPEECH IN REPLY TO SENATOR LANE, OF OREGON; delivered in the Senate of the United States, March 2, 1861.

The Senate having under consideration the report of the Peace Conference, and Mr. Lane, of Oregon, having concluded his speech—

Mr. JOHNSON, of Tennessee, said :

Mr. PRESIDENT,—It is painful to me to be compelled to occupy any of the time of the Senate upon the subject that has just been discussed by the Senator from Oregon. Had it not been for the extraordinary speech he has made, and the singular course he has taken, I should refrain from saying one word at this late hour of the day and of the session. But, sir, it must be apparent, not only to the Senate, but to the whole country, that, either by accident or by design, there has been an arrangement that any one who appeared in this Senate to vindicate the Union of these States should be attacked. Why is it that no one in the Senate or out of it, who is in favor of the Union of these States, has made an attack upon me? Why has it been left to those who have taken both open and secret ground in violation of the Constitution, for the disruption of the Government? Why has there been a concerted attack upon me from the beginning of this discussion to the present moment, not even confined to the ordinary courtesies of debate and of senatorial decorum? It is a question which lifts itself above personalities. I care not from what direction the Senator comes who indulges in personalities towards me; in that, I feel that I am above him, and that he is my inferior. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. Polk in the chair) rapped with his mallet, and then said: The Chair will announce that if that disturbance is repeated in the galleries, they must be cleared. That is the

order of the Senate for the purpose of conducting properly the deliberations of the Senate.

Mr. DOOLITTLE: I hope the Chair will enforce the order, and not threaten to do so. When applause is given on the expression of Union sentiments, in which I fully concur, I desire that the order shall be enforced, and there can then be no exception taken if we enforce the rules when applause may be given for any other sentiments uttered on this floor.

Mr. JOHNSON, of Tennessee: Mr. President, I was alluding to the use of personalities. They are not arguments; they are the resort of men whose minds are low and coarse. It is very easy to talk about "cowards;" to draw autobiographical sketches; to recount the remarkable, the wonderful events and circumstances and exploits that we have performed. I have presented facts and authorities; and upon them I have argued; from them I have drawn conclusions; and why have they not been met? Why have they not been answered? Why abandon the great issues before the country, and go into personalities? In this discussion I shall act upon the principle laid down in Cowper's conversation, where he says:

"A moral, sensible, and well-bred man  
Will not affront me; and no other can,"

But there are men who talk about cowardice, cowards, courage, and all that kind of thing; and in this connection, I will say, once for all, not boastingly, with no anger in my bosom, that these two eyes never looked upon any being in the shape of mortal man that this heart of mine feared.

Sir, have we reached a point of time at which we dare not speak of treason? Our forefathers talked about it; they spoke of it in the Constitution of the country; they have defined what treason is. Is it an offense, is it a crime, is it an insult to recite the Constitution that was made by Washington and his compatriots? What does the Constitution define treason to be?

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

There it is defined clearly that treason shall consist only in levying war against the United States, and adhering to and giving aid and comfort to their enemies. Who is it that has been engaged in conspiracies? Who is it that has been engaged in making war upon the United States? Who is it that has fired upon our flag? Who is it that has given instructions to take your arsenals, to take your forts,



to take your dock-yards, to seize your custom-houses, and rob your treasuries? Who is it that has been engaged in secret conclaves, and issuing orders for the seizure of public property in violation of the Constitution they were sworn to support? In the language of the Constitution of the United States, are not those who have been engaged in this nefarious work guilty of treason? I will now present a fair issue, and hope it will be fairly met. Show me who has been engaged in these conspiracies; show me who has been sitting in these nightly and secret conclaves plotting the overthrow of the Government; show me who has fired upon our flag, has given instructions to take our forts and our custom-houses, our arsenals and our dock-yards, and I will show you a traitor! [Applause in the galleries.]

The PRESIDING OFFICER (Mr. Polk in the chair): The Sergeant-at-Arms will clear the galleries on the right of the Chair immediately.

MR. JOHNSON, of Tennessee: That is a fair proposition——

The PRESIDING OFFICER: The Senator from Tennessee will pause until the order of the Chair is executed.

[Here a long debate ensued upon questions of order and the propriety of clearing the galleries.]

MR. JOHNSON, of Tennessee: I hope the execution of the order will be suspended, and I will go security for the gallery that they will not applaud any more. I should have been nearly through my remarks by this time but for this interruption.

The PRESIDING OFFICER here announced that the order for clearing the galleries would be suspended.

MR. JOHNSON, of Tennessee: Mr. President, when I was interrupted by a motion to clear the galleries, I was making a general allusion to treason as defined in the Constitution of the United States, and to those who were traitors and guilty of treason within the scope and meaning of the law and the Constitution. My proposition was, that if they would show me who were guilty of the offenses I have enumerated, I would show them who were the traitors. That being done, were I the President of the United States, I would do as Thomas Jefferson did in 1806 with Aaron Burr, who was charged with treason: I would have them arrested and tried for treason, and, if convicted, by the Eternal God they should suffer the penalty of the law at the hands of the executioner. Sir, treason must be punished. Its enormity and the extent and depth of the offense must be made known. The time is not distant, if this Government is preserved, its Constitution obeyed, and its laws executed in every department, when something of this kind must be done.

The Senator from Oregon, in his remarks, said that a mind that it

required six weeks to stuff could not know much of anything. He intimated that I had been "stuffed." I made my speech on the 19th of December. The gentleman replied. I made another speech on the 5th and 6th of February. And now, after a lapse of about four weeks, and at the close of the session, when it is believed there will be no opportunity to respond on account of the great press of business which must necessarily be acted on, he makes a reply. How long has *he* been "stuffing?" *By whom* and how often has he been "stuffed?" [Laughter.] He has been stuffed twice; and if the stuffing operation was as severe and as laborious as the delivery has been, he has had a troublesome time of it; for his travail has been great, the delivery remarkable and excruciatingly painful. [Laughter.]

Again: he speaks of "triumphant ignorance and exulting stupidity." Repartee and satire are not limited to one. I have no disposition, however, to indulge in coarse flings; and, in fact, I think it is unsenatorial. Whatever may be the character of my mind, I have never obtrusively made it the subject of consideration. I may, nevertheless, have exhibited now and then the "exulting stupidity and triumphant ignorance" of which the Senator has spoken. Great and magnanimous minds pity ignorance. The Senator from Oregon, rich in intellectual culture, with a mind comprehensive enough to retain the wisdom of ages, and an eloquence to charm a listening Senate, deploras mine; but he should also be considerate enough to regard my humility. Unpretending in my ignorance, I am content to gaze at his lofty flights and glorious daring without aspiring to accompany him to regions for which my wings have not been plumed nor my eyes fitted. Gorgeously bright are those fair fields in which he revels. To me, alas! his heaven appears but as murky regions, dull, opaque, leaden. My pretension has been simply to do my duty to my State and to my country.

The Senator has thought proper to refer to the action of my State; and I may be permitted to remark, that we in the South understand some things as well as they are understood in the North; and when we find one who calls himself a northern man, who boasts of his position there, making great professions of friendship, greater attachment to our institutions and our interests than we do ourselves, in some minds it may have a tendency to excite suspicion. The Senator from Oregon is *more* southern than the South itself. He has taken under his wing of protection the peculiar guardianship of the southern States, and his every utterance is upon "the equality of the States, their rights in the Union, or their independence out of it." I think Dr. Johnson advised that when a man comes to your house, and voluntarily makes great professions of his purity, his uprightness

of purpose, his exalted character, of being far above suspicion and imputation, if you have any silver-ware, hide it. When northern Senators and northern gentlemen make *greater* professions of devotion to our institutions than we do ourselves, our suspicions are somewhat excited.

The Senator has alluded to the action of my State; he has commented upon my devotion to the people; he has been reviewing my political history; he has even commented upon the nature and character of my mind; and he has failed to discover anything extraordinary in it. As to the character of my mind, as I before remarked, that is a subject which I have never obtruded upon any one. I have never made any pretensions to anything extraordinary, as regards intellect or extensive information: but, were the reverse of this all true, and had I the wisdom of Solomon, and a mind as strong, as clear, and as penetrating as the rays of the sun at noonday when there is not a speck or a dot to obscure his disc, I should then even despair of breaking through the triple case of bigotry, superciliousness, and self-conceit, that surrounds the mind of the Senator from Oregon. Mind, did I say? I recall that term; I will not dignify it with the appellation of mind. No, it is the most miserable and the poorest caricature of a mind, that cannot even tell when it is upside up or upside down.

The Senator has reviewed my political history. He has not discovered that I ever introduced or projected any great measure except the "homestead;" to that I had given great attention and labor. From what he has said on this occasion, I may infer that he was opposed to the homestead policy. I believed it was a beneficent measure. It has been an object long near my heart to see every head of a family domiciliated. I thought it was important that every honest and industrious head of a family in this Republic should have a home and an abiding place for his wife and children. I think so still. I can well remember the period of time at which I could exult in the assurance that I had a home for my family; and I know how to sympathize with those who are not so blessed. Less gifted than the Senator from Oregon, I did not perceive that when, in the Senate, in the House of Representatives, and before the people, I advocated a measure that I thought had a tendency to alleviate and ameliorate the condition of the great mass of mankind, I was incurring the censure that is due to a crime. Lamentably devoid of his wisdom, if I had succeeded in accomplishing the great object I contemplated, the measure of my ambition would have been full. I have labored for it long; I labor still. In 1846 it was introduced into the House of Representatives with but few friends. In 1852 it received

a two-thirds vote of that House. It came to the Senate of the United States, and during the last session of Congress forty-four Senators voted for it, and only eight against it. The Senator from Oregon himself, though he doubted and wavered, recorded *his* vote for it; but he is opposed to it now. I think it was one of the best acts of his life; and if it had succeeded, I think it would have been better for the country.

But he intimates that I have been voting and acting with senators who are not so intensely Southern as he pretends to be. Sir, look at the Senator's course this morning. Who has tried to defeat the measures that are so well calculated to restore peace? Who is trying to eject the olive branch that has been brought into the Senate? Why does he not stand with his noble colleague when this measure of peace is presented to the country?

But he refers to what has been the action of my State. Well, sir, we all know that the issue was directly made; and what has been the result? Tennessee has spoken in language not to be misunderstood. She has spoken in thunder tones that she is against violations of the Constitution and treasonable schemes, which have resulted in breaking up the Government. The Senator assumes a special guardianship over Tennessee. He had better try to take care of Oregon, and leave my colleague and myself, and the Representatives from Tennessee, to attend to Tennessee affairs. Where does he stand? His colleague is in favor of measures to restore peace and sustain the country, and he is against them; and did it occur to him that others might ask how he stood with the people of Oregon? Tennessee stands redeemed, regenerated, and disenthralled by the exercise of the elective franchise, that glorious Franklin-rod which conducts the thunder of tyranny from the heads of the people. If the people of our sister States had enjoyed the same privilege of going to the ballot-box, and passing their judgment upon the ordinance of secession, I believe more of them would now be standing side by side with Tennessee, sustaining the laws and the Constitution. But the people have been overslaughed, a system of usurpation has been adopted, and a reign of terror instituted.

The Senator is exceedingly solicitous about Tennessee. I am inclined to think—I do not intend to be censorious or personal, but entirely senatorial—that on twelve o'clock, on Monday next, or a few minutes before, when the hand of the dial is moving round to mark that important point of time when his term of office shall expire, instead of thinking about the action of my State, he may soliloquize in the language of Cardinal Wolsey, and exclaim:

“Nay, then, farewell !  
 I have touch'd the highest point of all my greatness ;  
 And, from that full meridian of my glory,  
 I haste now to my setting : I shall fall  
 Like a bright exhalation in the evening,  
 And no man see me more.”

If the Senator has received the news from Tennessee, if the information has broken through that triple case of bigotry, superciliousness, and self-conceit which ensconce his caricature of a mind, with all his allusions to courage, and blood, and cowardice, he might feel like Macbeth, who, so long deceived by the juggling fiends, when told by Macduff that he was not of woman born, but from his mother's womb untimely ripped, in agony exclaimed :

“Accursed be that tongue that tells me so,  
 For it hath cowed my better part of man ;  
 And be these juggling fiends no more believ'd,  
 That palter with us in a double sense ;  
 That keep the word of promise to our ear,  
 And break it to our hope.”

Yes, Mr. President, I have alluded to treason and traitors, and shall not shrink from the responsibility of having done so, come what will ; and while I, her humble representative, was speaking, Tennessee sent an echo back, in tones of thunder, which has carried terror and dismay through the whole camp of conspirators.

The Senator has alluded to my political course. What has that to do with the pending question ? I did not attack the Senator from Oregon ; he has attacked me. I had not even made an allusion to him in my speech, except in general terms ; but he inquires into my consistency. How consistent has he been ? We know how he stands upon popular or squatter sovereignty. On that subject he spoke at Concord, New Hampshire, where he maintained that the inhabitants of the Territories were the best judges ; that they were the very people to settle all these questions. I will read what the Senator said on that occasion :

“There is nothing in the law, gentlemen, but what every enlightened American heart should approve. The idea incorporated in the Kansas-Nebraska bill is the true American principle : for the bill does not establish or prohibit slavery ; but leaves the people of these Territories perfectly free to regulate their own local affairs in their own way. Is there any man who can object to that idea ? Is there any American citizen who can oppose that principle ?

“Gentlemen, I desire to say to you that the principle incorporated into the Kansas-Nebraska bill is the very principle in defence of which your forefathers entered into the service of their country in

the Revolutionary war; for the American colonies, two years previous to the Declaration of Independence, asserted this same principle we now find incorporated in the Kansas-Nebraska bill.

“Upon examination, you will find that the Declaration of Rights, made October 14, 1774, asserts that the people of the several colonies ‘are entitled to a free and exclusive power of legislation in their several provincial legislatures in all cases of internal polity.’ This was refused by the Crown, but reasserted by our forefathers. Upon this issue the battles of the Revolution were fought; by the blood of our fathers this principle of self-government was established. This right, refused by the king, was secured, consecrated, and established by the best blood that ever flowed in the veins of man. Would you now refuse to the people of the Territories the rights your noble sires demanded of the Crown, and won by their blood—thus placing yourselves in opposition to the right of self-government in the Territories, thereby occupying the very position towards the Territories that George III. did to the colonies?”

“The simple question involved here is, ‘are the people capable of regulating their internal affairs, or must Congress regulate those affairs for them?’ It is strictly the doctrine of congressional non-intervention. Now, if that idea is the correct one—if it be true that the American people are capable of self-government—then the principles of the Kansas-Nebraska bill are right, and opposition to that bill is wrong; consequently, dangerous to the best interests of the country.

“The question of slavery is a most perplexing one, and ought not to be agitated. We should leave it with the State where it constitutionally exists, and the people of the Territories, to prohibit or establish, as to them may seem right and proper.

“All that the Democracy asks in relation to this matter is, that the people of the Territory should be left perfectly free to settle the question of slavery for themselves, without the interference of New Hampshire, Massachusetts, or any other State.”

During the last Congress, however, the Senator made a speech, in which he repeated, I cannot tell how many times, “the equality of the States, the rights of the States in the Union, and their rights out of the Union;” and he thus shifted his course and repudiated his former position on squatter sovereignty. That speech was made on the 24th of May last. From it I will read the following extract:

“I only desire to say, in relation to the series of resolutions, a portion of which I have already voted in favor of, that I shall vote in favor of the rest; for the whole of them together meet with my hearty approbation. They assert the truth; they assert the great principle that the constitutional rights of the States are equal; that the States have equal rights in this country under the Constitution; and, as I understand it, they must be maintained in that equality. These resolutions only assert that principle; and I say that it is a misfortune to the country, in my opinion, that the principles laid

down in these resolutions had not been asserted sooner. They ought to have been asserted by the Democratic party, in plain English, ten years ago. If they had been, you would have had no trouble in this country to-day; the Democratic party would have been united and strong, and the equality and constitutional rights of the States would have been maintained in the Territory, and in all other things; squatter sovereignty would not have been heard of, and to-day we would be united."

If the conflict between his speech made in Concord in 1856 and his speech made here on the 24th day of May last can be reconciled, according to any rules of construction, it is fair to reconcile the conflict. If the discrepancy is so great between his speech made then and his speech on the 24th of May last as not to be reconciled, of course the discrepancy is against him; but I am willing to let one speech go as a set-off to the other, which will make honors easy, so far as speech-making is concerned.

Then how does the matter stand? The speech made at Concord, extracts from which I have read, is on the one side, and that made in the Senate on the 24th of May last, to which I have referred, is on the other side. Now we will come to the sticking place. We will now make a test from which there is no escape. You have seen the equivocation to-day. You have seen the cuttle-fish attempt to becloud the water and elude the grasp of its pursuer. I intend to stick his inconsistencies to him as close and tight as what I have heard sometimes called "Jew David's adhesive plaster." Now to the record, and we will see how the Senator's vote stands as compared with his speeches. By referring to the record, it will be found that Mr. Clingman offered the following as an amendment to the fourth resolution of the series introduced by Mr. Davis:

"*Resolved*, That the existing condition of the Territories of the United States does not require the intervention of Congress for the protection of property in slaves."

What was the vote on the amendment proposed to that resolution by Mr. Brown, to strike out the word "not?" I want the Senator's attention, for I am going to cite the record, from which there is no appeal. How would it read to strike out the word "not?"

"That the existing condition of the Territories of the United States does require the intervention of Congress for the protection of property in slaves."

Among those who voted against striking out the word "not," who declared that protection of slavery in the Territories by legislation of Congress was unnecessary, was the Senator from Oregon.

When was that? On the 25th day of May last. The Senator, under the solemn sanction of his oath, declared that legislation was not necessary. Now where do we find him? Here is a proposition to amend the Constitution to protect the institution of slavery in the States, and here is the proposition brought forward by the peace conference, and we find the Senator standing against the one, and I believe he recorded his vote against the other.

But we will proceed further with the investigation. The Senator voted that it was not necessary to legislate by Congress for the protection of slave property. Mr. Brown then offered the amendment to the resolution submitted by Mr. Davis, to strike out all after the word "resolved," and to insert in lieu thereof:

"That experience having already shown that the Constitution and the common law, unaided by statutory enactment, do not afford adequate and sufficient protection to slave property—some of the Territories having failed, others having refused, to pass such enactments—it has become the duty of Congress to interpose, and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property."

We have heard a great deal said here to-day of "other kinds," and every description of property. There is a naked, clear proposition. Mr. Brown says it is needed; that the court and the common law do not give ample protection; and then the Senator from Oregon is called upon; but what is his vote? We find, in the vote upon this amendment, that but three senators voted for it; and the Senator from Oregon records his vote, and says "no," it shall not be established; and every Southern Senator present, save three, voted against it also. When was that? On the 25th day of May last. Here is an amendment, now, to protect and secure the States against any encroachment upon the institution within the States, and there the Senator from Oregon swore that no further legislation was necessary to protect it in the Territories. Then, all the amendments being voted down, the Senate came to the vote upon this resolution:

"That if experience should at any time prove that the judicial and executive authority do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply such deficiency, within the limits of its constitutional powers."

Does not the resolution proceed upon the idea that it was not necessary then; but if hereafter the Territories should refuse, and the courts and the common law could not give ample protection,



then it would be the duty of Congress to do this thing? What has transpired since the 25th day of May last? Is not the decision of the court with us? Is there not the Constitution carrying it there? Why was not this resolution, declaring protection necessary, passed during the last Congress? The presidential election was on hand.

I have been held up, and indirectly censured, because I have stood by the people; because I have advocated those measures that are sometimes called demagogical. I would to God that we had a few more men here who were for the people in fact, and who would legislate in conformity with their will and wishes. If we had, the difficulties and dangers that surround us now, would be postponed, and set aside; they would not be upon us. But in May last, we could not vote that it was necessary to pass a slave code for the Territories. Oh, no! the presidential election was on hand. We were very willing then to try to get Northern votes; to secure their influence in the passage of resolutions; and to crowd some men down, and let others up. It was all very well then; but since the people have determined that some one else should be President of the United States, all at once the grape has got to be very sour, and gentlemen do not have as good an opinion of the people as they had before, they have changed their views in regard to the people. They have not thought quite as well of some of the aspirants as they desired; and, as they could not get to be President and Vice-President of all these United States, rather than miss it altogether, they would be perfectly willing to be President and Vice-President of a part, and therefore they will divide—yes, they will divide. They are in favor of secession; of breaking up the Union; of having the rights of the States out of the Union; and as they signally failed in being President and Vice-President of all, as the people have decided against them, they have reached that precise point of time at which the Government ought to be dissevered and broken up. It looks a little that way.

I have no disposition, Mr. President, to press this controversy further. If the Senator from Oregon is satisfied with the reply he has made to my speech or speeches, I am more than satisfied. I am willing that his speeches and mine shall go to the country; and, as to the application and understanding of the authorities that are recited in each, I am willing to leave for the determination of an intelligent public. I shall make no issue with him on that subject. I feel to-day—and I say it in no spirit of egotism—that, in the reply I made to his speech, I vanquished every position he assumed; I nailed many of his statements to the counter as spurious coin; and I felt that I had the arguments, that I had the authority; and so

feeling, I know when I have my adversary in my power ; I know when I have an argument that cannot be explained away, and a fact that cannot be upturned. The Senator felt it. I know he felt it from his former manifestations, and from the manner in which he has poured forth the wrath so long nursed in his bosom. Yes, sir, in that contest, figuratively speaking, he was impaled and left writhing in bitter agony. He felt it. I saw he felt it, and now I have no disposition, in concluding my remarks, to mutilate the dead or add one single pang to the tortures of the already politically damned. I am a humane man ; I will not add another pang to the intolerable sufferings of the distinguished Senator from Oregon. [Laughter.] I sought no controversy with him ; I made no issue with him ; it has been forced upon me. How many have attacked me ; and is there a single man, north or south, who is in favor of this glorious Union, who has dared to make an assault upon me ? Is there one ? No, not one. But it is all from secession ; but it is all from that reign of terror which usurpation has inaugurated. The Senator has made the tilt ; and it is for the Senate and the country to determine who has been crushed in the tilt. I am satisfied, if he is. I am willing, as I said before, that his speech and mine shall go to the country, and let an intelligent people read and understand, and see who is right and who is wrong on this great issue.

But, sir, I alluded to the fact that secession has been brought about by usurpation. During the last forty days six States of this Confederacy have been taken out of the Union ; how ? By the voice of the people ? No ; it is demagogism to talk of the people. By the voice of the freemen of the country ? No. By whom has it been done ? Have the people of South Carolina passed upon the ordinance adopted by their Convention ? No ; but a system of usurpation was instituted, and a reign of terror inaugurated. How was it in Georgia ? Have the people there passed upon the ordinance of secession ? No. We know that there was a powerful party there, of passive, conservative men, who have been over-slaughed, borne down ; and tyranny and usurpation have triumphed. A convention passed an ordinance to take the State out of the Confederacy ; and the very same convention appointed delegates to go to a congress to make a constitution, without consulting the people. So with Louisiana ; so with Mississippi ; so with all the six States which have undertaken to form a new confederacy. Have the people been consulted ? Not in a single instance. We are in the habit of saying that man is capable of self-government ; that he has the right, the unquestioned right, to govern himself ; but here, a government has been assumed over him ; it has been taken out of

his hands, and at Montgomery a set of usurpers are enthroned, legislating, and making constitutions and adopting them, without consulting the freemen of the country. Do we not know it to be so? Have the people of Alabama, of Georgia, of any of those States, passed upon it? No; but a constitution is adopted by those men, with a provision that it may be changed by a vote of two-thirds. Four votes in a convention of six can change the whole organic law of a people constituting six States. Is not this a *coup d'etat* equal to any of Napoleon? Is it not a usurpation of the people's rights?

In some of those States, even the flag of our country has been changed. One State has a palmetto, another has a pelican, and another has the rattlesnake run up instead of the stars and stripes. On a former occasion, I spoke of the origin of secession; and I traced its early history to the garden of Eden, when the serpent's wile and the serpent's wickedness beguiled and betrayed our first mother. After that occurred, and they knew light and knowledge, when their Lord and Master appeared, they seceded, and hid themselves from his presence. The serpent's wile and the serpent's wickedness first started secession; and now secession brings about a return of the serpent. Yes, sir; the wily serpent, the rattlesnake, has been substituted as the emblem on the flag of one of the seceding States; and that old flag, the Stars and the Stripes, under which our fathers fought, and bled, and conquered, and achieved our rights and our liberties, is pulled down and trailed in the dust. Will the American people tolerate it? They will be indulgent; time, I think, is wanted; but they will not submit to it.

A word more in conclusion. Give the border States that security which they desire, and the time will come when the other States will come back; when they will be brought back—how? Not by the coercion of the border States, but by the coercion of the people; and those leaders who have taken them out will fall beneath the indignation and the accumulating force of that public opinion which will ultimately crush them. The gentlemen who have taken those States out are not the men to bring them back.

I have already suggested that the idea may have entered into some minds, "if we cannot get to be President and Vice-President of the whole United States, we may divide the Government, set up a new establishment, have new offices, and monopolize them ourselves when we take our States out." Here we see a President made, a Vice-President made, cabinet officers appointed, and yet the great mass of the people not consulted, nor their assent obtained in any manner whatever. The people of the country ought to be aroused to this condition of things; they ought to buckle on their armor; and, as

Tennessee has done, (God bless her!) by the exercise of the elective franchise, by going to the ballot-box under a new set of leaders, repudiate and put down those men who have carried these States out and usurped a government over their heads. I trust in God that the old flag of the Union will never be struck. I hope it may long wave, and that we may long hear the national air sung :

“ The star-spangled banner, long may it wave,  
O'er the land of the free and the home of the brave.”

Long may we hear Hail Columbia, that good old national air ; long may we hear, and never repudiate, the old tune of Yankee Doodle ! Long may wave that gallant old flag which went through the Revolution, and which was borne by Tennessee and Kentucky at the battle of New Orleans. And in the language of another, while it was thus proudly and gallantly unfurled as the emblem of the Union, the Goddess of Liberty hovered around, when “ the rockets' red glare ” went forth through the heavens, indicating that the battle was raging, and the voice of the old chief could be heard rising above the din of the storm, urging his gallant men on to the stern encounter, and watched the issue as the conflict grew fierce, and the result was doubtful ; but when, at length, victory perched upon your standard, it was then, from the plains of New Orleans, that the Goddess made her loftiest flight, and proclaimed victory in strains of exultation. Will Tennessee ever desert the grave of him who bore it in triumph, or desert the flag that he waved with success ? No, never ! she was in the Union before some of these States were spoken into existence ; and she intends to remain in, and insist upon—as she has the confident belief that she shall get—all her constitutional rights and protection in the Union, and under the Constitution of the country. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. Fitch in the chair) : It will become the unpleasant but imperative duty of the Chair to clear the galleries.

MR. JOHNSON, of Tennessee : I have done.

[The applause was renewed, and was louder and more general than before. Hisses were succeeded by applause, and cheers were given and reiterated, with “ three cheers more for JOHNSON, of Tennessee.”]

## SECESSION OF TENNESSEE.

The following documents are alluded to in Chapter XV. :

AN ACT TO SUBMIT TO A VOTE OF THE PEOPLE A DECLARATION OF INDEPENDENCE, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That immediately after the passage of this Act, the Governor of this State shall, by proclamation, direct the sheriffs of the several counties in this State to open and hold an election at the various voting precincts in their respective counties on the 8th day of June, 1861; that the said Sheriffs, or, in the absence of the Sheriffs, the Coroner of the county, shall immediately advertise the election contemplated by this Act; that said Sheriffs appoint a deputy to hold said election for each voting precinct, and the said deputy appoint three judges and two clerks for each precinct, and if no officer shall, from any cause, attend any voting precinct to open and hold said election, then any Justice of the Peace, or, in the absence of Justice of the Peace, any respectable *freeholder* may appoint an officer, judges and clerks to open and hold said election. Said officers, judges, and clerks, shall be sworn as now required by law, and who, after being so sworn, shall open and hold an election, open and close at the time of day and in the manner now required by law in elections for members to the General Assembly.

SEC. 2. *Be it further enacted*, That at said election the following declaration shall be submitted to a vote of the qualified voters of the State of Tennessee, for their ratification or rejection :

DECLARATION OF INDEPENDENCE AND ORDINANCE DISSOLVING THE FEDERAL RELATION BETWEEN THE STATE OF TENNESSEE AND THE UNITED STATES OF AMERICA.

*First*: We, the people of the State of Tennessee, waiving an expression of opinion as to the abstract doctrine of Secession, but asserting the right as a free and independent people to alter, reform or abolish our form of Government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America are hereby abrogated and annulled, and that all obligations on our part be withdrawn therefrom; and we do hereby resume all the rights, functions and powers which by any of said laws and ordinances were conveyed to the Government of the United States, and absolve ourselves from all the obligations, re-

straints and duties incurred thereto; and do hereby henceforth become a free, sovereign and independent State

*Second:* We furthermore declare and ordain, that Article 10, Sections 1 and 2 of the Constitution of the State of Tennessee, which requires members of the General Assembly, and all officers, civil and military, to take an oath to support the Constitution of the United States, be and the same are hereby abrogated and annulled, and all parts of the Constitution of the State of Tennessee making citizenship of the United States a qualification for office, and recognizing the Constitution of the United States as the supreme law of this State, are in like manner abrogated and annulled.

*Third:* We furthermore ordain and declare, that all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any laws of this State, and not incompatible with this ordinance, shall remain in force, and have the same effect as if this ordinance had not been passed.

SEC. 2. *Be it further enacted,* That said election shall be by ballot, that those voting for the Declaration and Ordinance shall have written or printed on their ballots "Separation," and those voting against it shall have written or printed on their ballots "No Separation." That the clerks holding said election shall keep regular scrolls of the voters, as now required by law in the election of members to the General Assembly; that the clerks and judges shall certify the same, with the number of votes for "Separation," and the number of votes for "No Separation," and file one of the original scrolls with the clerk of the County Court; that upon comparing the vote by the Governor in the office of the Secretary of State, which shall be at least by the 24th day of June, 1861, and may be sooner if the returns are all received by the Governor, if a majority of the votes polled shall be for "Separation," the Governor shall, by his proclamation, make it known, and declare all connection by the State of Tennessee with the Federal Union dissolved, and that Tennessee is a free, independent Government, free from all obligations to, or connection with the Federal Government; and that the Governor shall cause "the vote by counties" to be published, the number for "Separation," and the number for "No Separation," whether a majority vote for "Separation" or "No Separation."

SEC. 4. *Be it further enacted,* That in the election to be held under the provisions of this act, upon the Declaration submitted to the people, all volunteers and other persons connected with the service of this State, qualified to vote for members of the Legislature in the counties where they reside, shall be entitled to vote in any county in

the State where they may be in active service, or under orders, or on parole, at the time of said election; and all other voters, shall vote in the county where they reside, as now required by law in voting for members of the General Assembly.

SEC. 5. *Be it further enacted*, That at the same time, and under the rules and regulations prescribed for the election hereinbefore ordered, the following ordinance shall be submitted to the popular vote. To wit:

AN ORDINANCE for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the people of Tennessee, solemnly impressed by the perils that surround us, do hereby adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the 8th day of February, 1861, to be in force during the existence thereof, or until such time as we may supersede it, by the adoption of a permanent Constitution.

SEC. 6. *Be it further enacted*, That those in favor of the adoption of said Provisional Constitution, and thereby securing to Tennessee equal representation in the deliberations and councils of the Confederate States, shall have written or printed on their ballots the word "Representation;" opposed, the words "No Representation."

SEC. 7. *Be it further enacted*, That, in the event the people shall adopt the Constitution of the Provisional Government of the Confederate States at the election herein ordered, it shall be the duty of the Governor forthwith to issue writs of election for delegates to represent the State of Tennessee in the said Provisional Government. That the State shall be represented by as many delegates as it was entitled to members of Congress to the recent Congress of the United States of America, who shall be elected from the several Congressional Districts as now established by law, in the mode and manner now prescribed for the election of members of Congress of the United States.

SEC. 8. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE, *Speaker of House of Rep.*

B. L. STOVALL, *Speaker of the Senate.*

Passed May 6, 1861.

EXTRACT FROM AN ADDRESS OF A JOINT COMMITTEE OF THE LEGISLATURE OF TENNESSEE.

When this body met, it determined to sit with closed doors. We are aware that this mode of legislation is objected to by some. It is

the first time in the history of the State that the rule has been adopted because in that history no case has occurred to call forth its exercise. The proceedings of the convention that framed the Declaration of Independence were in secret. The Convention that framed the Constitution of the United States, held its secret sessions, and the Senate of the United States not unfrequently sit with closed doors. Those who have taken no occasion to condemn us, may be purer than those who framed the Declaration of Independence and the Constitution of the United States; but we very much doubt whether they will have greater hold upon public confidence. But the reasons for our course are our best justification; the country was excited, and the public demands imperious. We desired to legislate uninfluenced and unretarded by the crowds that would otherwise have attended our deliberations; but still more than this, the western portion of Tennessee was in an exposed condition, with no military defense whatever; the towns and counties bordering on the Mississippi river were liable to be assailed at any hour by the armed forces collected at Cairo, and we desired that no act of legislation on our part should form the pretext for such an invasion, so long as it could be avoided. Our fellow-citizens of West Tennessee, and of Arkansas, are laboring night and day to erect batteries on the river to prevent a descent of the enemy. A duty that we owed to them and to the cause of humanity demanded that we should not make our action known till the latest possible moment. If some desired light while we were at work we equally desirous to save the blood and property of Tennesseans. Our doors have now been thrown open, the journals will be published—every vote is recorded, and he must be a fault-finder indeed who will complain after hearing the reasons that prompted our actions.

We have briefly touched the principal subjects that engaged the attention of the legislature. Tennessee has taken her position and has proudly determined to throw her banners to the breeze, and will give her strength to the sacred cause of freedom for the white man of the South.

R. G. PAYNE,	J. A. MINNIS,	ROBT. B. HURT.
EDMUND J. WOOD,	G. GANTT,	BENJ. J. LEA,
S. S. STANTON,	W. W. GUY,	JOSEPH G. PICKETT.

#### CALL FOR A CONVENTION OF THE PEOPLE OF EASTERN TENNESSEE.

The undersigned, a portion of the people of East Tennessee, disapproving of the hasty and inconsiderate action of our General Assembly, and sincerely desirous to do, in the midst of the troubles which



surround us, what will be best for our country, and for all classes of our citizens respectfully appoint a Convention to be held in Knoxville, on Tuesday, the 30th of May inst., and we urge every county in East Tennessee to send delegates to this Convention, that the conservative element of our whole section may be represented, and that wise, prudent, and judicious counsels may prevail, looking to peace and harmony among ourselves.

F. S. HEISKELL,	C. F. TRIGG,	O. P. TEMPLE,
C. H. BAKER,	DAVID BURNETT,	JOHN TUNNELL,
S. R. RODGERS,	JOHN WILLIAMS,	W. G. BROWNLOW,
Dr. W. RODGERS,	J. J. CRAIG,	and others.
JOHN BAXTER,	W. H. ROGERS,	

#### JOINT RESOLUTION RATIFYING THE LEAGUE.

*Whereas*, A Military league, offensive and defensive, was formed, on this the 7th day of May, 1861, by and between A. O. W. Totten, Gustavus A. Henry, and Washington Barrow, Commissioners on the part of the State of Tennessee, and H. W. Hilliard, Commissioner on the part of the Confederate States of America, subject to the confirmation of the two Governments ;

*Be it therefore resolved by the General Assembly of the State of Tennessee*, That said league be in all respects ratified and confirmed, and the said General Assembly hereby pledges the faith and honor of the State of Tennessee to the faithful observance of the terms and conditions of said league.

The vote of the Senate, on the adoption of the above was—ayes 14, nays 6; not voting 4. The vote in the House was—ayes 42, nays 15; not voting 18.

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#### GREAT SPEECH IN THE UNITED STATES SENATE ON THE WAR FOR THE UNION AFTER THE BATTLE OF BULL RUN.

On the 26th of July, 1861, Mr. Johnson, in the Senate of the United States, offered the following resolution defining the

#### OBJECTS OF THE WAR.

*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the constitutional government, and in arms around the Capitol; that, in this national emergency, Congress, banishing

all feeling of mere passion or resentment, will recollect only its duty to the whole country ; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of authorizing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States, unimpaired ; that as soon as these objects are accomplished, the war ought to cease.

After a spirited debate, the resolution was adopted—ayes 80 ; noes 5.

A similar resolution had been adopted by the House of Representatives, on motion of Hon. John J. Crittenden, of Kentucky, on the 22d of the same month.

#### THE WAR FOR THE UNION, JAN. 27TH.

The Senate having under consideration the joint resolution to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, Mr. Johnson, of Tennessee, said :

MR. PRESIDENT,—When I came from my home to the seat of Government, in compliance with the proclamation of the President of the United States calling us together in extra session, it was not my intention to engage in any of the discussions that might transpire in this body ; but since the session began, in consequence of the course which things have taken, I feel unwilling to allow the Senate to adjourn without saying a few words in response to many things that have been submitted to the Senate since its session commenced. What little I shall say to-day will be without much method or order. I shall present the suggestions that occur to my mind, and shall endeavor to speak of the condition of the country as it is.

On returning here, we find ourselves, as we were when we adjourned last spring, in the midst of a civil war. That war is now progressing, without much hope or prospect of a speedy termination. It seems to me, Mr. President, that our Government has reached one of three periods through which all Governments must pass. A nation, or a people, have first to pass through a fierce ordeal in obtaining their independence or separation from the Government to which they were attached. In some instances this is a severe ordeal. We passed through such a one in the Revolution ; we were seven years in effecting the separation, and in taking our position among the nations of the earth as a separate and distinct power. Then, after having succeeded in establishing its independence, and taken

its position among the nations of the earth, a nation must show its ability to maintain that position, that separate and distinct independence, against other powers, against foreign foes. In 1812, in the history of our Government, this ordeal commenced, and terminated in 1815.

There is still another trial through which a nation must pass. It has to contend against internal foes, against enemies at home; against those who have no confidence in its integrity, or in the institutions established under its organic law. We are in the midst of this third ordeal, and the problem now being solved before the nations of the earth, and before the people of the United States, is whether we can succeed in maintaining ourselves against the internal foes of the Government; whether we can succeed in putting down traitors and treason, and in establishing the great fact that we have a Government with sufficient strength to maintain its existence against whatever combination may be presented in opposition to it.

This brings me to a proposition laid down by the Executive in his recent message to the Congress of the United States. In that message the President said :

“This is essentially a people’s contest. On the side of the Union, it is a struggle for maintaining in the world that form and substance of government, whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend.”

I think the question is fairly and properly stated by the President, that it is a struggle whether the people shall rule; whether the people shall have Government based upon their intelligence, upon their integrity, upon their purity of character, sufficient to govern themselves. I think this is the true issue; and the time has now arrived when the energies of the nation must be put forth, when there must be union and concert on the part of all those who agree in man’s capability of self-government, without regard to their former divisions or party prejudices, in order to demonstrate that great proposition.

Since this discussion commenced, it has been urged and argued, by senators on one side, that there was a disposition to change the nature and character of the Government, and that, if we proceed as we are going, it would result in establishing a dictatorship. It has been said that the whole frame work, nature, genius, and character

of the Government would be entirely changed ; and great apprehensions have been thrown out that it would result in a consolidation of the Government, or a dictatorship. We find, in the speech delivered by the distinguished Senator from Kentucky (Mr. Breckinridge) the other day, the following paragraph, alluding to what will be the effect of the passage of this joint resolution approving the action of the President :

“ Here in Washington, in Kentucky, in Missouri, everywhere where the authority of the President extends, in his discretion he will feel himself warranted, by the action of Congress upon this resolution, to subordinate the civil to the military power ; to imprison citizens without warrant of law ; to suspend the writ of habeas corpus ; to establish martial law ; to make seizures and searches without warrant ; to suppress the press ; to do all those acts which rest in the will and in the authority of a military commander. In my judgment, sir, if we pass it, we are upon the eve of putting, so far as we can, in the hands of the President of the United States the power of a dictator.”

Then, in reply to the Senator from Oregon (Mr. Baker), he seems to have great apprehension of a radical change in our form of government. The Senator goes on to say :

“ The pregnant question, Mr. President, for us to decide is, whether the Constitution is to be respected in this struggle ; whether we are to be called upon to follow the flag over the ruins of the Constitution ? Without questioning the motives of any, I believe that the whole tendency of the present proceedings is to establish a government without limitation of powers, and to change radically our frame and character of government.”

Sir, I most fully concur with the Senator that there is a great effort being made to change the nature and character of the Government. I think that effort is being demonstrated and manifested most clearly every day ; but we differ as to the parties making this great effort.

The Senator alludes, in his speech, to a conversation he had with some very intelligent gentlemen who formerly represented our country abroad. It appears from that conversation that foreigners were accustomed to say to Americans, “ I thought your Government existed by consent ; now how is it to exist ?” and the reply was, “ We intend to change it ; we intend to adapt it to our condition ; these old colonial geographical divisions and States will ultimately be rubbed out, and we shall have a Government strong and powerful enough.” The Senator seemed to have great apprehensions based on those conversations. He read a paragraph from a paper indicating that State lines were to be rubbed out. In addition to all this,

he goes on to state that the writ of habeas corpus has been violated, and he says since the Government commenced, there has not been a case equal to the one which has recently transpired in Maryland. I shall take up some of his points in their order, and speak of them as I think they deserve to be spoken of. The Senator says :

“The civil authorities of the country are paralyzed, and a practical martial law is being established all over the land. The like never happened in this country before, and would not be tolerated in any country in Europe which pretends to the elements of civilization and regulated liberty. George Washington carried the thirteen colonies through the war of the Revolution without martial law. The President of the United States cannot conduct the Government three months without resorting to it.”

The Senator puts great stress on the point, and speaks of it in very emphatic language, that General Washington carried the country through the seven years of the Revolution without resorting to martial law during all that period of time. Now, how does the matter stand? When we come to examine the history of the country, it would seem that the Senator had not hunted up all the cases. We can find some, and one in particular, not very different from the case which has recently occurred, and to which he alluded. In 1777, the second year of the war of the Revolution, members of the Society of Friends in Philadelphia were arrested on suspicion of being disaffected to the cause of American Freedom. A publication now before me says :

“The persons arrested, to the number of twenty,” . . . . . “were taken into custody by military force, at their homes or usual places of business; many of them could not obtain any knowledge of the cause of their arrest, or of any one to whom they were amenable, and they could only hope to avail themselves of the intervention of some civil authority.

“The Executive Council of the State of Pennsylvania, being formed of residents of the city and county of Philadelphia, had a better knowledge of the Society of Friends and of their individual characters, than the members of Congress assembled from the various parts of the country, and ought to have protected them. But instead of this, they caused these arrests of their fellow-citizens to be made with unrelenting severity, and from the 1st to the 4th day of September, 1777, the party was taken into confinement in the Mason’s Lodge in Philadelphia.

“On the minutes of Congress of 3d September, 1777, it appears that a letter was received by them from George Bryan, Vice-President of the Supreme Executive Council, dated 2d September, stating that arrests had been made of persons inimical to the American States, and desiring the advice of Congress particularly whether Augusta and Winchester, in Virginia, would not be proper places at which to secure prisoners.” . . . . .

“Congress must have been aware that it was becoming a case of very unjust suffering, for they passed their resolution of 6th September, 1777, as follows :

“That it be recommended to the Supreme Executive Council of the State of Pennsylvania to hear what the said remonstrants can allege to remove the suspicions of their being disaffected or dangerous to the United States.’

But the Supreme Executive Council, on the same day, referring to the above—

“*Resolved*, That the President do write to Congress to let them know that the Council has not time to attend to that business in the present alarming crisis, and that they were agreeably to the recommendation of Congress, at the moment the resolve was brought into Council, disposing of everything for the departure of the prisoners.”

As the recommendation of Congress of the 6th of September to give the prisoners a hearing was refused by the Supreme Executive Council, the next minute made by Congress was as follows :

“In Congress, 8th September, 1777.

“*Resolved*, That it would be improper for Congress to enter into a hearing of the remonstrants or other prisoners in the Mason’s Lodge, they being inhabitants of Pennsylvania ; and therefore, as the Council declines giving them a hearing for the reasons assigned in their letter to Congress, that it be recommended to said Council to order the immediate departure of such of said prisoners as yet refuse to swear or affirm allegiance to the State of Pennsylvania, to Staunton, in Virginia.”

The remonstrances made to Congress, and to the Supreme Executive Council being unavailing, the parties arrested were ordered to depart for Virginia on the 11th September, 1777, when, as their last resource, they applied under the laws of Pennsylvania, to be brought before the judicial courts by writs of habeas corpus.

The departure of the prisoners was committed to the care of Colonel Jacob Morgan, of Bucks county, and they were guarded by six of the light-horse, commanded by Alexander Nesbitt and Samuel Caldwell, who were to obey the dispatches from the Board of War, of which General Horatio Gates was president, directed to the lieutenants of the counties through which the prisoners were to pass.

The writs of habeas corpus, on being presented to the Chief Justice, were marked by him, “Allowed by Thomas McKean,” and they were served on the officers who had the prisoners in custody, when they had been taken on their journey as far as Reading, Penn., on the 14th day of September, but the officers refused to obey them.

It appears by the journal of the Supreme Executive Council of

the 16th of September, that Alexander Nesbitt, one of the officers, had previously obtained information about the writs, and made a report of them; when the Pennsylvania Legislature, at the instance of the Supreme Executive Council, passed a law, on the 16th of September, 1777, to suspend the habeas corpus act; and although it was an *ex post facto* law, as it related to their case, the Supreme Executive Council on that day ordered the same to be carried into effect.

Continuing the history of this case, we find that

“The party consisted of twenty persons, of whom seventeen were members of the Society of Friends. They were ordered first to Staunton, then a frontier town in the western settlement of Virginia, but afterward to be detained at Winchester, where they were kept in partial confinement nearly eight months, without provision being made for their support; for the only reference to this was by a resolution of the Supreme Executive Council of Pennsylvania, dated April 8, 1778, as follows:

“*Ordered*, That the whole expenses of arresting and confining the prisoners sent to Virginia, the expenses of their journey, and all other incidental charges, be paid by the said prisoners.’

“During the stay of the exiles at Winchester, nearly all of them suffered greatly from circumstances unavoidable in their situation—from anxiety, separation from their families, left unprotected in Philadelphia, then a besieged city, liable at any time to be starved out or taken by assault; while from sickness and exposure during the winter season, in accommodations entirely unsuitable for them, two of their number departed this life in the month of March, 1778.”

Thus, Mr. President, we find that the writ of habeas corpus was suspended by the authorities of Pennsylvania during the Revolution, in the case of persons who were considered dangerous and inimical to the country. A writ was taken out and served upon the officers, and they refused to surrender the prisoners, or even to give them a hearing. If the Senator from Kentucky had desired an extreme case and wished to make a display of his legal and historical information, it would have been very easy for him to have cited this case—much more aggravated, much more extravagant, much more striking, than the one in regard to which he was speaking. Let it be remembered, also, that this case, although it seems to be an extravagant and striking one, occurred during the war of the Revolution, under General Washington, before we had a President. We find that at that time the writ of habeas corpus was suspended, and twenty individuals were denied even the privilege of a hearing, because they were considered inimical and dangerous to the liberties of the country. In the midst of the Revolution, when the writ of habeas corpus was as well understood as it is now, when they were familiar with

its operation in Great Britain, when they knew and understood all the rights and privileges it granted to the citizen, we find that the Legislature of Pennsylvania passed a law repealing the power to issue the writ of habeas corpus, and went back and relieved the officers who refused to obey the writs, and indemnified them from the operation of any wrong they might have done. If the Senator wanted a strong and striking case, one that would bear comment, why did he not go back to this case, that occurred in the Revolution, during the very period referred to by him? But no; all these cases seem to have been forgotten, and the mind was fixed down upon a case of recent occurrence. There is a great similarity in the cases. The one to which I have alluded, however, is a much stronger case than that referred to by the Senator. It was in Philadelphia where Congress was sitting; it was in Pennsylvania where these persons, who were considered inimical to the freedom of the country were found. Congress was appealed to, but Congress executed the order; and the Legislature of Pennsylvania, after it was executed, though it was in violation of the writ of habeas corpus, passed a law indemnifying the persons that had violated it, and made it retrospective in its operation. What is our case now? We are not struggling for the establishment of our nationality, but we are now struggling for the existence of the Government. Suppose the writ of habeas corpus has been suspended; the question arises whether it was not a justifiable suspension at the time; and ought we not now to endorse simply what we would have done if we had been here ourselves at the time the power was exercised?

The impression is sought to be made on the public mind, that this is the first and only case where the power has been exercised. I have shown that there is one ten-fold more striking, that occurred during our struggle for independence. Is this the first time that persons in the United States have been placed under martial law? In 1815, when New Orleans was about to be sacked, when a foreign foe was upon the soil of Louisiana, New Orleans was put under martial law, and Judge Hall was made a prisoner because he attempted to interpose. Is there a man here, or in the country, who condemns General Jackson for the exercise of the power of proclaiming martial law in 1815? Could that city have been saved without placing it under martial law, and making Judge Hall submit to it? I know that General Jackson submitted to be arrested, tried, and fined \$1,000; but what did Congress do in that case? It did just what we are called on to do in this case. By the restoration of his fine—an act passed by an overwhelming majority in the two Houses of Congress—the nation said, "We approve of what you did."



Suppose, Mr. President (and it may have been the case), that the existence of the Government depended upon the protection and successful defense of New Orleans; and suppose, too, it was in violation of the strict letter of the Constitution for General Jackson to place New Orleans under martial law, but without placing it under martial law the Government would have been overthrown: is there any reasonable, any intelligent man, in or out of Congress, who would not endorse and acknowledge the exercise of a power which was indispensable to the existence and maintenance of the Government? The Constitution was likely to be overthrown, the law was about to be violated, and the Government trampled under foot; and when it becomes necessary to prevent this, even by exercising a power that comes in conflict with the Constitution in time of peace, it should and ought to be exercised. If General Jackson had lost the city of New Orleans, and the Government had been overthrown by a refusal on his part to place Judge Hall and the city of New Orleans under martial law, he ought to have lost his head. But he acted as a soldier; he acted as a patriot; he acted as a statesman; as one devoted to the institutions and the preservation and the existence of his Government; and the grateful homage of a nation was his reward.

Then, sir, the power which has been exercised in this instance is no new thing. In great emergencies, when the life of a nation is in peril, when its very existence is flickering, to question too nicely, to scan too critically, its acts in the very midst of that crisis, when the Government is likely to be overthrown, is to make war upon it, and to try to paralyze its energies. If war is to be made upon those who seem to violate the laws of the United States in their efforts to preserve the Government, wait until the country passes out of its peril; wait until the country is relieved from its difficulty; wait until the crisis passes by, and then come forward, dispassionately, and ascertain to what extent the law has been violated, if, indeed, it has been violated at all.

A great ado has been made in reference to the Executive proclamation calling out the militia of the States to the extent of seventy-five thousand men. That call was made under the authority of the act of 1795, and is perfectly in accordance with the law. It has been decided by the Supreme Court of the United States that that act is constitutional, and that the President alone is the judge of the question whether the exigency has arisen. This decision was made in the celebrated case of *Martin agt. Mott*. The opinion of the Court was delivered by Judge Story. Let me read from the opinion of the Court:

“It has not been denied here that the act of 1795 is within the constitutional authority of Congress, or that Congress may not lawfully provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place. In our opinion there is no ground for a doubt on this point, even if it had been relied on; for the power to provide for repelling invasion includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

“The power thus confided by Congress to the President is, doubtless, of a very high and delicate nature. A free people are naturally jealous of the exercise of military power; and the power to call the militia into actual service is certainly felt to be one of no ordinary magnitude. But it is not a power which can be executed without a corresponding responsibility. It is, in its terms, a limited power, confined to cases of actual invasion, or of imminent danger of invasion. If it be a limited power, the question arises, by whom is the exigency to be judged of and decided? Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer, to whom the orders of the President are addressed, may decide for himself, and equally open to be contested by every militia-man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself, and from the manifest object contemplated by the act of Congress. The power itself is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature; and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopard the public interests.”  
—*Martin vs. Mott*, 12 *Wheaton's Reports*, p. 29.

We see, then, that the power is clear as to calling out the militia; we see that we have precedents for the suspension of the writ of habeas corpus.

The next objection made is that the President had no power to make additions to the army and navy. I say, in these two instances, he is justified by the great law of necessity. At the time I believe it was necessary to the existence of the Government; and, it being necessary, he had a right to exercise all those powers, that, in his judgment, the crisis demanded for the maintenance of the existence of the Government itself. The simple question—if you condemn the President for acting in the absence of law—is, Do you condemn

the propriety of his course; do you condemn the increase of the army? Do you condemn the increase of the navy? If you oppose the measure simply upon the ground that the Executive called them forth anticipating law, what will you do now? The question presents itself at this time, Is it not necessary to increase the army and the navy? If you condemn the exercise of the power of the Executive in the absence of law, what will you do now, as the law-making power, when it is manifest that the army and the navy should be increased? You may make war upon the Executive for anticipating the action of Congress. What do gentlemen do now, when called upon to support the Government? Do they do it? They say the President anticipated the action of Congress. Does not the Government need an increase of the army and the navy? Where do gentlemen stand now? Are they for it? Do they sustain the Government? Are they giving it a helping hand? No: they go back and find fault with the exercise of a power that they say is without law; but now, when they have the power to make the law, and when the necessity is apparent, they stand back and refuse. Where does that place those who take that course? It places them against the Government, and against placing the means in the hands of the Government to defend and perpetuate its existence. The object is apparent, Mr. President. We had enemies of the Government here last winter; in my opinion we have enemies of the Government here now.

I said that I agreed with the Senator from Kentucky that there was a design—a deliberate determination—to change the nature and character of our Government. Yes, sir, it has been the design for a long time. All the talk about slavery and compromise has been but a pretext. We had a long disquisition, and a very feeling one, from the Senator from Kentucky. He became pathetic in the hopelessness of compromises. Did not the Senator from California (Mr. Latham), the other day, show unmistakably that it was not compromise they wanted? I will add that compromise was the thing they most feared; and their great effort was to get out of Congress before any compromise could be made. At first, their cry was peaceable secession and reconstruction. They talked not of compromise; and, I repeat, their greatest dread and fear was that something would be agreed upon; that their last and only pretext would be swept from under them, and that they would stand before the country naked and exposed.

The Senator from California pointed out to you a number of them who stood here and did not vote for certain propositions, and those propositions were lost. What was the action before the Committee of Thirteen? Why did not that Committee agree? Some of the

most ultra men from the North were members of that Committee, and they proposed to amend the Constitution so as to provide that Congress in the future never should interfere with the subject of slavery. The Committee failed to agree, and some of its members at once telegraphed to their States, that they must go out of the Union at once. But after all that transpired in the early part of the session, what was done? We know what the argument has been; in times gone by I met it; I have heard it again and again. It has been said that one great object was, first to abolish slavery in the District of Columbia and the slave trade between the States, as a kind of initiative measure; next, to exclude it from the Territories; and when the free States constituted three-fourths of all the States, so as to have power to change the Constitution, they would amend the Constitution, so as to give Congress power to legislate upon the subject of slavery in the States, and expel it from the States in which it is now. Has not that been the argument? Now, how does the matter stand? At the last session of Congress seven States withdrew—it may be said that eight withdrew; reducing the remaining slave States down to one-fourth of the whole number of States. The charge has been made, that whenever the free States constituted a majority in the Congress of the United States, sufficient to amend the Constitution, they would so amend it as to legislate upon the institution of slavery within the States, and that the institution of slavery would be overthrown. This has been the argument; it has been repeated again and again; and hence the great struggle about the Territories. The argument was, we wanted to prevent the creation of free States; we did not want to be reduced down to that point where, under the sixth article of the Constitution, three-fourths could amend the Constitution so as to exclude slavery from the States. This has been the great point; this has been the rampart; this has been the very point to which it has been urged that the free States wanted to pass. Now, how does the fact stand? Let us “render unto Cæsar the things that are Cæsar’s.” We reached, at the last session, just the point where we were in the power of the free States; and then what was done? Instead of an amendment to the Constitution of the United States, conferring power upon Congress to legislate upon the subject of slavery, what was done? This joint resolution was passed by a two-third majority in each House:

*“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified*

by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz :

“ART. 13. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or interfere, within any State, with the domestic institutions thereof, including that of persons held to service or labor by the laws of said State.”

Is not that very conclusive? Here is an amendment to the Constitution of the United States to make the Constitution unamendable upon that subject, as it is upon some other subjects; that Congress, in the future, should have no power to legislate on the subject of slavery within the States. Talk about “compromise,” and about the settlement of this question; how can you settle it more substantially? How can you get a guarantee that is more binding than such an amendment to the Constitution? This places the institution of slavery in the States entirely beyond the control of Congress. Why have not the Legislatures that talk about “reconstruction” and “compromise” and “guarantees” taken up this amendment to the Constitution and adopted it? Some States have adopted it. How many Southern States have done so? Take my own State, for instance. Instead of accepting guarantees, protecting them in all future time against the legislation of Congress on the subject of slavery, they undertake to pass ordinances violating the Constitution of the country, and taking the State out of the Union and into the Southern Confederacy. It is evident to me that with many the talk about compromise and the settlement of this question is mere pretext, especially with those who understand the question.

What more was done at the last session of Congress, when the North had the power? Let us tell the truth. Three territorial bills were brought forward and passed. You remember in 1847, when the agitation arose in reference to the Wilmot proviso. You remember in 1850 the contest about slavery prohibition in the territories. You remember in 1854 the excitement in reference to the Kansas-Nebraska bill, and the power conferred on the Legislature by it. Now we have a constitutional amendment, proposed at a time when the Republicans have the power; and at the same time they come forward with three territorial bills, and in neither of those bills can be found any prohibition, so far as slavery is concerned in the territories. Colorado, Nevada, and Dacotah are organized without any prohibition of slavery. But what do you find in these bills? Mark, Mr. President, that there is no slavery prohibition; mark, too, the language of the sixth section, conferring power upon the territorial Legislature :

“SEC. 6. *And be it further enacted,* That the Legislative power of

the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be, in proportion to the value of the property, taxed."

Can there be any thing more clear and conclusive? First, there is no prohibition; next, the Legislature shall have no power to legislate so as to impair the rights of private property, and shall not tax one description of property higher than another. Now, Mr. President, right here I ask any reasonable, intelligent man throughout the Union, to take the amendment to the Constitution, take the three territorial bills, put them all together, and how much of the slavery question is left? Is there any of it left? Yet we hear talk about compromise; and it is said the Union must be broken because you cannot get compromise. Does not this settle the whole question? There is no slavery prohibition by Congress, and the Territorial Legislatures are expressly forbidden from legislating so as to impair the rights of property. I know there are some who are sincere in this talk about compromise: but there are others who are merely making it a pretext, who come here claiming something in the hope that it will be refused, and that then, upon that refusal, their States may be carried out of the Union. I should like to know how much more secure we can be in regard to this question of slavery. These three territorial bills cover every square inch of territory we have got; and here is an amendment to the Constitution embracing the whole question, so far as the States and the public lands of the United States are concerned.

I am as much for compromise as any one can be; and there is no one who would desire more than myself to see peace and prosperity restored to the land; but when we look at the condition of the country, we find that rebellion is rife; that treason has reared its head. A distinguished Senator from Georgia once said, "When traitors become numerous enough, treason becomes respectable." Traitors are getting to be so numerous now that I suppose treason has almost got to be respectable; but, God being willing, whether traitors be many or few, as I have hitherto waged war against traitors and treason, and in behalf of the Government which was constructed by our fathers, I intend to continue it to the end. [Applause in the galleries.]

The PRESIDENT *pro tempore*: Order.

Mr. JOHNSON, of Tennessee: Mr. President, we are in the midst of a civil war; blood has been shed; life has been sacrificed. Who commenced it? Of that we will speak hereafter. I am speaking now of the talk about compromise. Traitors and rebels are standing with arms in their hands, and it is said that we must go forward and compromise with them. They are in the wrong; they are making war upon the Government; they are trying to upturn and destroy our free institutions. I say to them that the compromise I have to make under the existing circumstances is, "ground your arms; obey the laws; acknowledge the supremacy of the Constitution—when you do that, I will talk to you about compromises." All the compromise that I have to make is the compromise of the Constitution of the United States. It is one of the best compromises that can be made. We lived under it from 1789 down to the the 20th of December, 1860, when South Carolina undertook to go out of the Union. We prospered; we advanced in wealth, in commerce, in agriculture, in trade, in manufactures, in all the arts and sciences, and in religion, more than any people upon the face of God's earth had ever done before in the same time. What better compromise do you want? You lived under it till you got to be a great and prosperous people. It was made by our fathers, and cemented by their blood. When you talk to me about compromise, I hold up to you the Constitution under which you derived all your greatness, and which was made by the fathers of your country. It will protect you in all your rights.

But it is said that we had better divide the country and make a treaty and restore peace. If, under the Constitution which was framed by Washington and Madison and the patriots of the Revolution, we cannot live as brothers, as we have in times gone by, I ask can we live quietly under a treaty, separated as enemies? The same causes will exist; our geographical and physical position will remain just the same. Suppose you make a treaty of peace and division; if the same causes of irritation, if the same causes of division continue to exist, and we cannot live as brothers in fraternity under the Constitution made by our fathers, and as friends in the same Government, how can we live in peace as aliens and enemies under a treaty? It cannot be done; it is impracticable.

But, Mr. President, I concur fully with the distinguished Senator from Kentucky in the dislike expressed by him to a change in the form of government. He seemed to be apprehensive of a dictatorship. He feared there might be a change in the nature and character of our institutions. I could, if I chose, refer to many proofs to estab-

lish the fact that there has been a design to change the nature of our Government. I could refer to Mr. Rhett; I could refer to Mr. Inglis; I could refer to various others to prove this. The *Montgomery Daily Advertiser*, one of the organs of the so-called Southern Confederacy, says :

“Has it been a precipitate revolution? It has not. With coolness and deliberation the subject has been thought of for forty years; for ten years it has been the all-absorbing theme in political circles. From Maine to Mexico all the different phases and forms of the question have been presented to the people, until nothing else was thought of, nothing else spoken of, and nothing else taught in many of the political schools.”

This, in connection with other things, shows that this movement has been long contemplated, and that the idea has been to separate from and break up this Government, to change its nature and character; and now, after they have attempted the separation, if they can succeed, their intention is to subjugate and overthrow and make the other States submit to their form of government.

To carry out the idea of the Senator from Kentucky, I want to show that there is conclusive proof of a design to change our Government.

I quote from the *Georgia Chronicle* :

“Our own republican Government has failed midway in its trial, and with it have nearly vanished the hopes of those philanthropists who, believing in man’s capacity for self-government, believed, therefore, in spite of so many failures, in the practicability of a republic.”

“If this Government has gone down,” asks the editor, “what shall be its substitute?” And he answers by saying that, as to the present generation, “it seems their only resort must be to a constitutional monarchy.” Hence, you see the Senator and myself begin to agree in the proposition that the nature and character of the Government are to be changed.

William Howard Russell, the celebrated correspondent of the *London Times*, spent some time in South Carolina, and he writes :

“From all quarters have come to my ears the echoes of the same voice; it may be feigned, but there is no discord in the note, and it sounds in wonderful strength and monotony all over the country. Shades of George III., of North, of Johnson, all of whom contended against the great rebellion which tore these colonies from England, can you hear the chorus which rings through the State of Marion, Sumter, and Pinckney, and not clap your ghostly hands in triumph? That voice says, ‘If we could only get one of the royal race of England to rule over us, we should be content!’ Let there be no misconception on this point. That sentiment, varied in a hundred ways, has been repeated to me over and over again. There is a general



admission that the means to such an end are wanting, and that the desire cannot be gratified. But the admiration for monarchical institutions on the English model, for privileged classes, and for a landed aristocracy and gentry, is undisguised and apparently genuine. With the pride of having achieved their independence, is mingled in the South Carolinian's heart a strange regret at the result and consequences, and many are they who 'would go back to-morrow, if we could.' An intense affection for the British connection, a love of British habits and customs, a respect for British sentiment, law, authority, order, civilization, and literature, pre-eminently distinguish the inhabitants of this State," etc.

This idea was not confined to localities. It was extensively prevalent, though policy prompted its occasional repudiation. At a meeting of the people of Bibb County, Georgia, the subject was discussed, and a constitutional monarchy was not recommended for the Southern States, "as recommended by some of the advocates of immediate disunion." Here is evidence that the public mind had been sought to be influenced in that direction; but the people were not prepared for it. Mr. Toombs, of Georgia, during the delivery of a speech by Mr. A. H. Stephens, before the Legislature of that State, did not hesitate to prefer the form of the British Government to our own.

Not long since—some time in the month of May—I read in *The Richmond Whig*, published at the place where their Government is now operating, the centre from which they are directing their armies, which are making war upon this Government, an article in which it is stated that, rather than submit to the Administration now in power in the City of Washington, they would prefer passing under the constitutional reign of the amiable Queen of Great Britain. I agree, therefore, with the Senator from Kentucky, that there is a desire to change this Government. We see it emanating from every point in the South. Mr. Toombs was not willing to wait for the movement of the people. Mr. Stephens, in his speech to the Legislature of Georgia, preferred the calling of a Convention; but Mr. Toombs was unwilling to wait. Mr. Stephens was unwilling to see any violent action in advance of the action of the people; but Mr. Toombs replied: "I will not wait; I will not wait; I will take the sword in my own hand, disregarding the will of the people, even in the shape of a Convention," and history will record that he kept his word. He and others had become tired and dissatisfied with a government of the people; they have lost confidence in man's capacity for self-government; and furthermore, they would be willing to form an alliance with Great Britain; or, if Great Britain were slow in forming the alliance, with France; and they know they can

succeed there, on account of the hate and malignity which exist between the two nations. They would be willing to pass under the reign of the amiable and constitutional Queen of Great Britain! Sir, I love woman, and woman's reign in the right place; but when we talk about the amiable and accomplished Queen of Great Britain, I must say that all our women are ladies, all are queens, all are equal to Queen Victoria, and many of them greatly her superiors. They desire no such thing; nor do we. Hence we see whither this movement is tending. It is a change of government; and in that the Senator and myself most fully concur.

The Senator from Kentucky was wonderfully alarmed at the idea of a "dictator," and replied with as much point as possible to the Senator from Oregon, who made the suggestion. But, sir, what do we find in *The Richmond Examiner*, published at the seat of government of the so-called Confederate States?

"In the late debates of the Congress of this Confederacy, Mr. Wright, of Georgia, showed a true appreciation of the crisis when he advocated the grant of power to the President, that would enable him to make immediate defense of Richmond, and to bring the whole force of the Confederacy to bear on the affairs of Virginia. It is here that the fate of the Confederacy is to be decided; and the time is too short to permit red tape to interfere with public safety. No power in executive hands can be too great, no discretion too absolute, at such moments as these. We need a dictator. Let lawyers talk when the world has time to hear them. Now let the sword do its work. Usurpations of power by the chief, for the preservation of the people from robbers and murderers, will be reckoned as genius and patriotism by all sensible men in the world, now, and by every historian that will judge the deed hereafter."

The articles of their leading papers, *The Whig* and *The Examiner*, and the speeches of their leading men—all show unmistakably that their great object is to change the character of the Government. Hence we come back to the proposition that it is a contest whether the people shall govern or not. I have here an article that appeared in *The Memphis Bulletin*, of my own State, from which it appears that under this reign of Secession, this reign of terror, this disintegrating element that is destructive of all good, and the accomplisher of nothing that is right they have got things beyond their control:

"In times like these, there must be one ruling power to which all others must yield. 'In a multitude of counsellors,' saith the Book of Books, 'there is safety,' but nowhere we are told, in history or Revelation, that there is aught of safety in a multitude of rulers. Any 'rule of action,' sometimes called the 'law,' is better than a multitude of conflicting, irreconcilable statutes. Any one head is better

than forty, each of which may conceive itself the nonpareil, *par excellence*, supreme 'caput' of all civil and military affairs.

"Let Governor Harris be king, if need be, and Baugh a despot."

"Let Governor Harris be king, and Baugh a despot," says *The Bulletin*. Who is Baugh? The Mayor of Memphis. The mob reign of terror gotten up under this doctrine of Secession is so great that we find they are appealing to the one-man power. They are even willing to make the Mayor of the city a despot, and Isham G. Harris, a little petty Governor of Tennessee, a king. He is to be made king over the State that contains the bones of the immortal, the illustrious Jackson. Isham G. Harris a king! Or Jeff. Davis a dictator, and Isham G. Harris one of his satraps. He a king over the free and patriotic people of Tennessee! Isham G. Harris to be my king. Yes, sir, my king! I know the man. I know his elements. I know the ingredients that constitute the compound called Isham G. Harris. King Harris to be my master, and the master of the people that I have the proud and conscious satisfaction of representing on this floor! Mr. President, he should not be my slave. [Applause in the galleries.]

The PRESIDENT *pro tempore*: Order! A repetition of the offense will compel the chair to order the galleries to be cleared forthwith. The order of the Senate must and shall be preserved. No demonstrations of applause or disapprobation will be allowed. The Chair hopes not to be compelled to resort to the extremity of clearing the galleries of the audience.

Mr. JOHNSON of Tennessee: I was proceeding with this line of argument to show that, in the general proposition that there was a fixed determination to change the character and nature of the Government, the Senator from Kentucky and myself agree, and so far I think I have succeeded very well. And now, when we are looking at the elements of which this Southern Confederacy is composed, it may be well enough to examine the principles of the elements out of which a government is to be made that they prefer to this. We have shown, so far as the slavery question is concerned, that the whole question is settled, and it is now shown to the American people and the world that the people of the Southern States have now got no right which they said they had lost before they went out of this Union; but, on the contrary, many of their rights have been diminished, and oppression and tyranny have been inaugurated in their stead. Let me ask you, sir, and let me ask the nation, what right has any State in this so-called Confederacy lost under the Constitution of the United States? Let me ask each individual citizen in the United States, what right has he lost by the continuance of this Government based

on the Constitution of the United States? Is there a man North or South, East or West, who can put his finger on one single privilege, or one single right, of which he has been deprived by the Constitution or Union of these States? Can he do it? Can he touch it? Can he see it? Can he feel it? No, sir; there is no one right that he has lost. How many rights and privileges, and how much protection have they lost by going out of the Union, and violating the Constitution of the United States?

Pursuing this line of argument in regard to the formation of their government, let us take South Carolina, for instance, and see what her notions of government are. She is the leading spirit, and will constitute one of the master elements in the formation of this proposed Confederate Government. What qualifications has South Carolina affixed upon members of her Legislature? Let us see what are her notions of government—a State that will contribute to the formation of the government that is to exist hereafter. In the Constitution of South Carolina it is provided that

“No person shall be eligible to a seat in the House of Representatives unless he is a free white man, of the age of twenty-one, and hath been a citizen and resident of this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes.”

This is the notion that South Carolina has of the necessary qualifications of a member of the lower branch of the State Legislature. Now, I desire to ask the distinguished Senator from Kentucky—who seems to be so tenacious about compromises, about rights, and about the settlement of this question, and who can discover that the Constitution has been violated so often and so flagrantly by the administration now in power, yet never can see that it has been violated anywhere else, if he desires to seek under this South Carolina Government for his lost rights? I do not intend to be personal. I wish he were in his seat, for he knows that I have the greatest kindness for him. I am free to say, in connection with what I am about to observe, that I am selfish in this; because, if I lived in South Carolina, with these disabilities or disqualifications affixed upon a member, I would not be eligible to a seat in the lower branch of the Legislature. That would be a poor place for me to go and get my rights; would it not? I doubt whether the Senator from Kentucky is eligible to-day to a seat in the lower branch of the Legislature of South Carolina. I do not refer to him in any other than the most respectful terms, but I doubt whether he would be qualified to take

a seat in the lower branch of her Legislature. I should not be; and I believe I am just as good as any who do take seats there.

In looking further into the Constitution of South Carolina, in order to ascertain what are her principles of government, what do we find? We find it provided that, in the apportionment of these representatives, the whole number of white inhabitants is to be divided by sixty-two, and every sixty-second part is to have one member. Then all the taxes are to be divided by sixty-two, and every sixty-second part of the taxes is to have one member also. Hence we see that slaves, constituting the basis of property, would get the largest amount of representation; and we see that property goes in an unequal representation to all the numbers, while those numbers constitute a part of the property-holders. That is the basis of their representation.

Sir, the people whom I represent desire no such form of government. Notwithstanding they have been borne down; notwithstanding there has been an army of fifty-five thousand men created by the Legislature; notwithstanding \$5,000,000 of money has been appropriated to be expended against the Union; and notwithstanding the arms manufactured by the Government, and distributed among the States for the protection of the people, have been denied to them by this little petty tyrant of a king, and are now turned upon the Government for its overthrow and destruction, those people, when left to themselves to carry out their own government and the honest dictates of their own consciences, will be found to be opposed to this revolution.

Mr. President, while the Congress of the Confederate States are engaged in the formation of their Constitution, I find a protest from South Carolina against a decision of that Congress in relation to the slave-trade, in *The Charleston Mercury* of February 13. It is written by L. W. Spratt, to "the Hon. John Perkins, delegate from Louisiana." It begins in this way:

"From the abstract of the Constitution for the Provisional Government, published in the papers this morning, it appears that the slave-trade, except with the Slave States of North America, shall be prohibited. The Congress, therefore, not content with the laws of the late United States against it, which, it is to be presumed, were re-adopted, have unalterably fixed the subject, by a provision of the Constitution."

He goes on and protests. We all know that that Constitution is made for the day, just for the time being, a mere tub thrown out to the whale, to amuse and entertain the public mind for a time. We know this to be so. But in making his argument, what does he say?

Mr. Spratt, a Commissioner who went to Florida, a member of the Convention that took the State of South Carolina out of the Union, says in this protest :

“The South is now in the formation of a *slave* republic. This, perhaps, is not admitted generally. There are many contented to believe that the South as a geographical section, is in mere assertion of its independence; that it is instinct with no especial truth—pregnant of no distinct social nature; that for some unaccountable reason the two sections have become opposed to each other; that for reasons equally insufficient, there is disagreement between the people that direct them; and that from no overruling necessity, no impossibility of co-existence, but as mere matter of policy, it has been considered best for the South to strike out for herself, and establish an independence of her own. This, I fear, is an inadequate conception of the controversy.”

This indicates the whole scheme.

“The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest; nor between the people of the North and the people of the South; for our relations have been pleasant; and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet, in intercourse with great respect, the courtesies of common life. But the real contest is between two forms of society which have become established, the one at the North, and the other at the South.”

The protest continues :

“With that perfect economy of resources, that just application of power, that concentration of forces, that security of order which results to slavery from the permanent direction of its best intelligence, there is no other form of human labor that can stand against it, and it will build itself a home, and erect for itself, at some point within the present limits of the Southern States, a structure of imperial power and grandeur—a glorious Confederacy of States that will stand aloft and serene for ages, amid the anarchy of democracies that will reel around it.”

“But it may be that to this end another revolution may be necessary. It is to be apprehended that this contest between democracy and slavery is not yet over. It is certain that both forms of society exist within the limits of the Southern States; both are distinctly developed within the limits of Virginia; and there, whether we perceive the fact or not, the war already rages. In that State there are about five hundred thousand slaves to about one million of whites; and as at least as many slaves as masters are necessary to the constitution of slave society, about five hundred thousand of the white population are in legitimate relation to the slaves, and the rest are in excess.”

Hence we see the propriety of Mr. Mason's letter, in which he declared that all those who would not vote for secession must leave the State, and thereby you get clear of the excess of white population over slaves. They must emigrate :

"Like an excess of alkali or acid in chemical experiments, they are unfixed in the social compound. Without legitimate connection with the slave, they are in competition with him."

The protest continues :

"And even in this State (South Carolina), the ultimate result is not determined. The slave condition here would seem to be established. There is here an excess of one hundred and twenty thousand slaves; and here is fairly exhibited the normal nature of the institution. The officers of the State are slave-owners, and the representatives of slave-owners. In their public acts they exhibit the consciousness of a superior position. Without unusual individual ability, they exhibit the elevation of tone and composure of public sentiment proper to a master class. There is no appeal to the mass, for there is no mass to appeal to; there are no demagogues, for there is no populace to breed them; judges are not forced upon the stump; Governors are not to be dragged before the people; and when there is cause to act upon the fortunes of our social institution, there is perhaps an unusual readiness to meet it."

Again :

"It is probable that more abundant pauper labor may pour in, and it is to be feared that, even in this State, the purest in its slave condition, democracy may gain a foot-hold, and that here also the contest for existence may be waged between them.

"It thus appears that the contest is not ended with a dissolution of the Union, and that the agents of that contest still exist within the limits of the Southern States. The causes that have contributed to the defeat of slavery still occur; our slaves are still drawn off by higher prices to the West. There is still foreign pauper labor ready to supply their place. Maryland, Virginia, Kentucky, Missouri, possibly Tennessee and North Carolina, may lose their slaves as New York, Pennsylvania, and New Jersey have done. In that condition they must recommence the contest. There is no avoiding that necessity. The systems cannot mix; and thus it is that slavery, like the Thracian horse returning from the field of victory, still bears a master on his back; and, having achieved one revolution to escape democracy at the North, it must still achieve another to escape it at the South. That it will ultimately triumph none can doubt. It will become redeemed and vindicated, and the only question now to be determined is, shall there be another revolution to that end? . . . .

"If, in short, you shall own slavery as the source of your authority, and act for it, and erect, as you are commissioned to erect, not only a Southern but a slave republic, the work will be accomplished. . . . .

"But if you shall not; if you shall commence by ignoring slavery, or shall be content to edge it on by indirection; if you shall exhibit

care but for the republic, respect but a democracy; if you shall stipulate for the toleration of slavery as an existing evil, by admitting assumptions to its prejudice, and restrictions to its power and progress, you reinaugurate the blunder of 1789; you will combine States, whether true or not, to slavery; you will have no tests of faith; some will find it to their interest to abandon it; slave labor will be fettered, hireling labor will be free; your Confederacy is again divided into antagonistic societies; the irrepressible conflict is again commenced; and as slavery can sustain the structure of a stable government, and will sustain such a structure, and as it will sustain no structure but its own, another revolution comes; but whether in the order and propriety of this, is gravely to be doubted."

In another part of this protest I find this paragraph:

"If the clause be carried into the permanent government, our whole movement is defeated. It will abolitionize the border slave States—it will brand our institution. Slavery cannot share a government with democracy—it cannot bear a brand upon it; thence another revolution. It may be painful, but we must make it. The Constitution cannot be changed without. The border States, discharged of slavery, will oppose it. They are to be included by the concession; they will be sufficient to defeat it. It is doubtful if another movement will be as peaceful."

In this connection, let me read the following paragraph from De Bow's *Review*:

"*All government begins by usurpation, and is continued by force.* Nature put the ruling elements uppermost, and the masses below and subject to those elements. Less than this is not government. The right to govern resides in a very small minority; the duty to obey is inherent in the great mass of mankind."

We find by an examination of all these articles that the whole idea is to establish a republic based upon slavery exclusively, in which the great mass of the people are not to participate. We find an argument made here against the admission of non-slaveholding States into their Confederacy. If they refuse to admit a non-slaveholding State into the Confederacy, for the very same reason they will exclude an individual who is not a slaveholder, in a slaveholding State, from participating in the exercise of the powers of the government. Taking the whole argument through, that is the plain meaning of it. Mr. Spratt says that sooner or later it will be done; and if the present revolution will not accomplish it, it must be brought about even if another revolution has to take place. We see, therefore, that it is most clearly contemplated to change the character and nature of the government so far as they are concerned. They have lost confidence in the integrity, in the capability, in the virtue and intelligence of the great mass of the people to govern.



Sir, in the section of the country where I live, notwithstanding we reside in a slave State, we believe that freemen are capable of self-government. We care not in what shape their poverty exists; whether it is in the shape of slaves or otherwise. We hold that it is upon the intelligent free white people of the country that all governments should rest, and by them all governments should be controlled.

I think, therefore, sir, that the President and Senator from Kentucky have stated the question aright. This is a struggle between two forms of government. It is a struggle for the existence of the Government we have. The issue is now fairly made up. All who favor free government must stand with the Constitution, and in favor of the Union of the States as it is. That Union being once restored, the Constitution again becoming supreme and paramount, when peace, law, and order shall be restored; when the Government shall be restored to its pristine position; then, if necessary, we can come forward under proper and favorable circumstances to amend, change, alter, and modify the Constitution, as pointed out by the fifth article of the instrument, and thereby perpetuate the Government. This can be done, and this should be done.

We have heard a great deal said in reference to the violation of the Constitution. The Senator from Kentucky seems exceedingly sensitive about violations of the Constitution. Sir, it seems to me, admitting that his apprehensions are well founded, that a violation of the Constitution for the preservation of the Government is more tolerable than one for its destruction. In all these complaints, in all these arraignments of the present Government for violation of law and disregard of the Constitution, have you heard, as was forcibly and eloquently said by the Senator from Illinois (Mr. Browning) before me, one word uttered against violations of the Constitution and the trampling under foot of law by the States or the party now making war upon the Government of the United States? Not a word, sir.

The Senator enumerates what he calls violations of the Constitution—the suspension of the writ of habeas corpus, the proclaiming of martial law, the increase of the army and navy, and the existing war; and then he asks, “Why all this?” The answer must be apparent to all.

But first, let me supply a chronological table of events on the other side:

December 27. 1860. The revenue cutter William Aiken surrendered by her commander, and taken possession of by South Carolina.

December 28. Fort Moultrie and Castle Pinckney, at Charleston, seized.

December 30. The United States arsenal at Charleston seized.

January 2, 1861. Fort Macon and the United States arsenal at Fayetteville seized by North Carolina.

January 3. Forts Pulaski and Jackson, and the United States arsenal at Savannah, seized by Georgia troops.

January 4. Fort Morgan and the United States arsenal at Mobile seized by Alabama.

January 8. Forts Johnson and Caswell, at Smithville, seized by North Carolina; restored by order of Governor Ellis.

January 9. The *Star of the West*, bearing reinforcements to Major Anderson, fired at in Charleston harbor.

January 10. The steamer *Marion* seized by South Carolina; restored on the 11th.

January 11. The United States arsenal at Baton Rouge, and Forts Pike, St. Philip, and Jackson, seized by Louisiana.

January 12. Fort Barancas and the Navy Yard at Pensacola seized by Florida.

January 12. Fort McRae, at Pensacola, seized by Florida.

These forts cost \$5,947,000, are pierced for 1,099 guns, and are adapted for a war garrison of 5,430 men.

We find, as was shown here the other day, and as has been shown on former occasions, that the State of South Carolina seceded, or attempted to secede, from this confederacy of States without cause. In seceding, her first step was a violation of the Constitution. She seceded on the 20th of last December, making the first innovation and violation of the law and the Constitution of the country. On the 28th day of December what did she do? She seized Fort Moultrie and Castle Pinckney, and caused your little band of sixty or seventy men, under the command of Major Anderson, to retire to a little pen in the ocean—Fort Sumter. She commenced erecting batteries, arraying cannon, preparing for war; in effect, proclaiming herself at once our enemy. Seceding from the Union, taking Fort Moultrie and Castle Pinckney, driving your men, in fact, into Fort Sumter, I say were piratical acts of war. You need not talk to me about technicalities, and the distinction that you have got no war till Congress declares it. Congress could legalize it, or could make war, it is true; but that was practical war. Who began it? Then, sir, if South Carolina secedes, withdraws from the Union, becomes our common enemy, is it not the duty, the constitutional duty of the Government, and of the President of the United States to make war, or to resist the attacks and assaults made by an enemy? Is she not as much our enemy as Great Britain was in the revolutionary struggle? Is she not to-day as much our enemy as Great Britain was during the war of 1812?

In this connection I desire to read some remarks made by the Senator from Missouri (Mr. Polk) in his speech the other day, in regard to this general idea of who made the war :

“This has all been brought about since the adjournment of the last Congress—since the 4th of March ; indeed, since the 15th of April. Congress has declared no war. The Constitution of the United States says ‘that Congress shall be authorized to declare war ;’ and yet, sir, though Congress has declared no war, we are in the midst of a war monstrous in its character, and hugely monstrous in its proportions. That war has been brought on by the President of the United States since the 4th of March, of his own motion and of his own wrong ; and under what circumstances ? Before the close of the last Congress, as early as the month of January, secession was an accomplished fact. Before the close of the last Congress, as many States had seceded from the Union, or had claimed to secede, as had on the 15th of April ; and yet the last Congress made no declaration of war ; the last Congress passed no legislation calculated to carry on the war ; the last Congress refused to pass bills having this direction or having any purpose of coercion. Now, sir, how has this war been brought on ? I have said that, in my judgment, it has been brought on by the President of the United States, and a portion of the procedure which has resulted in it is named in the preamble of this joint resolution, which it is proposed that we shall approve and legalize.”

The Senator from Kentucky (Mr. Powell) spoke in similar language. Alluding to the refusal of Kentucky to respond to the first call of the President for seventy-five thousand men, he said :

“She believed that the calling forth of such an immense armament was for the purpose of making a war of subjugation on the Southern States, and upon that ground she refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as unholy, unrighteous, and unjust. Kentucky believes that this war, if carried out, can result in nothing else than the total disruption of the Confederacy. She hopes, she wishes, she prays, that this Union may be maintained. She believes that cannot be done by force of arms ; that it must be done by compromise and conciliation if it can be done at all ; and hence, being devoted truly to the Union, she desires measures of peace to be presented for the adjustment of our difficulties.”

I desire in this connection to place before the Senate the remarks of both the Senator from Kentucky and the Senator from Missouri, and to answer them at the same time. The Senator from Missouri

says the war was brought on since the 4th of March by the President of the United States of his own motion. The Senator from Kentucky (Mr. Powell) pronounces it an unjust, an unrighteous and an unholy war.

But, sir, I commenced enumerating the facts with the view of showing who commenced the war. How do they stand? I have just stated that South Carolina seceded— withdrew from the Confederacy; and in the very act of withdrawing, she makes practical war upon the Government, and becomes its enemy. The *Star of the West*, on the 7th of January, laden simply with provisions to supply those starving men at Fort Sumter, attempted to enter the harbor, and was fired upon, and had to tack about, and leave the men in the fort to perish or do the best they could. We also find, that on the 11th of April, General Beauregard had an interview with Major Anderson, and made a proposition to him to surrender. Major Anderson stated in substance, that he could do no such thing; that he could not strike the colors of his country, and refused to surrender; but he said, at the same time, that by the 15th of the month his provisions would give out, and if not reinforced and supplied starvation must take place. It seems that at this time Mr. Pryor, from Virginia, was in Charleston. The Convention of Virginia was sitting, and it was important that the cannon's roar should be heard in the land. Virginia was to be taken out of the Union, although a majority of the delegates in the Convention were elected against secession, and in favor of the Union. We find that after being in possession of the fact that by the 15th of the month the garrison would be starved out and compelled to surrender, on the morning of the 12th they commenced the bombardment, fired upon the fort and upon your men. They knew that in three days they would be compelled to surrender, but they wanted war. It was indispensable to produce an excitement in order to hurry Virginia out of the Union, and they commenced the war. The firing was kept up until such time as the fort was involved in smoke and flames, and Major Anderson and his men were compelled to lie on the floor with their wet handkerchiefs to their faces to save them from suffocation and death. Even in the midst of all this, they refused to cease their firing, but kept it up until he was compelled to surrender.

Who, then commenced the war? Who struck the first blow? Who violated the Constitution in the first place? Who trampled the law under foot, and violated the law morally and legally? Was it not South Carolina in seceding? And yet you talk about the President having brought on the war by his own motion, when these facts are incontrovertible. No one dare attempt to assail them.

But after Fort Sumter was attacked and surrendered, what do we find stated in Montgomery when the news reached there? Here is the telegraphic announcement of the reception of the news there:

“MONTGOMERY, *Friday, April 12, 1861.*”

“An immense crowd serenaded President Davis and Secretary Walker, at the Exchange Hotel to-night.”

Mr. Davis refused to address the audience, but his Secretary of War did. The Secretary of War, Mr. Walker, said:

“No man could tell where the war this day commenced would end, but he would prophesy that the flag which now flaunts the breeze here would float over the old Capitol at Washington, before the 1st of May. Let them try Southern chivalry and test the extent of Southern resources, and it might float eventually over Faneuil Hall itself.”

What is the announcement? We have attacked Fort Sumter and it has surrendered, and no one can tell where this war will end. By the 1st of May our flag will wave in triumph from the dome of the old Capitol at Washington, and ere long, perhaps, from Faneuil Hall in Boston. Then was this war commenced by the President on his own motion? You say that the President of the United States did wrong in ordering out seventy-five thousand men, and in increasing the army and navy under the exigency. Do we not know, in connection with these facts, that so soon as Fort Sumter surrendered they took up the line of march for Washington? Do not some of us who were here know that we did not even go to bed very confidently and securely, for the fear that the city would be taken before the rising sun? Has it not been published in the Southern newspapers that Ben McCulloch was in readiness, with five thousand picked men, in the State of Virginia, to make a descent and attack the city, and take it?

What more do we find? We find that the Congress of this same pseudo-republic, this same Southern Confederacy that has sprung up in the South, as early as the 6th of March passed a law preparing for this invasion—preparing for this war which they commenced. Here it is:

“That in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquility and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the Confederate States of America, and ask for and accept the services of any number of volunteers, not exceeding one hundred thousand.”

When your forts were surrendered, and when the President of the so-called Southern Confederacy was authorized to call out the entire militia, naval, and military forces, and then to receive in the service of the Confederate States one hundred thousand men, the President calls for seventy-five thousand men to defend the Capitol and the public property. Are we for the Government, or are we against it? That is the question. Taking all the facts into consideration, do we not see that an invasion was intended? It was even announced by Mr. Iverson upon this floor that ere long their Congress would be sitting here, and this Government would be overthrown. When the facts are all put together we see the scheme, and it is nothing more nor less than executing a programme deliberately made out; and yet Senators hesitate, falter, and complain, and say the President has suspended the writ of habeas corpus, increased the army and navy, and they ask, where was the necessity for all this? With your forts taken, your men fired upon, your ships attacked at sea, and one hundred thousand men called into the field by this so-called Southern Confederacy, with the additional authority to call out the entire military and naval force of those States, Senators talk about the enormous call of the President for seventy-five thousand men and the increase he has made of the army and navy. Mr. President, it all goes to show, in my opinion, that the sympathies of Senators are with the one Government and against the other. Admitting that there was a little stretch of power; admitting that the margin was pretty wide when the power was exercised, the query now comes, when you have got the power, when you are sitting here in a legislative attitude, are you willing to sustain the Government and give it the means to sustain itself? It is not worth while to talk about what has been done before. The question on any measure should be, is it necessary now? If it is, it should not be withheld from the Government.

Senators talk about violating the Constitution and the laws. A great deal has been said about searches and seizures, and the right of protection of persons and of papers. I reckon it is equally as important to protect a Government from seizure as it is an individual. I reckon the moral and the law of the case would be just as strong in seizing upon that which belonged to the Federal Government as it would upon that belonging to an individual. What belongs to us in the aggregate is protected and maintained by the same law, moral and legal, as that which applies to an individual. These rebellious States, after commencing this war, after violating the Constitution, seized our forts, our arsenals, our dock-yards, our custom-houses, our public buildings, our ships, and last, though not least,

plundered the independent treasury at New Orleans of \$1,000,000. And yet Senators talk about violations of the law and the Constitution. They say the Constitution is disregarded, and the Government is about to be overthrown. Does not this talk about violations of the Constitution and the law come with a beautiful grace from that side of the House? I repeat again, Sir, are not violations of the Constitution necessary for its protection and vindication more tolerable than the violations of that sacred instrument aimed at the overthrow and destruction of the Government? We have seen instances, and other instances might occur, where it might be indispensably necessary for the Government to exercise a power and to assume a position that was not clearly legal and constitutional, in order to resist the entire overthrow and upturning of the Government and all our institutions.

But the President issued his proclamation. When did he issue it, and for what? He issued his proclamation calling out seventy-five thousand men after the Congress of the so-called Southern Confederacy had passed a law to call out the entire militia, and to receive into their service one hundred thousand men. The President issued his proclamation after they had taken Fort Moultrie and Castle Pinckney; after they had fired upon and reduced Fort Sumter. Fort Sumter was taken on the 12th, and on the 15th he issued his proclamation. Taking all these circumstances together, it showed that they intended to advance, and that their object was to extend their power, to subjugate the other States, and to overthrow the Constitution and the laws of the Government.

Senators talk about the violation of the Constitution. Have you heard any intimation of complaint from those Senators about this Southern Confederacy—this band of traitors to their country and country's institutions? I repeat, substantially, the language of the Senator from Illinois (Mr. Browning): "Have you heard any complaint or alarm about violations of constitutional law on the other side? Oh, no! But we must stand still; the Government must not move while they are moving with a hundred thousand men; while they have the power to call forth the entire militia and the army and the navy. While they are reducing our forts, and robbing us of our property, we must stand still; the Constitution and the laws must not be violated; and an arraignment is made to weaken and paralyze the Government in its greatest peril and trial."

On the 15th of April, the proclamation was issued calling out seventy-five thousand men, after the Confederate States had authorized one hundred thousand men to be received by their President—this man Davis, who stood up here and made a retiring speech—a

man educated and nurtured by the Government; who sucked its pap; who received all his military instruction at the hands of this Government; a man who got all his distinction, civil and military, in the service of this Government, beneath the Stars and Stripes, and then, without cause—without being deprived of a single right and privilege—the sword he unsheathed in vindication of that flag in a foreign land, given to him by the hand of his cherishing mother, he stands this day prepared to plunge into her bosom. Such men as these have their apologists here in Congress to excuse and extenuate their acts, either directly or indirectly. You never hear from them of law or Constitution being violated down there. Oh, no! that is not mentioned.

On the 15th, the President issued his proclamation calling seventy-five thousand men into the service of the United States, and on the 17th, this same Jefferson Davis, President of the Southern Confederacy, issued a proclamation proposing or opening the door to the issuance of letters of marque and reprisal, and that, too, in violation of the pseudo-hermaphrodite Government that has been gotten up down there. In retaliation for the proclamation issued by the President of the United States, he, in violation of the Constitution of this pseudo-confederacy, issued his proclamation proposing to issue letters of marque and reprisal. In other words, he proposed to open an office and say, we will give out licenses to rob the citizens of the United States of all their property wherever it can be picked up upon the high seas. This he proposed to do, not only in violation of the Constitution of the Confederate States, but in violation of the law of nations; for no people—I care not by what name you call it—has a right to issue letters of marque and reprisal until its independence is first acknowledged as a separate and distinct power. Has that been done? I think, therefore, Senators can find some little violation of Constitution and law down there among themselves. Sir, they have violated the law and the Constitution every step they progressed in going there, and now they violate it in trying to come this way. There was a general license offered, a premium offered, to every freebooter, to every man who wanted to plunder and play the pirate on the high seas, to come and take a commission, and plunder in the name of the Southern Confederacy; to take, at that time, the property of Tennessee or the property of Kentucky—your beef, your pork, your flour, and every other product making its way to a foreign market. Mr. Davis authorized letters of marque and reprisal to pick them up and appropriate them. After that their Congress saw that he had gone ahead of their Constitution and the laws of nations, and they passed a law modifying



the issuance of letters of marque and reprisal, that they should prey upon the property of the citizens of the United States, excepting certain States—excepting Kentucky and Tennessee—holding that out as a bait, as an inducement to get them in.

I do not think, therefore, when we approach the subject fairly and squarely, that there was any very great wrong in the President of the United States, on the 19th, issuing his proclamation blockading their ports, saying you shall not have the opportunity, so far as I can prevent it, of plundering and appropriating other people's property on the high seas. I think he did precisely what was right. He would have been derelict to his duty, and to the high behest of the American people, if he had set here and failed to exert every power within his reach and scope to protect the property of the United States on the high seas.

Senators seem to think it is no violation of the Constitution to make war on your Government, and when its enemies are stationed in sight of the Capitol, there is no alarm, no dread, no scare, no fright. Some of us would not feel so very comfortable if they were to get this city. I believe there are others who would not be very much disturbed. I do not think I could sleep right sound if they were in possession of this city; not that I believe I am more timid than most men, but I do not believe there would be much quarter for me; and, by way of self-protection, and enjoying what few rights I have remaining, I expect it would be better, if they were in possession of this city, for me to be located in some other point not too inconvenient or too remote. I believe there are others who would feel very comfortable here.

Then, Mr. President, in tracing this subject along, I cannot see what great wrong has been committed by the Government in taking the course it has taken. I repeat again, this Government is now passing through its third ordeal; and the time has arrived when it should put forth its entire power, and say to the rebels and traitors, wherever they are, that the supremacy of the Constitution, and laws made in pursuance thereof, shall be sustained; that those citizens who have been borne down and tyrannized over, and who have had laws of treason passed against them in their own States, threatened with confiscation of property, shall be protected. I say it is the paramount duty of this Government to assert its power and maintain its integrity. I say it is the duty of this Government to protect those States, or the loyal citizens of those States, in the enjoyment of a republican form of government, for we have seen one continued system of usurpation carried on from one end of these Southern States to the other, disregarding the popular judgment, disregarding

the popular will, setting at defiance the judgment of the people, disregarding their rights, paying no attention to their State Constitutions in any sense whatever. We are bound, under the Constitution, to protect those States and their citizens. We are bound to guarantee to them a republican form of government; it is our duty to do it. If we have no government, let the delusion be dispelled, let the dream pass away, and let the people of the United States, and the nations of the earth, know at once that we have no government. If we have a government, based on the intelligence and virtue of the American people, let that great fact be now established, and once established this Government will be on a more enduring and permanent basis than it ever was before. I still have confidence in the integrity, the virtue, the intelligence, and the patriotism of the great mass of the people; and so believing, I intend to stand by the Government of my fathers to the last extremity.

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 principle I have stated; and in the 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, in this case, to pursue principle. I am a Democrat, believing the principles of this government are democratic. It is based upon the democratic theory. I believe Democracy can stand, notwithstanding all the taunts and jeers that are thrown at it throughout the Southern Confederacy. The principles which I call Democracy—I care not by what name they are sustained, whether by Republicans, by Whigs, or not—are the great principles that lie at the foundation of this Government, and they will be maintained. We have seen that so far the experiment has succeeded well; and now we should make an effort, in this last ordeal through which we are passing, to crush out the fatal doctrine of Secession, and those who are co-operating with it in the shape of rebels and traitors.

I advocated the professions of a distinguished son of Kentucky, at the late election, for the reason that I believed he was a better Union man than any other candidate in the field. Others advocated the claims of Mr. Bell, believing him to be a better Union man; others, those of Mr. Douglas. In the South we know that there was 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 last that has produced sufficient cause to break up this Government? The Senator from California enumerated the facts up to the 25th day of May, 1860, when there was a vote taken in this body for the protection of slave property in the Territories. Now, from the 6th of November up to the 20th of December, tell me what transpired of sufficient cause to break up this Government? Was there any innovation, was there any additional step taken in reference to the institution of slavery? If the candidate whose claims I advocated had been elected President—I speak of him as a candidate, of course not meaning to be personal—I do 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 parties have done heretofore: they would have yielded to the high behest of the American people.

Then, is the mere 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 the seceding Senators had stood here 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 here 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 administration. Where, then, is there even a pretext for breaking up the Government, upon the idea that he would have encroached upon our rights? Does not the nation know that Mr. Lincoln could not make his Cabinet without the consent of the majority of the Senate? Do we not know that he could not even have sent a minister abroad without the majority of the Senate confirming the nomination? Do we not know that if any minister whom he sent abroad should make a treaty inimical to the institutions of the South, that treaty could not have been ratified without a majority of two-thirds of the Senate?

With all these facts staring them in the face, where is the pretence for breaking up the Government? Is it not clear that there has been a fixed purpose, a settled design, to break up the Government and change the nature and character, and whole genius of the Government itself? Does it not prove conclusively, as there was no cause, that they simply selected it as an occasion that was favorable to excite the prejudices of the South, and thereby en-

able them to break up this Government and establish a Southern Confederacy ?

Then, when we get at it, what is the real cause ? If Mr. Breckinridge, or Mr. Davis, or some other favorite of those who are now engaged in breaking up the Government, had been elected President of the United States, it would have been a very nice thing ; they would have respected the judgment of the people, and no doubt their confidence in the capacity of the people for self-government would have been increased ; but it so happened that the people thought proper to elect somebody else, according to law and the Constitution. Then, as all parties had done heretofore, it was the duty of the whole people to acquiesce ; if he made a good President, sustain him ; if he became a bad one, condemn him ; if he violated the law and the Constitution, impeach him. We had our remedy under the Constitution, and in the Union.

What is the real cause ? Disappointed ambition ; an unhallowed ambition. Certain men could not wait any longer, and they seized this occasion to do what they had been wanting to do for a long time—break up the Government. If they could not rule a large country, they thought they might rule a small one. Hence, one of the prime movers in the Senate ceased to be a Senator, and passed out to be President of the Southern Confederacy. Another, who was bold enough on this floor to proclaim himself a rebel, retired as a Senator, and became Secretary of State. All perfectly disinterested—no ambition about it ! Another—Mr. Benjamin, of Louisiana—one who understands something about the idea of dividing garments ; who belongs to the tribe that parted the garments of our Saviour, and upon his vesture cast lots—went out of this body, and was made Attorney-General, to show his patriotism and disinterestedness—nothing else ! Mr. Slidell, disinterested altogether, is to go as Minister to France. I might enumerate many such instances. This is all patriotism, pure disinterestedness ! Do we not see where it all ends ? Disappointed, impatient, unhallowed ambition. There has been no cause for breaking up this Government ; there have been no rights denied, no privileges trampled upon under the Constitution and Union, that might not have been remedied more effectually in the Union than outside of it. What rights are to be attained outside of the Union ? The seceders have violated the Constitution, trampled it under foot ; and what is their condition now ? Upon the abstract idea that they had a right to secede, they have gone out ; and what is the consequence ? Oppression, taxation, blood, and civil war ! They have gone out of the Union ; and, I repeat again, they have got taxes, usurpations, blood, and civil war !

I said just now that I had advocated the election to the Presidency of the distinguished Senator from Kentucky, on the ground that he was a good Union man. I wish we could now hear his eloquent voice in favor of the old Government of our fathers, and in vindication of the Stars and Stripes that have been borne in triumph everywhere. I hold in my hand a document which was our text-book in the campaign. It is headed "Breckinridge and Lane Campaign Document, No. 16. Who are the Disunionists? Breckinridge and Lane the true Union candidates." It contains an extract, which I will read, from the Senator's address on the removal of the Senate from the old to the new chamber. I would to God he was as good a Union man to-day as I think he was then :

"Such is our country; ay, and more—far more than my mind could conceive, or my tongue could utter. Is there an American who regrets the past? Is there one who will deride his country's laws, pervert her Constitution, or alienate her people? If there be such a man, let his memory descend to posterity laden with the execrations of all mankind. . . . Let us devoutly trust that another Senate, in another age, shall bear to a new and larger chamber, this Constitution, vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the Representatives of American States still united, prosperous, and free."

Now, this was the text—an extract from a speech of the Senator, after the nomination was made :

"When that Convention selected me as one of its candidates, looking at my humble antecedents and the place of my habitation, it gave to the country, so far as I was concerned, a personal and geographical guaranty that its interest was in the Union."

In addition to that, in Tennessee we headed our electoral ticket, as if to give unmistakable evidence of our devotion to the Union, and the reason why we sustained him, "National Democratic ticket. 'Instead of dissolving the Union, we intend to lengthen it and to strengthen it.'—*Breckinridge*." Where are his eloquent tones now? They are heard arraigning the Administration for what he conceives to be premature action, in advance of the law, or a slight departure from the Constitution. Which is the most tolerable, premature action, action in advance of law, a slight departure from the Constitution (putting it on his own ground), or an entire overthrow of the Government? Are there no advances, are there no inroads, being made to-day upon the Constitution and the existence of the Government itself? Let us look at the question plainly and fairly. Here is an invading army almost within cannon-shot of the capital, headed by Jeff. Davis and Beauregard. Suppose they advance on the city

to-night; subjugate it; depose the existing authorities; expel the present Government: what kind of Government have you then? Is there any Constitution in it? Is there any law in it? The Senator can stand here almost in sight of the enemy, see the citadel of freedom—the Constitution—trampled upon, and there is no apprehension; but he can look with an eagle eye, and, with an analytic process, almost unsurpassed, discriminate against and attack those who are trying to manage your Government for its safety and preservation. He has no word of condemnation for the invading army that threatens to overthrow the capital, that threatens to trample the Constitution and the law under foot. I repeat, suppose Davis at the head of his advancing columns should depose your Government and expel your authority: what kind of government will you have? Will there be any Constitution left? How eloquent my friend was upon Constitutions! He told us the Constitution was the measure of power, and that we should understand and feel constitutional restraints; and yet when your Government is perhaps within a few hours of being overthrown, and the law and Constitution trampled under foot, there are no apprehensions on his part; no words of rebuke for those who are endeavoring to accomplish such results.

The Old Dominion has got the brunt of the war upon her hands. I sympathize with her most deeply, and especially with the loyal portion of her citizens, who have been brow-beaten and domineered over. Now the war is transferred to Virginia, and her plains are made to run with blood; and when this is secured, what do we hear in the far South? Howell Cobb, another of these disinterested patriots, said not long since, in a speech in Georgia:

“The people of the Gulf States need have no apprehensions; they might go on with their planting and their other business as usual; the war would not come to their section; its theatre would be along the borders of the Ohio river and in Virginia.”

Virginia ought to congratulate herself upon that position, for she has got the war. Now they want to advance. Their plans and designs are to get across into Maryland, and carry on a war of subjugation. There is wonderful alarm among certain gentlemen here at the term “subjugate.” They are alarmed at the idea of making citizens who have violated the law simply conform to it by enforcing their obedience. If a majority of the citizens in a State have violated the Constitution, have trampled it under foot and violated the law, is it subjugation to assert the supremacy of the Constitution and the law? Is it any more than a simple enforcement of the law? It would be one of the best subjugations that could take place if some of them were subjugated and brought back to the constitutional

position that they occupied before. I would to God that Tennessee stood to-day where she did three months ago.

Mr. President, it is provided in the Constitution of the United States that "no State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay." The State authorities of Tennessee, before her people had even voted upon an ordinance to separate her from the Union, formed a league by which they transferred fifty-five thousand men, the whole army, over to the Confederate States for the purpose of prosecuting their war. Is it not strange that such a palpable violation of the Constitution should not be referred to and condemned by any one? Here is a member of the Union, without even having the vote taken upon an ordinance of separation or secession, forming a league, by its commissioners or ministers, and handing over fifty-five thousand men to make war upon the Government of the United States, though they were themselves then within the Union. No one seems to find fault with that. The fact is, that in the whole progress of secession, the Constitution and the law have been violated at every step from its incipency to the present point. How have the people of my State been treated? I know that this may not interest the Senate to any very great extent; but I must briefly refer to it. The people of a portion of that State, having devotion and attachment to the Constitution and the Government as framed by the sires of the Revolution, still adhering to it, gave a majority of more than twenty thousand votes in favor of the Union at the election. After that, this portion of the State, East Tennessee, called a convention, and the convention published an address, in which they sum up some of the grievances which we have been bearing in that portion of the country. They say:

"The *Memphis Appeal*, a prominent disunion paper, published a false account of our proceedings, under the head 'The Traitors in Council,' and styled us, who represent every county but two in East Tennessee, the little batch of disaffected traitors who hover around the noxious atmosphere of Andrew Johnson's home. Our meeting was telegraphed to the *New Orleans Delta*, and it was falsely said that we had passed a resolution recommending submission if seventy thousand votes were not cast against secession. The dispatch added that 'the Southern Rights men are determined to hold possession of the State, though they should be in a minority.'"

They had fifty-five thousand men and \$5,000,000 to sustain them, the State authorities with them, and made the declaration that they intended to hold the State though they should be in a minority

This shows the advance of tyranny and usurpation. By way of showing the Senate some of the wrongs borne and submitted to by that people who are loyal to the Government—who have been deprived of the arms furnished by the Government for their protection—withheld by this little man Harris, the Governor of the State—I will read a few paragraphs from the address :

“ It has passed laws declaring it treason to say or do anything in favor of the Government of the United States or against the Confederate States ; and such a law is now before, and we apprehend will soon be passed by, the Legislature of Tennessee.

“ It has involved the Southern States in a war whose success is hopeless, and which must ultimately lead to the ruin of the people.

“ Its bigoted, overbearing, and intolerant spirit has already subjected the people of East Tennessee to many petty grievances ; our people have been insulted ; our flags have been fired upon and torn down ; our houses have been rudely entered ; our families have been subjected to insult ; our peaceable meetings interrupted ; our women and children shot at by a merciless soldiery ; our towns pillaged ; our citizens robbed, and some of them assassinated and murdered.

“ No effort has been spared to deter the Union men of East Tennessee from the expression of their free thoughts. The penalties of treason have been threatened against them, and murder and assassination have been openly encouraged by leading secession journals. As secession has been thus overbearing and intolerant while in the minority in East Tennessee, nothing better can be expected of the pretended majority than wild, unconstitutional, and oppressive legislation ; an utter contempt and disregard of law, a determination to force every Union man in the State to swear to the support of a constitution he abhors, to yield his money and property to aid a cause he detests, and to become the object of scorn and derision, as well as the victim of intolerable and relentless oppression.”

These are some of the wrongs that we are enduring in that section of Tennessee ; not near all of them, but a few which I have presented that the country may know what we are submitting to. Since I left my home, having only one way to leave the State, through two or three passes coming out through Cumberland Gap, I have been advised that they had even sent their armies to blockade these passes in the mountains, as they say, to prevent Johnson from returning with arms and munitions to place in the hands of the people to vindicate their rights, repel invasion, and put down domestic insurrection and rebellion. Yes, sir, there they stand in arms, environing a population of three hundred and twenty-five thousand loyal, brave, patriotic, and unsubdued people ; but yet powerless, and not in a condition to vindicate their rights. Hence I come to the Government, and I do not ask it as a suppliant, but I demand it as a constitutional right, that you give us protection, give us arms and muni-



tions; and if they cannot be got there in any other way, to take them there with an invading army, and deliver the people from the oppression to which they are now subjected. We claim to be the State. The other divisions may have seceded and gone off; and if this Government will stand by and permit those portions of the State to go off, and not enforce the laws and protect the loyal citizens there, we cannot help it; but we still claim to be the State, and if two-thirds have fallen off, or have been sunk by an earthquake, it does not change our relation to this Government. If the Government will let them go and not give us protection, the fault is not ours; but if you give us protection we intend to stand as a State, as a part of this Confederacy, holding to the Stars and Stripes, the flag of our country. We demand it according to law; we demand it upon the guarantees of the Constitution. You are bound to guarantee to us a republican form of government, and we ask it as a constitutional right. We do not ask you to interfere as a party, as your feelings or prejudices may be one way or another in reference to the parties of the country; but we ask you to interfere as a Government, according to the Constitution. Of course we want your sympathy, and your regard, and your respect; but we ask your interference on constitutional grounds.

The amendments to the Constitution, which constitute the Bill of Rights, declare that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Our people are denied this right secured to them in their own Constitution and the Constitution of the United States; yet we hear no complaints here of violations of the Constitution in this respect. We ask the Government to interpose to secure us this Constitutional right. We want the passes in our mountains opened, we want deliverance and protection for a down-trodden and oppressed people who are struggling for their independence without arms.

If we had had ten thousand stand of arms and ammunition, when the contest commenced, we should have asked no further assistance. We have not got them. We are a rural people; we have villages and small towns—no large cities. Our population is homogeneous, industrious, frugal, brave, independent; but now harmless, and powerless, and oppressed by usurpers. You may be too late in coming to our relief; or you may not come at all, though I do not doubt that you will come; they may trample us under foot; they may convert our plains into graveyards, and the caves of our mountains into sepulchres; but they will never take us out of this Union, or make us a land of slaves—no, never! We intend to stand as firm as ada-

mant, and as unyielding as our own majestic mountains that surround us. Yes, we will be as fixed and as immovable as are they upon their bases. We will stand as long as we can; and if we are overpowered and liberty shall be driven from the land, we intend before she departs to take the flag of our country, with a stalwart arm, a patriotic heart, and an honest tread, and place it upon the summit of the loftiest and most majestic mountain. We intend to plant it there, and leave it, to indicate to the inquirer who may come, in after times, the spot where the Goddess of Liberty lingered and wept for the last time, before she took her flight from a people once prosperous, free, and happy.

We ask the Government to come to our aid. We love the Constitution as made by our fathers. We have confidence in the integrity and capacity of the people to govern themselves. We have lived entertaining these opinions; we intend to die entertaining them. The battle has commenced. The President has placed it upon the true ground. It is an issue on the one hand for the people's Government, and its overthrow on the other. We have commenced the battle of freedom. It is freedom's cause. We are resisting usurpation and oppression. We will triumph; we must triumph. Right is with us. A great and fundamental principle of right, that lies at the foundation of all things, is with us. We may meet with impediments, and may meet with disasters, and here and there a defeat; but ultimately freedom's cause must triumph, for—

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

Yes, we must triumph. Though sometimes I cannot see my way clear in matters of this kind, as in matters of religion, when my facts give out, when my reason fails me, I draw largely upon my faith. My faith is strong, based on the eternal principles of right, that a thing so monstrously wrong as this rebellion cannot triumph. Can we submit to it? Is the Senate, are the American people, prepared to give up the graves of Washington and Jackson, to be encircled and governed and controlled by a combination of traitors and rebels? I say, let the battle go on—it is freedom's cause—until the Stars and Stripes (God bless them!) shall again be unfurled upon every cross-road, and from every house-top throughout the Confederacy, North and South. Let the Union be reinstated; let the law be enforced; let the Constitution be supreme.

If the Congress of the United States were to give up the tombs of Washington and Jackson, we should have rising up in our midst

another Peter the Hermit, in a much more righteous cause—for ours is true, while his was a delusion—who would appeal to the American people, and point to the tombs of Washington and Jackson, in the possession of those who are worse than the infidel and the Turk who held the Holy Sepulchre. I believe the American people would start of their own accord, when appealed to, to redeem the graves of Washington and Jackson and Jefferson, and all the other patriots who are lying within the limits of the Southern Confederacy. I do not believe they would stop the march until again the flag of this Union would be placed over the graves of those distinguished men. There will be an uprising. Do not talk about Republicans now; do not talk about Democrats now; do not talk about Whigs or Americans now; talk about your country and the Constitution and the Union. Save that; preserve the integrity of the Government; once more place it erect among the nations of the earth; and then if we want to divide about questions that may arise in our midst, we have a Government to divide in.

I know it has been said that the object of this war is to make war on Southern institutions. I have been in free States and I have been in slave States; and I thank God that, so far as I have seen, there has been one universal disclaimer of any such purpose. It is a war upon no section; it is a war upon no peculiar institution; but it is a war for the integrity of the Government, for the Constitution and the supremacy of the laws. That is what the nation understands by it.

The people whom I represent appeal to the Government and to the nation to give us the constitutional protection that we need. I am proud to say that I have met with every manifestation of that kind in the Senate, with only a few dissenting voices. I am proud to say, too, that I believe Old Kentucky (God bless her!) will ultimately rise and shake off the stupor which has been resting upon her; and instead of denying us the privilege of passing through her borders, and taking arms and munitions of war to enable a down-trodden people to defend themselves, will not only give us that privilege, but will join us and help us in the work. The people of Kentucky love the Union; they love the Constitution; they have no fault to find with it; but in that State they have a duplicate to the Governor of ours. When we look all around, we see how the Governors of the different States have been involved in this conspiracy—the most stupendous and gigantic conspiracy that was ever formed, and as corrupt and as foul as that attempted by Catiline in the days of Rome. We know it to be so. Have we not known men to sit at their desks in this chamber, using the Government's stationery to write treasonable letters; and while receiving their pay, sworn to

support the Constitution and sustain the law, engaging in midnight conclaves to devise ways and means by which the Government and the Constitution should be overthrown? The charge was made and published in the papers. Many things we know that we cannot put our fingers upon; but we know from the regular steps that were taken in this work of breaking up the Government, or trying to break it up, that there was system, concert of action. It is a scheme more corrupt than the assassination planned and conducted by Catiline in reference to the Roman Senate. The time has arrived when we should show to the nations of the earth that we are a nation capable of preserving our existence, and give them evidence that we will do it.

I have already detained the Senate much longer than I intended when I rose, and I shall conclude in a few words more. Although the Government has met with a little reverse within a short distance of this city, no one should be discouraged and no heart should be dismayed. It ought only to prove the necessity of bringing forth and exerting still more vigorously the power of the Government in maintenance of the Constitution and the laws. 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 and the Union be its frontispiece, and the supremacy and enforcement of the laws its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, cannot fall. Though your flag may have trailed in the dust; though a retrograde movement may have been made; though the banner of our country may have been sullied, let it still be borne onward; and if, for 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. The Constitution—which is based upon principles immutable, and upon which rest the rights of man and the hopes and expectations of those who love freedom throughout the civilized world—must be maintained. }

SPEECH ON THE PROPOSED EXPULSION OF MR. BRIGHT; delivered in the Senate of the United States, January 31, 1862.

The Senate resumed the consideration of the following resolution, submitted by Mr. Wilkinson on the 16th of December 1861 and which had been reported upon adversely by the Committee on the Judiciary :

"Whereas, Hon. Jesse D. Bright heretofore, on the 1st day of March, 1861, wrote a letter, of which the following is a copy :

"MY DEAR SIR,—Allow me to introduce to your acquaintance my friend Thomas B. Lincoln, of Texas. He visits your capitol mainly to dispose of what he regards a great improvement in fire-arms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

"Very truly, yours,

"JESSE D. BRIGHT.

"To His Excellency JEFFERSON DAVIS,

"*President of the Confederation of States.*"

"And whereas, We believe the said letter is evidence of disloyalty to the United States, and is calculated to give aid and comfort to the public enemies ; therefore,

"Be it resolved, That the said Jesse D. Bright is expelled from his seat in the Senate of the United States."

Mr. JOHNSON : Mr. President, when this resolution for the expulsion of the Senator from Indiana was first presented to the consideration of the Senate, it was not my intention to say a single word upon it. Presuming that action would be had upon it at a very early day, I intended to content myself with casting a silent vote. But the question has assumed such a shape that, occupying the position I do, I cannot consent to record my vote without giving some of the reasons that influence my action.

I am no enemy of the Senator from Indiana. I have no personally unkind feelings towards him. I never had any, and have none now. So far as my action on this case is concerned, it will be controlled absolutely and exclusively by public considerations, and with no reference to partisan or personal feeling. I know that since the discussion commenced, an intimation has been thrown out, which I was pained to hear, that there was a disposition on the part of some to hound down the Senator from Indiana. Sir, I know that I have no disposition to "hound" any man. I would to God it were otherwise than necessary for me, as I think, to say a single

word upon the question, or even to be compelled to cast a vote upon it. So far as I know, there has never been any unkind feeling between the Senator and myself from the time we made our advent into public life down to this moment. Although party and party associations, and party considerations influence all of us more or less—and I do not pretend to be exonerated from the influence of party more than others—I know, if I know myself, that no such considerations influence me now. Not many years ago there was a contest before the Senate as to his admission as a Senator from the State of Indiana; we all remember the struggle that took place. I will not say that the other side of the House were influenced by party considerations when the vote upon that question of admission took place; but if my memory serves me correctly, there was upon one side of the Chamber a nearly strict party vote that he was not entitled to his seat, while on the other side his right was sustained entirely by a party vote. I was one of those who voted for the Senator's admission to a seat upon this floor under the circumstances. I voted to let him into the Senate, and I am constrained to say that, before his term has expired, I am compelled to vote to expel him from it. In saying this, I repeat, that if I know myself, and I think I do as well as ordinary men know themselves, I cast this vote upon public considerations entirely, and not from party or personal feeling.

Mr. President, I hold that under the Constitution of the United States we clearly have the power to expel a member, and that, too, without our assuming the character of a judicial body. It is not necessary to have articles of impeachment preferred by the other House; it is not necessary to organize ourselves into a court for the purpose of trial; but the principle is broad and clear, inherent in the very organization of the body itself, that we have the power and the right to expel any member from the Senate whenever we deem that the public interests are unsafe in his hands, and that he is unfit to be a member of the body. We all know, and the country understands, that provision of the Constitution which confers this power upon the Senate. Judge Story, in commenting upon the case of John Smith, in connection with the provision of the Constitution to which I have referred, used the following language:

“The precise ground of the failure of the motion does not appear; but it may be gathered, from the arguments of his counsel, that it did not turn upon any doubt that the power of the Senate extended to cases of misdemeanor not done in the presence or view of the body; but most probably it was decided upon some doubt as to the facts. It may be thought difficult to draw a clear line of distinction between the right to inflict the punishment of expulsion and any

other punishment upon a member, founded on the time, place, or nature of the offense. The power to expel a member is not in the British House of Commons confined to offenses committed by the party as a member, or during the session of Parliament; but it extends to all cases where the offense is such as, in the judgment of the House, unfits him for parliamentary duties."—*Story's Commentaries on the Constitution*, Sec. 836.

The rule in the House of Commons was undoubtedly in the view of the framers of our Constitution; and the question is, has the member unfitted himself, has he disqualified himself, in view of the extraordinary condition of the country, from discharging the duties of a Senator? Looking at his connection with the Executive; looking at the condition, and, probably, the destinies of the country, we are to decide—without prejudice, without passion, without excitement—can the nation and does the nation have confidence in committing its destinies to the Senator from Indiana, and others who are situated like him?

If we were disposed to bring to our aid, and were willing to rely upon, the public judgment, what should we find? When you pass through the country, the common inquiry is, "Why has not Senator Bright, and why have not others like him, been expelled from the Senate?" I have had the question asked me again and again. I do not intend, though, to predicate my action as a Senator upon what may be simply rumor and popular clamor or popular indignation; but still it is not often the case that, when there is a public judgment formed in reference to any great question before the country, that public judgment is not well founded, though it is true there are sometimes exceptions.

Having shown our power in the premises to be clear according to the general authority granted by the Constitution and the broad principle stated by Judge Story in its elucidation, I next turn my attention to the case itself. The Senator from Indiana is charged with having written a letter on the 1st of March last to the chief of the rebellion, which is the basis of this proceeding against him. What was the condition of the country at the time that letter was written? Did war then exist or not? for really that is the great point in the case. On that point, allow me to read an extract from the charge of Judge David A. Smalley, to the grand jury of the United States district court for the Southern district of New York, published in the *National Intelligencer* of January 21, 1861:

"It is well known that war, civil war, exists in portions of the Union; that persons owing allegiance to the United States have confederated together, and with arms, by force and intimidation, have prevented the execution of the constitutional acts of Congress,

have forcibly seized upon and hold a custom-house and post-office, forts, arsenals, vessels, and other property belonging to the United States, and have actually fired upon vessels bearing the United States flag and carrying United States troops. This is a usurpation of the authority of the Federal Government; it is high treason by levying war. Either one of those acts will constitute high treason. There can be no doubt of it."

The judge here defines high treason, and he goes on to say :

"What amounts to adhering to and giving aid and comfort to our enemies, it is somewhat difficult in all cases to define; but certain it is that furnishing them with arms"—

It really seems that, by some kind of intuition, the judge had in his mind the precise case now under our consideration, and had anticipated it last January—

"certain it is that furnishing them with arms or munitions of war, vessels or other means of transportation, or any materials which will aid the traitors in carrying out their traitorous purposes, with a knowledge that they are intended for such purposes, or inciting and encouraging others to engage in or aid the traitors in any way, does come within the provisions of the act."

In this view, even if we were sitting as a court, bound by the rules and technicalities of judicial proceedings, should we not be bound to hold that this case comes within this legal definition. "And it is immaterial," adds Judge Smalley, "whether such acts are induced by sympathy with the rebellion, hostility to the Government, or a design for gain."

In view of these authorities, let us look at the letter. It was written on the 1st of March, 1861. The opinion of Judge Smalley was published in the *Intelligencer* of the 21st of January, 1861, and must, of course, have been delivered before that time. It would be doing the Senator's intelligence great injustice to presume that he was not as well informed on the subject as the judge was who was charging the grand jury in reference to an act of Congress passed at an early day in the history of the Government. It would be doing him great injustice to suppose that he was not familiar with the statute. It would be doing him great injustice to suppose that he had not observed the fact that the attention of the country was being called by the courts to the treason that was rampant throughout the land. The letter complained of is as follows :

"WASHINGTON, *March 1, 1861.*

"MY DEAR SIR,—Allow me to introduce to your acquaintance my friend, Thomas B. Lincoln, of Texas. He visits your capital mainly



to dispose of what he regards a great improvement in firearms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

“Very truly yours, JESSE D. BRIGHT.

“To His Excellency JEFFERSON DAVIS,  
“*President of the Confederation of States.*”

According to the charge of Judge Smalley, which I have already read, the flag of the United States had been fired upon before the 21st of January, 1861, and war then did in fact exist. When the rebels were taking our forts; when they were taking possession of our post-offices; when they were seizing our custom-houses; when they were taking possession of our mints and the depositories of the public money, can it be possible that the Senator from Indiana did not know that war existed, and that rebellion was going on? It is a fact that the ordinance of the convention of Texas seceding from the Union and attaching herself to the Southern Confederacy, was dated back as far as the 1st of February, 1861. Then, at the time the letter was written, Thomas B. Lincoln was a citizen of a rebel State; a traitor and a rebel himself. He comes to the Senator asking him to do what? To write a letter by which he could be facilitated in his scheme of selling an improved firearm, an implement of war and of death. Can there be any mistake about it? He asks for a letter recommending an improved firearm to the President of the rebel States, who was then in actual war; the man who asked for this being himself from a State that was in open rebellion, and he himself a traitor.

Now, sir, if we were a court, how would the case be presented? I know the Constitution says that “no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.” Here is an overt act; it is shown clearly and plainly. We have the Senator’s confession in open Senate that he did write the letter. Shall we with this discretion, in view of the protection of this body and the safety of the Government, decide the case upon special pleas, or hunt up technicalities by which the Senator can escape, as you would quash an indictment in a criminal court? The case of John Smith has already been stated to the Senate. A true bill had been found against him for his connection with Burr’s treason, but upon a technicality, the proof not being made out according to the Constitution, and Burr having been tried first and acquitted, the bill against Smith was quashed, as he was only an accomplice. He was, therefore, turned out of court; the proceedings against him were quashed upon a technicality; but John Smith was a Senator, and he came here to

this body. He came again to take his seat in the Senate of the United States, and what did the Senate do? They took up his case; they investigated it. Mr. Adams made a report, able, full, complete. I may say he came well nigh exhausting the whole subject. The committee reported a resolution for his expulsion, and how did the vote stand? It is true that Mr. Smith was not expelled for the want of some little formality in this body, the vote standing 19 to 10. It only lacked one vote to put him out by a two-third majority according to the requirements of the Constitution. What was the judgment of the nation? It was that John Smith was an accomplice of Burr, and the Senate condemned him and almost expelled him, not narrowing itself down to those rules and technicalities that are resorted to in courts by which criminals escape. To show the grounds upon which the action in that case was based, I beg leave to read some extracts from Mr. John Quincy Adams' report in that case:

"In examining the question whether these forms of judicial proceedings, or the rules of judicial evidence ought to be applied to the exercise of that censorial authority which the Senate of the States possesses over the conduct of its members, let us assume as the test of their application either the dictates of unfettered reason, the letter and spirit of the Constitution, or precedents domestic or foreign, and your committee believe that the result will be same: that the power of expelling a member must in its nature be discretionary, and in its exercise always more summary than the tardy process of judicial proceedings.

"The power of expelling a member for misconduct results, on the principles of common sense, from the interests of the nation that the high trust of legislation should be invested in pure hands. When the trust is elective, it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man, whom his fellow citizens have honored with their confidence on the pledge of spotless reputation, has degraded himself by the commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective, indeed, would be that institution which should be impotent to discard from its bosom the contagion of such a member; which should have no remedy of amputation to apply until the poison had reached the heart."

"But when a member of a legislative body lies under the imputation of gravated offenses, and the determination upon his case can operate only to remove him from a station of extensive powers and important trust, this disproportion between the interest of the public and the interest of the individual disappears; if any disproportion exists, it is of an opposite kind. It is not better that ten traitors should be members of this Senate, than that one innocent man should suffer expulsion. In either case, no doubt, the evil would be great;

but in the former, it would strike at the vitals of the nation; in the latter it might, though deeply to be lamented, only be the calamity of an individual."

"Yet in the midst of all this anxious providence of legislative virtue, it has not authorized the constituent body to recall in any case its representative. It has not subjected him to removal by impeachment; and when the darling of the people's choice has become their deadliest foe, can it enter the imagination of a reasonable man, that the sanctuary of their legislation must remain polluted with his presence, until a court of common law, with its pace of a snail, can ascertain whether his crime was committed on the right or on the left bank of a river; whether a puncture of difference can be found between the words of the charge and the words of the proof; whether the witnesses of his guilt should or should not be heard by his jury; and whether he was punishable, because present at an overt act, or intangible to public justice because he only contrived and prepared it? Is it conceivable that a traitor to that country which has loaded him with favors, guilty to the common understanding of all mankind, should be suffered to return unquestioned to that post of honor and confidence where, in the zenith of his good fame, he had been placed by the esteem of countrymen, and in defiance of their wishes, in mockery of their fears, surrounded by the public indignation, but inaccessible to its bolt, pursue the purposes of treason in the heart of the national councils? Must the assembled rulers of the land listen with calmness and indifference, session after session, to the voice of notorious infamy, until the sluggard step of municipal justice can overtake his enormities? Must they tamely see the lives and fortunes of millions, the safety of present and future ages, depending upon his vote, recorded with theirs, merely because the abused benignity of general maxims may have remitted to him the forfeiture of his life?"

"Such, in very supposable cases, would be the unavoidable consequences of a principle which should offer the crutches of judicial tribunals as an apology for crippling the congressional power of expulsion. Far different, in the opinion of your committee, is the spirit of our Constitution. They believed that the very purpose for which this power was given was to preserve the Legislature from the first approaches of infection; that it was made discretionary because it could not exist under the procrastination of general rules. That its process must be summary because it would be rendered nugatory by delay."

Mr. President, suppose Aaron Burr had been a senator, and after his acquittal he had come back here to take his seat in the Senate what would have been done? According to the doctrine avowed in this debate, that we must sit as a court and subject the individual to all the rules and technicalities of criminal proceedings, could he have been expelled? And yet is there a Senator here who would have voted to allow Aaron Burr to take a seat in the Senate after his

acquittal by a court and jury? No; there is not a Senator here who would have done it. Aaron Burr was tried in court, and he was found not guilty; he was turned loose; but was the public judgment of this nation less satisfied of his guilt than if he had not been acquitted? What is the nation's judgment, settled and fixed? That Aaron Burr was guilty of treason, notwithstanding he was acquitted by a court and jury.

It is said by some Senators that the Senator from Indiana wrote this letter simply as a letter of friendship. Sir, just think of it! A Senator of the United States was called upon to write a letter for a rebel, for a man from a rebel State, after the courts of the country had pronounced that civil war existed; after the judicial tribunals had defined what aiding and adhering to the enemies of the country was! Under such circumstances, what would have been the course of loyalty and of patriotism? Suppose a man who had been your friend, sir, who had rendered you many acts of kindness, had come to you for such a letter. You would have asked where he was going with it. You would have said: "Here is a Southern Confederacy; there is a rebellion; my friend, you cannot ask me to write a letter to anybody there; they are at war with the United States; they are at war with my Government; I cannot write you a letter giving you aid and assistance in selling your improved firearm there." Why? "Because that firearm may be used against my own country and against my own fellow-citizens." Would not that have been the language of a man who was willing to recognize his obligations of duty to his country?

What was the object of writing the letter? It certainly was to aid, facilitate the selling of his firearms, to inspire the rebel chief with confidence in the individual. It was saying, substantially, "I know this man; I write to you because I know you have confidence in me; I send him to you because I know you need firearms; you need improved firearms; you need the most deadly and destructive weapons of warfare to overcome this great and glorious country; I recommend him to you, and I recommend his firearms; he is a man in whom entire confidence may be placed." That, sir, is the letter. I have already shown the circumstances under which it was written. If such a letter had been written in the purest innocence of intention, with no treasonable design, with no desire to injure his own Government, yet, in view of all the circumstances, in view of the facts which had transpired, a Senator who would be so unthoughtful, and so negligent, and so regardless of his country's interests as to write such a letter, is not entitled to a seat on this floor. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. Sherman): Order! Order!

Mr. JOHNSON: Then, Mr. President, what has been the bearing and the conduct of the Senator from Indiana since? I desire it to be understood that I refer to him in no unkindness, for God knows I bear him none; but my duty I will perform. "Duties are mine, consequences are God's." What has been the Senator's bearing generally? Have you heard of his being in the field? Have you heard of his voice and his influence being raised for his bleeding and distracted country? Has his influence been brought to bear officially, socially, politically, or in any respect, for the suppression of the rebellion? If so, I am unaware of it. Where is the evidence of devotion to his country in his speeches and in his votes? Where the evidence of the disposition on his part to overthrow and put down the rebellion? I have been told, Mr. President, by honorable gentlemen, as an evidence of the Senator's devotion to his country and his great opposition to this Southern movement, that they heard him, and perhaps with tears in his eyes, remonstrate with the leaders of the rebellion that they should not leave him here in the Senate, or that they should not persist in their course after the relations that had existed between them and him, and the other Democrats of the country; that he thought they were treating him badly. This was the kind of remonstrance he made. Be it so. I am willing to give the Senator credit for all he is entitled to, and would to God I could credit him with more.

But do Senators remember that when this battle was being fought in the Senate I stood here on this side, solitary and alone, on the 19th day of December, 1860, and proclaimed that the Government was at an end if you denied it the power to enforce its laws? I declared then that a Government which had not the power to coerce obedience on the part of those who violated the law was no Government at all, and had failed to carry out the objects of its creation, and was, *ipso facto*, dissolved. When I stood on this floor and fought the battle for the supremacy of the Constitution and the enforcement of the laws, has the Senate forgotten that a bevy of conspirators gathered in from the other House, and those who were here crowded around, with frowns and scowls, and expressions of indignation and contempt toward me, because I dared to raise my feeble voice in vindication of the Constitution and the enforcement of the laws of the Union? Have you forgotten the taunts, the jeers, the derisive remarks, the contemptuous expressions that were indulged in? If you have, I have not. If the Senator felt such great reluctance at the departure from the Senate of the chiefs of the rebellion, I should have been glad to receive one encouraging smile

from him when I was fighting the battles of the country. I did not receive one encouraging expression ; I received not a single sustaining look. It would have been peculiarly encouraging to me, under the circumstances, to be greeted and encouraged by one of the Senator's talents and long standing in public life ; but he was cold as an iceberg, and I stood solitary and alone amidst the gang of conspirators that had gathered around me. So much for the Senator's remonstrances and expressions of regret for the retirement of those gentlemen.

The bearing of the Senator since he wrote this letter has not been unobserved. I have not compared notes ; I have not hunted up the record in reference to it ; but I have a perfect recollection of it. Did we not see, during the last session of Congress, the line being drawn between those who were devoted to the Union and those who were not ? Cannot we sometimes see a great deal more than is expressed ? Does it require us to have a man's sentiments written down in burning and blazing characters, before we are able to judge what they are ? Has it not been observable all through this history where the true Union heart has stood ? What was the Senator's bearing at the last session of Congress ? Do we not know that in the main he stood here opposed substantially to every measure which was necessary to sustain the Government in its trial and peril ? He may perhaps have voted for some measures that were collateral, remote, indirect in their bearing ; but do we not know that his vote and his influence were cast against the measures which were absolutely necessary in order to sustain the Government in its hour of peril ?

Some gentlemen have said, and well said, that we should not judge by party. I say so, too. I voted to let the Senator from Indiana into the body, and as a Democrat my bias and prejudice would rather be in his favor. I am a Democrat now ; I have been one all my life ; I expect to live and die one ; and the corner-stone of my Democracy rests upon the enduring basis of the Union. Democrats may come and go, but they shall never divert me from the polar star by which I have ever been guided from early life—the great principles of Democracy upon which this Government rests, which cannot be carried out without the preservation of the Union of these States. The pretence hitherto employed by many who are now in the traitors' camp has been, "we are for the Union ; we are not for dissolution ; but we are opposed to coercion." How long, Senators, have you heard that syren song sung ? Where are now most of those who sang those syren tones to us ? Look back to the last session, and inquire where now are the men who then were sing-

ing that song in our ears? Where is Trusten Polk, who then stood here so gently craving for peace? He is in the rebel camp. Where is John C. Breckinridge—a man for whose promotion to the Presidency I did what I could physically, mentally, and pecuniarily; but when he satisfied me that he was for breaking up this Government, and would ere long be a traitor to his country, I dropped him as I would the Senator from Indiana! He was here at the last session of Congress; and everybody could see then that he was on the road to the traitors' camp. Instead of sustaining the Government, he, too, was crying out for peace; but he was bitter against "Lincoln's Government." Sir, when I talk about preserving this great Government, I do not have its executive officer in my mind. The executive head of the Government comes in and goes out of office every four years. He is the mere creature of the people. I talk about the Government without regard to the particular executive officers who have charge of it. If they do well, we can continue them; if they do wrong, we can turn them out. Mr. Lincoln having come in according to the forms of law and the Constitution, I, loving my Government and the Union, felt it to be my duty to stand by the Government, and to stand by the Administration in all those measures that I believed to be necessary and proper for the preservation and perpetuation of the Union.

Mr. Polk has gone; Mr. Breckinridge has gone; my namesake, the late Senator from Missouri, has gone. Did you not see the line of separation at the last session? Although Senators make speeches, in which they give utterance to disclaimers, we can see their bearing. It is visible now; and the obligations of truth and duty to my country require me to speak of it. I believe there are treasonable tendencies here now; and how long it will be before they will land in the traitors' camp, I shall not undertake to say. The great point with these gentlemen is, that they are opposed to coercion and to the enforcement of the laws. Without regard to the general bearing of the Senator from Indiana upon that point, let me quote the conclusion of his letter of the 7th of September, 1861, to J. Fitch. I will read only the concluding portion of the letter, as it does him no injustice to omit the remainder:

"And hence I have opposed, and so long as my present convictions last shall continue to oppose, the entire coercive policy of the Government. I hope this may be satisfactory to my friends. For my enemies I care not."

Does this not correspond with the Senator's general bearing? Has he given his aid or countenance or influence, in any manner, towards

the efforts of the Government to sustain itself? What has been his course? We know that great stress has been laid upon the word "coercion," and it has been played upon effectually for the purpose of prejudicing the Southern mind, in connection with that other term, "subjugation of the States," which has been used so often. We may as well be honest and fair, and admit the truth of the great proposition, that a Government cannot exist—in other words, it is no Government if it is without the power to enforce its laws and coerce obedience to them. That is all there is of it; and the very instant that you take that power from this Government it is at an end; it is a mere rope of sand that will fall to pieces of its own weight. It is idle, utopian, chimerical, to talk about a Government existing without the power to enforce its laws. How is the Government to enforce its laws? The Constitution says that Congress shall have power to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Let me ask the Senator from Indiana, with all his astuteness, how is rebellion to be put down, how is it to be resisted, unless there is some power in the Government to enforce its laws?

If there be a citizen who violates your post-office laws, who counterfeits the coin of the United States, or who commits any other offence against the laws of the United States, you subject him to trial and punishment. Is not that coercion? Is not that enforcing the laws? How is rebellion to be put down without coercion, without enforcing the laws? Can it be done? The Constitution provides that,

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them from invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened), against domestic violence."

How is this Government to put down domestic violence in a State without coercion? How is the nation to be protected against insurrection without coercing the citizens to obedience? Can it be done? When the Senator says he is against the entire coercive policy of the Government, he is against the vital principle of all government. I look upon this as the most revolutionary and destructive doctrine that ever was preached. If this Government cannot call forth the militia, if it cannot repel invasion, if it cannot put down domestic violence, if it cannot suppress rebellion, I ask if the great objects of the Government are not at an end?

Look at my own State, by way of illustration. There is open rebellion there; there is domestic violence; there is insurrection. An attempt has been made to transfer that State to another power.



Let me ask the Senator from Indiana if the Constitution does not require you to guaranty us a republican form of government in that State? Is not that your sworn duty? We ask you to put down this unholy rebellion. What answer do you give us? We ask you to protect us against insurrection and domestic violence. What is the reply? "I am against your whole coercive policy; I am against the enforcement of the laws." I say that if that principle be acted on, your Government is at an end; it fails utterly to carry out the object of its creation. Such a principle leads to the destruction of the Government, for it must inevitably result in anarchy and confusion. "I am opposed to the entire coercive policy of the Government," says the Senator from Indiana. That cuckoo note has been reiterated to satiety; it is understood; men know the nature and character of their Government, and they also know that "coercion" and "subjugation" is mere *ad captandum*, idle and unmeaning slang-wangling.

Sir, I may be a little sensitive on this subject upon the one hand, while I know I want to do ample justice upon the other. I took an oath to support the Constitution of the United States. There is rebellion in the land; there is insurrection against the authority of this Government? Is the Senator from Indiana so unobservant or so obtuse that he does not know now that there has been a deliberate design for years to change the nature and character and genius of this Government? Do we not know that these schemers have been deliberately at work, and that there is a party in the South, with some associates in the North, and even in the West, that become tired of free government, in which they have lost confidence? They raise an outcry against "coercion," that they may paralyze the Government, cripple the exercise of the great powers with which it was invested, finally to change its form and subject us to a Southern despotism. Do we not know it to be so? Why disguise this great truth? Do we not know that they have been anxious for a change of Government for years? Since this rebellion commenced it has manifested itself in many quarters. How long is it since the organ of the government at Richmond, the *Richmond Whig*, declared that rather than live under the Government of the United States, they preferred to take the constitutional Queen of Great Britain as their protector; that they would make an alliance with Great Britain for the purpose of preventing the enforcement of the laws of the United States? Do we not know this? Why then play "hide and go seek?" Why say, "Oh yes, I am for the Union," while every act, influence, conversation, vote, is against it? What confidence can we have in one who takes such a course?

The people of my State, downtrodden and oppressed by the iron heel of Southern despotism, appeal to you for protection. They ask you to protect them against domestic violence. They want you to help them to put down this unholy and damnable rebellion. They call upon this Government for the execution of its constitutional duty to guaranty to them a republican form of Government, and to protect them against the tyranny and despotism which is stalking abroad. What is the cold reply? "I am against the entire coercive policy; I am not for enforcing the laws." Upon such a doctrine the Government crumbles to pieces, and anarchy and despotism reign throughout the land.

Indiana, God bless her, is as true to the Union as the needle is to the pole. She has sent out her "columns;" she has sent her thousands into the field, for what? To sustain the Constitution and to enforce the laws; and as they march with strong arms and brave hearts to relieve a suffering people, who have committed no offence save devotion to this glorious Union; as they march to the rescue of the Constitution and to extend its benefits again to a people who love it dearly, and who have been ruthlessly torn from under its protecting ægis, what does their Senator say to them? "I am against the entire policy of coercion." Do you ever hear a Senator who thus talks make any objection to the exercise of unconstitutional and tyrannical power by the so-called Southern Confederacy, or say a word against its practice of coercion? In all the speeches that have been delivered on that point, has one sentence against usurpation, against despotism, against the exercise of doubtful and unconstitutional powers by that confederacy, been uttered? Oh, no! Have you heard any objection to their practicing not only coercion but usurpation? Have they not usurped government? Have they not oppressed, and are they not now tyrannizing over the people? The people of my State are coerced, borne down, trodden beneath the iron heel of power. We appeal to you for protection. You stand by and see us coerced; you stand by and see tyranny triumphing, and no sympathy, no kindness, no helping hand can be extended to us. Your Government is paralyzed; your Government is powerless; that which you have called a Government is a dream, an idle thing. You thought you had a Government, but you have none. My people are appealing to you for protection under the Constitution. They are arrested by hundreds and by thousands; they are dragged away from their homes and incarcerated in dungeons. They ask you for protection. Why do you not give it? Some of them are lying chained in their lowly prison-house. The only response to their murmur is the rattling and clanking of the chains that bind

their limbs. The only response to their appeals is the grating of the hinges of their dungeon. When we ask for help under the Constitution, we are told that the Government has no power to enforce the laws. Our people are oppressed and downtrodden, and you give them no remedy. They were taught to love and respect the Constitution of the United States. What is their condition to-day? They are hunted and pursued like the beasts of the forest by the secession and disunion hordes who are enforcing their doctrine of coercion. They are shot or hung for no crime save a desire to stand by the Constitution of the United States. Helpless children and innocent females are murdered in cold blood. Our men are hung and their bodies left upon the gibbet. They are shot and left lying in the gorges of mountains, not even thrown into the caves there to lie, but are left exposed to pass through all the loathsome stages of decomposition, or to be devoured by the birds of prey. We appeal for protection, and are told by the Senator from Indiana and others, "we cannot enforce the laws; we are against the entire coercive policy." Do you not hear their groans? Do you not hear their cries? Do you not hear the shrieks of oppressed and downtrodden women and children? Sir, their tones ring out so loud and clear that even listening angels look from heaven in pity.

I will not pursue this idea further, for I perceive that I am consuming more time than I intended to occupy. I think it is clear and conclusive, without going further into the discussion, that the Senator from Indiana has sympathized with the rebellion. The conclusion is fixed upon my mind that the Senator from Indiana has disqualified himself, has incapacitated himself to discharge the duties in this body of a loyal Senator. I think it is clear that, even if we were a court, we should be bound to convict him; but I do not narrow the case down to the close rules that would govern a court of justice.

But, sir, in the course of the discussion one palliating fact was submitted by the distinguished Senator from New Jersey (Mr. Ten Eyck), and he knows that I do not refer to him in any spirit of unkindness. There was more of legal learning and special pleading in his suggestion than solidity or sound argument. He suggested that there was no proof that this letter had ever been delivered to Jefferson Davis, and that therefore the Senator from Indiana ought not to be convicted. Well, sir, on the other hand, there is no proof that it was not delivered. It is true, the letter was found in Mr. Lincoln's possession; but who knows that Davis did not read the letter, and hand it back to Lincoln? It may have been that, being from his early friend, a man whom he respected, Lincoln desired to

keep the letter and show it to somebody else. We have as much right to infer that the letter was delivered as that it was not; but be that as it may, does it lessen the culpability of the Senator from Indiana? He committed the act, and so far as he was concerned it was executed. It would be no palliation of his offence if the man did not deliver the letter to Davis. The intent and the act were just as complete as if it had been delivered.

During the war of the Revolution, in 1780, Major André, a British spy, held a conference with Benedict Arnold. Arnold prepared his letters, six in number, and they were handed over to Major André, who put them between the soles of his feet and his stockings, and he started on his way to join Sir Henry Clinton. Before he reached his destination, however, John Paulding and his two associates arrested Major André. They pulled off his boots and his stockings, and they got the papers; they kept them, and Major André was tried and hung as a spy. Arnold's papers were not delivered to Sir Henry Clinton; but is there anybody here who doubts that Arnold was a traitor? Has public opinion ever changed upon that subject? He was not convicted in a court, nor were the treasonable dispatches which were to expose the condition of West Point, and make the British attack upon it easy and successful, ever delivered to Sir Henry Clinton, and yet André was hung as a spy. Because Sir Henry Clinton did not receive the treasonable documents was the guilt of Benedict Arnold any the less? I do not intend to argue this question in a legal way; I simply mention this circumstance by way of illustration of the point which has been urged in the present case, and leave it for the public judgment to determine.

Sir, it has been said by the distinguished Senator from Delaware [Mr. Saulsbury] that the questions of controversy might all have been settled by compromise. He dealt rather extensively in the party aspect of the case, and seemingly desired to throw the *onus* of the present condition of affairs entirely on one side. He told us that if so and so had been done these questions could have been settled, and that now there would have been no war. He referred particularly to the resolution offered during the last Congress by the Senator from New Hampshire [Mr. Clark], and upon the vote on that he based his argument. I do not mean to be egotistical, but if he will give me his attention I intend to take the staple out of that speech, and show how much of it is left on that point.

The speech of the Senator from Delaware was a very fine one. I have not the power, as he has, to con over and get by rote, and memorize handsomely rounded periods, and make a great display of rhetoric. It is my misfortune that I am not so skilled. I have to seize

on fugitive thoughts as they pass through my mind, make the best application of them I can, and express them in my own crude way. I am not one of those who prepare rounding, sounding, bounding, rhetorical flourishes, read them over twenty times before I come into the Senate Chamber, make a great display, and have it said, "Oh, that is a fine speech!" I have heard many such fine speeches; but when I have had time to follow them up, I have found that it never took long to analyze them, and reduce them to their original elements; and that when they were reduced, there was not very much of them. [Laughter.]

The Senator told us that the adoption of the Clark amendment to the Crittenden resolutions defeated the settlement of the questions of controversy; and that, but for that vote, all could have been peace and prosperity now. We were told that the Clark amendment defeated the Crittenden compromise, and prevented a settlement of the controversy. On this point I will read a portion of the speech of my worthy and talented friend from California [Mr. Latham], and when I speak of him thus, I do it in no unmeaning sense. I intend that he, not I, shall answer the Senator from Delaware. I know that sometimes, when gentlemen are fixing up their pretty rhetorical flourishes, they do not take time to see all the sharp corners they may encounter. If they can make a readable sentence, and float on in a smooth, easy stream, all goes well, and they are satisfied. As I have said, the Senator from Delaware told us that the Clark amendment was the turning-point in the whole matter; that from it had flowed rebellion, revolution, war, the shooting and imprisonment of people in different States—perhaps he meant to include my own. This was the Pandora's box that has been opened, out of which all the evils that now afflict the land have flown. Thank God, I still have hope that all will yet be saved. My worthy friend from California [Mr. Latham], during the last session of Congress, made one of the best speeches he ever made. I bought five thousand copies of it for distribution, but I had no constituents to send them to [laughter]; and they have been lying in your document-room ever since, with the exception of a few, which I thought would do good in some quarters. In the course of that speech, upon this very point, he made use of these remarks:

"Mr. President, being last winter a careful eye-witness of all that occurred, I soon became satisfied that it was a deliberate, willful design, on the part of some representatives of Southern States, to seize upon the election of Mr. Lincoln merely as an excuse to precipitate this revolution upon the country. One evidence, to my mind, is the fact that South Carolina never sent her Senators here."

Then they certainly were not influenced by the Clark amendment.

"An additional evidence is, that when gentlemen on this floor, by their votes, could have controlled legislation, they refused to cast them for fear that the very propositions submitted to this body might have an influence in changing the opinions of their constituencies. Why, sir, when the resolutions submitted by the Senator from New Hampshire [Mr. Clark] were offered as an amendment to the Crittenden propositions, for the manifest purpose of embarrassing the latter, and the vote taken on the 16th of January, 1861, I ask, what did we see? There were fifty-five Senators at that time upon this floor in person. The *Globe* of the second session, Thirty-Sixth Congress, part 1, page 409, shows that upon the call of the yeas and nays immediately preceding the vote on the substituting of Mr. Clark's amendment, there were fifty-five votes cast. I will read the vote from the *Globe*:

"YEAS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—25.

"NAYS—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Douglas, Fitch, Green, Gwin, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, Sebastian, Slidell, and Wigfall—30.

"The vote being taken immediately after on the Clark proposition, was as follows:

"YEAS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—25.

"NAYS—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Fitch, Green, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, and Sebastian—23.

"Six Senators retained their seats and refused to vote, thus themselves allowing the Clark proposition to supplant the Crittenden resolution by a vote of twenty-five to twenty-three. Mr. Benjamin of Louisiana, Mr. Hemphill and Mr. Wigfall, of Texas, Mr. Iverson of Georgia, Mr. Johnson of Arkansas, and Mr. Slidell of Louisiana, were in their seats, but refused to cast their votes."

I sat right behind Mr. Benjamin, and I am not sure that my worthy friend was not close by, when he refused to vote, and I said to him, "Mr. Benjamin, why do you not vote? Why not save this proposition and see if we cannot bring the country to it?" He gave me rather an abrupt answer, and said he would control his own action without consulting me or anybody else. Said I, "Vote, and show yourself an honest man." As soon as the vote was taken, he and others telegraphed South, "We cannot get any compromise." Here were six southern men refusing to vote, when the amendment would have been rejected by four majority if they had voted. Who, then,

has brought these evils on the country? Was it Mr. Clark? He was acting out his own policy; but with the help we had from the other side of the Chamber, if all those on this side had been true to the Constitution and faithful to their constituents, and had acted with fidelity to the country, the amendment of the Senator from New Hampshire could have been voted down, the defeat of which the Senator from Delaware says would have saved the country. Whose fault was it? Who is responsible for it? I think that is not only getting the nail through, but clinching it on the other side, and the whole staple commodity is taken out of the speech. Who did it? Southern traitors, as was said in the speech of the Senator from California. They did it. They wanted no compromise. They accomplished their object by withholding their votes; and hence the country has been involved in the present difficulty. Let me read another extract from this speech of the Senator from California:

"I recollect full well the joy that pervaded the faces of some of those gentlemen at the result, and the sorrow manifested by the venerable Senator from Kentucky [Mr. Crittenden]. The record shows that Mr. Pugh, from Ohio, despairing of any compromise between the extremes of ultra Republicanism and disunionists, working manifestly for the same end, moved, immediately after the vote was announced, to lay the whole subject on the table. If you will turn to page 443, same volume, you will find, when, at a late period, Mr. Cameron, from Pennsylvania, moved to reconsider the vote, appeals having been made to sustain those who were struggling to preserve the peace of the country, that the vote *was* reconsidered; and when, at last, the Crittenden propositions were submitted on the 2d day of March, these Southern States having nearly all seceded, they were then lost by but one vote. Here is the vote:

"YEAS—Messrs. Bayard, Bigler, Bright, Crittenden, Douglas, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Polk, Pugh, Rice, Sebastian, Thomson, and Wigfall—19.

"NAYS—Messrs. Anthony, Bingham, Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Harlan, King, Morrill, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—20.

"If these seceding Southern Senators had remained, there would have passed, by a large vote (as it did without them), an amendment, by a two-third vote, forbidding Congress ever interfering with slavery in the States. The Crittenden proposition would have been indorsed by a majority vote, the subject finally going before the people, who have never yet, after consideration, refused justice, for any length of time, to any portion of the country.

"I believe more, Mr. President, that these gentlemen were acting in pursuance of a settled and fixed plan to break up and destroy this Government."

When we had it in our power to vote down the amendment of the Senator from New Hampshire, and adopt the Crittenden resolutions, certain Southern Senators prevented it; and yet, even at a late day of the session, after they had seceded, the Crittenden proposition was only lost by one vote. If rebellion and bloodshed and murder have followed, to whose skirts does the responsibility attach? I summed up all these facts myself in a speech during the last session; but I have preferred to read from the speech of the Senator from California, he being better authority, and having presented the facts better than I could.

What else was done at the very same session? The House of Representatives passed, and sent to this body, a proposition to amend the Constitution of the United States, so as to prohibit Congress from ever hereafter interfering with the institution of slavery in the States, making that restriction a part of the organic law of the land. That constitutional amendment came here after the Senators from seven States had seceded; and yet it was passed by a two-third vote in the Senate. Have you ever heard of any one of the States which had then seceded, or which has since seceded, taking up that amendment to the Constitution, and saying they would ratify it, and make it a part of that instrument? No. Does not the whole history of this rebellion tell you that it was revolution that the leaders wanted, that they started for, that they intended to have? The facts to which I have referred show how the Crittenden proposition might have been carried; and when the Senators from the slave States were reduced to one fourth of the members of this body, the two Houses passed a proposition to amend the Constitution, so as to guaranty to the States perfect security in regard to the institution of slavery in all future time, and prohibiting Congress from legislating on the subject.

But what more was done? After southern Senators had treacherously abandoned the Constitution and deserted their posts here, Congress passed bills for the organization of three new Territories, Dakota, Nevada, and Colorado; and in the sixth section of each of those bills, after conferring, affirmatively, power on the Territorial Legislature, it went on to exclude certain powers by using a negative form of expression; and it provided, among other things, that the Legislature should have no power to legislate so as to impair the right to private property; that it should lay no tax discriminating against one description of property in favor of another; leaving the power on all these questions not in the Territorial Legislature, but in the people when they should come to form a State constitution.

Now, I ask, taking the amendment to the Constitution, and taking the three territorial bills, embracing every square inch of territory in



the possession of the United States, how much of the slavery question was left? What better compromise could have been made? Still we are told that matters might have been compromised, and that if we had agreed to compromise, bloody rebellion would not now be abroad in the land. Sir, Southern Senators are responsible for it. They stood here with power to accomplish the result, and yet treacherously, and, I may say, tauntingly, they left this Chamber, and announced that they had dissolved their connection with the Government. Then, when we were left in the hands of those whom we had been taught to believe would encroach upon our rights, they gave us, in the constitutional amendment and in the three territorial bills, all that had ever been asked; and yet gentlemen talk about compromise. Why was not this taken and accepted? No; it was not compromise that the leaders wanted; they wanted power; they wanted to destroy this Government, so that they might have place and emolument for themselves. They had lost confidence in the intelligence and virtue and integrity of the people, and their capacity to govern themselves; and they intended to separate and form a government, the chief corner-stone of which should be slavery, disfranchising the great mass of the people, of which we have seen constant evidence, and merging the powers of government in the hands of the few. I know what I say. I know their feelings and their sentiments. I served in the Senate here with them. I know they were a close corporation, that had no more confidence in or respect for the people than has the Dey of Algiers. I fought that close corporation here. I knew that they were no friends of the people. I knew that Slidell and Mason and Benjamin and Iverson and Toombs were the enemies of free government, and I know so now. I commenced the war upon them before a State seceded; and I intend to keep on fighting this great battle before the country for the perpetuity of free government. They seek to overthrow it, and to establish a despotism in its place. That is the great battle which is upon our hands. The great interests of civil liberty and free government call upon every patriot and every lover of popular rights to come forward and discharge his duty.

We see this great struggle; we see that the exercise of the vital principle of government itself is denied by those who desire our institutions to be overthrown and despotism established on their ruins. If we have not the physical and moral courage to exclude from our midst men whom we believe to be unsafe depositors of public power and public trust—men whose associates were rolling off honeyed accents against coercion, and are now in the traitor's camp—if we have not the courage to force these men from our midst,

because we have known them, and have been personal friends with them for years, we are not entitled to sit here as Senators ourselves. Can you expect your brave men, your officers and soldiers that are now in "the tented field," subject to all the hardships and privations pertaining to a civil war like this, to have courage, and to march on with patriotism to crush treason on every battle-field, when you have not the courage to expel it from your midst? Set those brave men an example; say to them by your acts and voice that you evidence your intention to put down traitors in the field by ejecting them from your midst, without regard to former associations.

I do not say these things in unkindness. I say them in obedience to duty, a high constitutional duty that I owe to my country; yes, sir, that I owe to my wife and children. By your failure to exercise the powers of this Government, by your failure to enforce the laws of the Union, I am separated from those most dear to me. Pardon me, sir, for this personal allusion. My wife and children have been turned into the street, and my house has been turned into a barracks, and for what? Because I stand by the Constitution and the institutions of the country that I have been taught to love, respect, and venerate. This is my offense. Where are my sons-in-law? One to-day is lying in prison; another is forced to fly to the mountains to evade the pursuit of the hell-born and hell-bound conspiracy of disunion and secession; and when their cries come up here to you for protection, we are told, "No; I am against the entire coercive policy of the Government."

The speech of the Senator from California the other day had the effect in some degree, and seemed to be intended to give the question a party tinge. If I know myself—although, as I avowed before, I am a Democrat, and expect to live and die one—I know no party in this great struggle for the existence of my country. The argument presented by the Senator from California was, that we need not be in such hot pursuit of Mr. Bright, or those Senators who entertain his sentiments, who are still here, because we had been a little dilatory in expelling other traitorous Senators heretofore, and he referred us to the resolution of the Senator from Maine [Mr. Fessenden], which was introduced at the special session in March last, declaring that certain Senators having withdrawn, and their seats having thereby become vacant, the Secretary should omit their names from the roll of the Senate. I know there seemed to be a kind of timidity, a kind of fear, to make use of the word "expel" at that time; but the fact that we declared the seats vacant, and stopped there, did not preclude us from afterwards passing a vote of censure. The resolution, which was adopted in March, merely stated the fact that Sena-

ators had withdrawn, and left their seats vacant. At the next session a resolution was introduced to expel the other Senators from the seceded States who did not attend in the Senate; and my friend [Mr. Latham] moved to strike out that very resolution the word "expelled," and insert "vacated;" so that I do not think he ought to be much offended at it. I simply allude to it to show how easy it is for us to forget the surrounding circumstances that influenced our action at the time it took place. We know that a year ago there was a deep and abiding hope that the rebellion would not progress as it has done; that it would cease; and that there might be circumstances which, at one time, would to some extent justify us in allowing a wide margin which, at another period of time, would be wholly unjustifiable.

All this, however, amounts to nothing. We have a case now before us that requires our action, and we should act upon it conscientiously in view of the facts which are presented. Because we neglected to expel traitors before, and omitted to have them arrested, and permitted them to go away freely, and afterwards declared their seats vacant because they had gone, we are not now prevented from expelling a Senator who is not worthy to be in the Senate. I do not say that other traitors may not be punished yet. I trust in God the time will come, and that before long, when these traitors can be overtaken in the aggregate, and we may mete out to them condign punishment, such as their offense deserves. I know who was for arresting them. I know who declared their conduct to be treason. Here in their midst I told them it was treason, and they might make the best of it they could.

Sir, to sum up the argument, I think there is but little in the point presented by the Senator from New Jersey, of there being no proof of the reception of the letter; and I think I have extracted the staple commodity entirely out of the speech of the Senator from Delaware; and so far as the force of the argument, based upon the Senate having at one session expelled certain members, while at the previous session it only vacated their seats, I think the Senator from California answers that himself. As to the polished and ingenious statement of the case made by the Senator from New York [Mr. Harris], I think I have answered that by putting the case upon a different basis from that presented by him, and which seems to control his action.

Mr. President, I have alluded to the talk about compromise. If I know myself, there is no one who desires the preservation of this Government more than I do; and I think I have given as much evidence as mortal man could give of my devotion to the Union. My property has been sacrificed; my wife and children have been

turned out of doors; my sons have been imprisoned; my son-in-law has had to run to the mountains; I have sacrificed a large amount of bonds in trying to give some evidence of my devotion to the Government under which I was raised. I have attempted to show you that on the part of the leaders of this rebellion there was no desire to compromise—compromise was not what they wanted; and now the great issue before the country is the perpetuation or the destruction of free Government. I have shown how the resolution of the Senator from Kentucky [Mr. Crittenden] was defeated, and that Southern men are responsible for that defeat—six sitting in their places and refusing to vote. His proposition was only lost by two votes; and in the end, when the seceders had gone, by only one. Well do I remember, as was described by the Senator from California, the sadness, the gloom, the anguish that played over his venerable face when the result was announced; and I went across the Chamber, and told him that here were men refusing to vote, and that to me was administered a rebuke by one of them for speaking to him on the subject.

Now, the Senator from Delaware tells us if that compromise had been made, all these consequences would have been avoided. It is a mere pretense; it is false. Their object was to overturn the Government. If they could not get the control of this Government, they were willing to divide the country and govern a part of it. Talk not of compromise now. What, sir, compromise with traitors with arms in their hands? Talk about "our Southern brethren" when they lay their swords at your throat and their bayonets at your bosoms? Is this a time to talk about compromise? Let me say, and I regret I have to say it, that there is but one way to compromise this matter, and that is to crush the leaders of this rebellion and put down treason. You have got to subdue them; you have got to conquer them; and nothing but the sacrifice of life and blood will do it. The issue is made. The leaders of rebellion have decreed eternal separation between you and them. Those leaders must be conquered, and a new set of men brought forward who are to vitalize and develop the Union feeling in the South. You must show your courage here as Senators, and impart it to those who are in the field. If you were to compromise they would believe that they could whip you one to five, and you could not live in peace six months, or even three months. Settle the question now; settle it well; settle it finally; crush out the rebellion and punish the traitors. I want to see peace, and I believe that is the shortest way to get it. Blood must be shed, life must be sacrificed, and you may as well begin at first as last. I only regret that the Government has been so tardy in

its operations. I wish the issue had been met sooner. I believe that if we had seen as much in the beginning as we see to-day, this rebellion would have been wound up and peace restored to the land by this time.

But let us go on; let us encourage the Army and the Navy; let us vote the men and the means necessary to vitalize and to bring into requisition the enforcing and coercive power of the Government; let us crush out the rebellion, and anxiously look forward to the day—God grant it may come soon—when that baneful comet of fire and of blood that now hovers over this distracted people may be chased away by the benignant star of peace. Let us look forward to the time when we can take the flag, the glorious flag of our country, and nail it below the cross, and there let it wave as it waved in the olden time, and let us gather around it, and inscribe as our motto, “Liberty and Union, one and inseparable, now and forever.” Let us gather around it, and while it hangs floating beneath the cross, let us exclaim, “Christ first, our country next!” Oh, how gladly rejoiced I should be to see the dove returning to the ark with the fig leaf, indicating that land was found, and that the mighty waters had abated. I trust the time will soon come when we can do as they did in the olden times, when the stars sang together in the morning and all creation proclaimed the glory of God. Then let us do our duty in the Senate and in the councils of the nation, and thereby stimulate our brave officers and soldiers to theirs in the field.

Mr. President, I have occupied the attention of the Senate much longer than I intended. In view of the whole case, without personal unkind feeling towards the Senator from Indiana, I am of opinion that duty to myself, duty to my family, duty to the Constitution, duty to the country, obedience to the public judgment, require me to cast my vote to expel Mr. Bright from the Senate, and when the occasion arrives I shall so record my vote.

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#### PRESIDENT JOHNSON'S OPINIONS ON THE USE OF ARDENT SPIRITS.

The New York *Observer* contained the following communication conveying President Johnson's opinions on the use of ardent spirits:

SOUTH RALSTON, SARATOGA Co., *April* 29, 1865.

MESSRS. EDITORS,—In 1833 I visited ex-President Madison, who signed the declaration below. On my return from Virginia, I called

on President Jackson and ex-President Adams. They added their signatures. The declaration is on parchment. Every succeeding President has added his name except President Harrison. He died before I had time to forward it; but that he would have signed it I have no doubt, had he lived, as I was given to understand, after his death, that he had abandoned his interest in a distillery, from principle. . . . President Johnson has now returned the document to me with his autograph.

Yours, truly,                    EDWARD C. DELAVAN.

PRESIDENTIAL DECLARATION.

Being satisfied from observation and experience, as well as from medical testimony, that ardent spirits, as a drink, is not only needless, but hurtful; and that the entire disuse of it would tend to promote the health, the virtue, and the happiness of the community, we hereby express our conviction, that should the citizens of the United States, and especially the young men, discontinue entirely the use of it, they would not only promote their own personal benefit, but the good of our country and the world.

JAMES MADISON,	FRANKLIN PIERCE,	ZACHARY TAYLOR,
JOHN Q. ADAMS,	ABRAHAM LINCOLN,	JAMES K. POLK,
JOHN TYLER,	ANDREW JACKSON,	JAMES BUCHANAN,
MILLARD FILLMORE,	M. VAN BUREN,	ANDREW JOHNSON.

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THE HOME OF ANDREW JOHNSON.

REV. RANDALL ROSS, Chaplain of the Fifteenth Ohio regiment, writes an interesting letter to the *United Presbyterian*, descriptive of the village of Greenville, East Tenn., the home of President Johnson. The place contains only about one thousand inhabitants, and consists of four squares, with streets running through at right angles.

Many years ago, on a certain evening, a rude, black-headed, black-eyed, good-looking boy, said my informant, drove into town with a poor old horse in a little one-horse vehicle, in which he had his mother and a few household things. They succeeded in securing a humble habitation by rent. This secured, the next object was to secure labor by which to live. He began to inquire for tailoring to

do. His youthful appearance made it seem to be somewhat of a risk to put cloth in his hands. His honest appearance, together with his anxiety to obtain work, however, induced an influential citizen to give him a coat to make for himself, with the advice to do his best on it, and if he made a good job of it he then would have no difficulty in getting work. He did his best; he succeeded with the job, and he began immediately to gain the confidence of the public and to get plenty to do.

This was the first appearance of Andrew Johnson in Greenville, Tenn., and this was the first job of work he did on his own responsibility. The first house he lived in, I was told, is not now standing. He was industrious and attentive to business, and he succeeded well. In process of time he was married. The marriage ceremony was performed by Mordecai Lincoln, Esq., said to be a distant relation of the late President Lincoln. The house in which he was married has been removed. At this time, my informant told me, Andrew Johnson could not read, and was taught to read by his wife after their marriage. Things prospered with him, and in due time he became able to own his own house and lot.

Just down there at the base of this hill stands a small brick building, with a back porch, and around it the necessary fixtures. It stands on the corner of the square, near where the mill race passes under the street on its way down to the little mill.

That is the first house ever Andrew Johnson owned. It now belongs to another person. I sit, and almost directly opposite the mill, whose large wheel is still moving, but whose motion is scarcely perceptible, you will see a rather humble, old-fashioned looking two-story brick house, standing near the south end of Main Street. It has but one entrance from the street. In front of it stand three or four small shade trees. The fences of the lot and windows of the house show evident signs of dilapidation, the consequences of rebellion and of rebel rule. Like many other windows in the South, a number of panes of glass are broken out and their places supplied with paper. Glass could not be obtained in the Confederacy. As you pass along the pavement on Main Street, by looking into the lot you see several young apple trees, and in the spaces between two of them are potatoes growing. In the rear of the kitchen stands a small aspen shade tree, and down there in the lower end of the lot is a grape vine, trained upon a trellis, forming a pleasant bower. Scattered over the lot are a number of rose, currant, and gooseberry bushes. At the lower end of the lot, and just outside, stand two large weeping willows, and under their shade is a very beautiful spring. This is the residence of Andrew Johnson, President of the

United States. Up the street stands his former tailor shop, with the old sign still on it. And in an old store room up the street is the remains of his library. At present it consists principally of law books and public documents, most of his most valuable books having been destroyed by the rebel soldiers.

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#### ORDER RELATING TO THE SETTLEMENT OF THE FREEDMEN.

Previous to leaving on his Southern tour, General Howard, of the Freedmen's Bureau, received the following order from the President, which will sufficiently explain the objects of his visit :

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, }  
WASHINGTON, October 9, 1865. }

GENERAL ORDERS No. 145.—*Whereas*, Certain tracts of land situated on the coast of South Carolina, Georgia, and Florida, at the time for the most part vacant, were set apart by Major-General Sherman's Special Field Orders, No. 15, for the benefit of refugees and freedmen that had congregated by operations of war, or had been left to take care of themselves by their former owners ; and

*Whereas*, An expectation was thereby created that they would be able to retain possession of said lands ; and whereas, a large number of the former owners are earnestly soliciting the restoration of the same, and promising to absorb the labor and care of the freedmen, it is ordered that Major-General Howard, Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, proceed to the several above-named States and endeavor to effect an arrangement mutually satisfactory to the freedmen and the landowners, and make a report, and, in case a mutually satisfactory arrangement can be effected, he is duly empowered and directed to issue such orders as may become necessary after a full and careful investigation of the interests of the parties concerned.

By order of the President of the United States.

E. D. TOWNSEND, Assistant Adjutant-General.

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#### SPEECH TO THE NEGRO SOLDIERS.

On Tuesday, October 10, the First District of Columbia colored regiment marched to the Executive mansion, where it was reviewed by the President, who addressed the soldiers as follows :

MY FRIENDS : My object in presenting myself before you on this



occasion is simply to thank you, members of one of the colored regiments which has been in the service of the country to sustain and carry its banner and its laws triumphantly in every part of this broad land. I repeat that I appear before you on the present occasion merely to tender you my thanks for the compliment you have paid me on your return home to again be associated with your friends and your relations and those you hold most sacred and dear. I repeat, I have little to say, it being unusual in this Government and in most other governments to have colored troops engaged in their service. You have gone forth, as events have shown, and served with patience and endurance in the cause of your country. This is your country as well as anybody else's country. [Cheers.] This is the country in which you expect to live and in which you should expect to do something by your example in civil life, as you have done in the field. This country is founded upon the principles of equality and at the same time the standard by which persons are to be estimated is according to their merit and their worth; and you have observed, no doubt, that for him who does his duty faithfully and honestly there is always a just public judgment that will appreciate and measure out to him his proper reward. I know that there is much well calculated in this Government, and since the late rebellion commenced, to excite the white against the black and the black against the white man; there are things you should all understand and at the same time prepare yourselves for what is before you. Upon the return of peace and the surrender of the enemies of the country, it should be the duty of every patriot and every one who calls himself a Christian, to remember that with the termination of the war his resentments should cease, that angry feelings should subside, and that every man should become calm and tranquil, and be prepared for what is before him. This is another part of your mission. You have been engaged in the effort to sustain your country in the past, but the future is more important to you than the period in which you have just been engaged. One great question has been settled in this Government, and that is the question of slavery. The institution of slavery made war against the United States, and the United States has lifted its strong arm in vindication of the Government and of free government, and on lifting that arm and appealing to the God of battles, it has been decided that the institution of slavery must go down. [Cheers.] This has been done, and the Goddess of Liberty, in bearing witness over many of our battlefields since the struggle commenced, has made her loftiest flight, and proclaimed that true liberty has been established upon a more permanent and

enduring basis than heretofore. [Applause.] But this is not all; and as you have paid me the compliment to call upon me, I shall take the privilege of saying one or two words as I am before you. I repeat that it is not all. Now, when the sword is returned to the scabbard, when your arms are reversed and the olive branch of peace is extended, as I remarked before, resentment and revenge should subside. Then what is to follow? You do understand, no doubt, and if you do not, you cannot understand too soon, that simple liberty does not mean the privilege of going into the battlefield, or into the service of the country as a soldier. It means other things as well; and now when you have laid down your arms there are other objects of equal importance before you. Now that the Government has triumphantly passed through this mighty rebellion, after the most gigantic battles the world ever saw, the problem is before you, and it is best that you should understand it; and therefore I speak simply and plainly. Will you now, when you have returned from the army of the United States and taken the position of the citizen; when you have returned to the avocations of peace, will you give evidence to the world that you are capable and competent to govern yourselves? That is what you will have to do. Liberty is not a mere idea, a mere vagary. It is an idea, or it is a reality; and when you come to examine this question of liberty, you will not be mistaken in a mere idea for the reality. It does not consist in idleness. Liberty does not consist in being worthless. Liberty does not consist in doing all things as we please, and there can be no liberty without law. In a government of freedom and of liberty there must be law, and there must be obedience and submission to the law, without regard to color. [Cheers.] Liberty (and may I not call you my countrymen)—liberty consists in the glorious privilege of work—of pursuing the ordinary avocations of peace with industry and with economy; and that being done, all those who have been industrious and economical are permitted to appropriate and enjoy the products of their own labor. [Cheers.] This is one of the great blessings of freedom; and hence we might ask the question and answer it by stating that liberty means freedom to work and enjoy the products of your own labor. You will soon be mustered out of the ranks. It is for you to establish the great fact that you are fit and qualified to be free. Hence freedom is not a mere idea, but is something that exists in fact. Freedom is not simply the privilege to live in idleness; liberty does not mean simply to resort to the low saloons and other places of disreputable character. Freedom and liberty do not mean that the people

ought to live in licentiousness; but liberty means simply to be industrious, to be virtuous, to be upright in all our dealings and relations with men; and those now before me, members of the First Regiment of Colored Volunteers from the District of Columbia and the capital of the United States, I have to say that a great deal depends upon yourselves. You must give evidence that you are competent for the rights that the Government has guaranteed to you. Henceforth each and all of you must be measured according to your merit. If one man is more meritorious than the other, they cannot be equals; and he is the most exalted that is the most meritorious, without regard to color. And the idea of having a law passed in the morning that will make a white man a black man before night, and a black man a white man before day, is absurd. That is not the standard. It is your own conduct; it is your own merit; it is the development of your own talents and of your own intellectuality and moral qualities. Let this then be your course: adopt a system of morality; abstain from all licentiousness. And let me say one thing here, for I am going to talk plain. I have lived in a Southern State all my life, and know what has too often been the case. There is one thing you should esteem higher and more supreme than almost all others, and that is the solemn contract, with all the penalties, in the association of married life. Men and women should abstain from those qualities and habits that too frequently follow a war. Inculcate among your children and among your associations, notwithstanding you are just back from the army of the United States, that virtue, that merit, that intelligence are the standards to be observed, and those which you are determined to maintain during your future lives. This is the way to make white men black and black men white. [Cheers.] He that is most meritorious and virtuous, and intellectual and well-informed, must stand highest, without regard to color. It is the very basis upon which Heaven rests itself. Each individual takes his degree in the sublimer and more exalted regions in proportion to his merits and his virtue. Then I shall say to you on this occasion—in returning to your homes and firesides, after feeling conscious and proud of having faithfully discharged your duty, returning with the determination that you will perform your duty in the future as you have in the past—abstain from all those bickerings and jealousies, and revengeful feelings which too often spring up between different races. There is a great problem before us, and I may as well allude to it here in this connection, and that is whether this race can be incorporated and mixed with the people of the United States, to be made a harmonious and

permanent ingredient in the population. This is a problem not yet settled, but we are in the right line to do so. Slavery raised its head against the Government, and the Government raised its strong arm and struck it to the ground. So that part of the problem is settled; the institution of slavery is overthrown. But another part remains to be solved, and that is: Can four millions of people, raised as they have been with all the prejudices of the whites, can they take their places in the community and be made to work harmoniously and congruously in our system? This is a problem to be considered. Are the digestive powers of the American Government sufficient to receive this element in a new shape, and digest it, and make it work healthfully upon the system that has incorporated it? This is the question to be determined. Let us make the experiment, and make it in good faith. If that cannot be done, there is another problem before us. If we have to become a separate and distinct people (although I trust that the system can be made to work harmoniously, and that the great problem will be settled without going any further); if it should be so that the two races cannot agree and live in peace and prosperity, and the laws of Providence require that they should be separated, in that event, looking to the far-distant future, and trusting that it may never come; if it should come, Providence, that works mysteriously, but unerringly and certainly, will point out the way and the mode and the manner by which these people are to be separated, and they are to be taken to their lands of inheritance and promise—for such a one is before them. Hence we are making the experiment. Hence, let me impress upon you the importance of controlling your passions, developing your intellect and of applying your physical powers to the industrial interests of the country; and that is the true process by which this question can be settled. Be patient, persevering and forbearing, and you will help to solve the problem. Make for yourselves a reputation in this cause, as you have won for yourselves a reputation in the cause in which you have been engaged. In speaking to the members of this regiment I want them to understand that, so far as I am concerned, I do not assume or pretend that I am stronger than the laws, of course, of nature, or that I am wiser than Providence itself. It is our duty to try and discover what those great laws are which are at the foundation of all things; and, having discovered what they are, conform our actions and our conduct to them and to the will of God, who ruleth all things. He holds the destinies of nations in the palm of His hand, and He will solve the question and rescue these people from the difficulties that have so long surrounded them.

Then let us be patient, industrious, and persevering. Let us develop any intellectual and moral worth. I trust what I have said may be understood and appreciated. Go to your homes and lead peaceful, prosperous, and happy lives, in peace with all men. Give utterance to no word that would cause dissensions, but do that which will be creditable to yourselves and to your country. To the officers who have led and so nobly commanded you in the field, I also return my thanks for the compliment you have conferred upon me.

The troops then returned to Campbell Hospital, where they partook of the abundant hospitalities of their colored fellow citizens.

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THE PRESIDENT PAROLES ALEXANDER H. STEPHENS  
AND OTHERS.

ORDER.

WASHINGTON, *Wednesday, Oct. 11, 1865.*

*Whereas*, The following-named persons, to wit: John A. Campbell, of Alabama, John H. Reagan, of Texas, Alexander H. Stephens, of Georgia, George A. Trenholm, of South Carolina, and Charles Clark, of Mississippi, lately engaged in rebellion against the United States Government, who are now in close custody, have made their submission to the authority of the United States and applied to the President for pardon under his proclamation; and

*Whereas*, The authority of the Federal Government is sufficiently restored in the aforesaid States to admit of the enlargement of said persons from close custody, it is ordered that they be released on giving their respective paroles to appear at such time and place as the President may designate, to answer any charge that he may direct to be preferred against them; and also that they will respectively abide, until further orders, in the places herein designated, and not depart therefrom: John A. Campbell, in the State of Alabama; John H. Reagan, in the State of Texas; Alexander H. Stephens, in the State of Georgia; George A. Trenholm, in the State of South Carolina, and Charles Clark in the State of Mississippi. And if the President should grant his pardon to any of said persons, such person's parole will thereby be discharged.

ANDREW JOHNSON, President.

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PROCLAMATION RESCINDING MARTIAL LAW IN  
KENTUCKY.

WASHINGTON, *Thursday, October 12, 1865.*

*Whereas*, By a proclamation of the 5th day of July, 1864, the Presi-

dent of the United States, when the civil war was flagrant, and when combinations were in progress in Kentucky for the purpose of inciting insurgent raids into that State, directed that the proclamation suspending the privilege of the writ of habeas corpus should be made effectual in Kentucky, and that martial law should be established there and continue until said proclamation should be revoked or modified; and *whereas*, since then, the danger from insurgent raids into Kentucky has substantially passed away; now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the authority vested in me by the Constitution, do hereby declare that the said proclamation of the fifth day of July, one thousand eight hundred and sixty-four, shall be and is hereby modified in so far that martial law shall be no longer in force in Kentucky from and after the date hereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 12th day of October, in the year of our Lord one thousand eight hundred and sixty-five,  
 [L. s.] and of the independence of the United States of America the ninetieth.

ANDREW JOHNSON.

*By the President:*

W. HUNTER, *Acting Secretary of State.*

#### INTERESTING INTERVIEW OF SOUTH CAROLINA DELEGATION WITH THE PRESIDENT—IMPORTANT VIEWS.

On the afternoon of October 13th, Judge Wardlow, Alfred Huger, Colonel Dawkins and W. H. Trescott of South Carolina, had an interview with President Johnson:

The PRESIDENT, after the customary preliminaries of reception, invited them to be seated, when at once the conversation commenced by Judge Wardlow informing him that they were a delegation from the State Convention of South Carolina, sent there to present certain memorials of that body. These memorials had been very carefully considered in the Convention, and he believed they told exactly the truth. The President inquired the object of the memorials. Judge Wardlow informed him that one of them was in behalf of Jefferson Davis, A. H. Stephens, George A. Trenholm and Governor Magrath. He said they had understood that by the late interference of the President, Messrs. Stephens and Trenholm had already been released

from close confinement and permitted to return to their homes. He would ask for Governor Magrath either a pardon or that he might be released on his parole. They could assure the President no harm would result from such an act of clemency.

The PRESIDENT replied that all could not be pardoned at once. The business must be proceeded with gradually, and an effort made to execute the law. A discrimination was necessary as we went along. It was a too common expression, by way of argument in regard to clemency, that such a one had been pardoned, and that he was just as bad as another who had not been pardoned.

Judge WARDLOW replied that the delegation presented no such argument as that.

The PRESIDENT said sometimes the peculiar locality had much to do with pardons. Like many other things in human affairs we cannot have a fixed rule. Much depends on discretion and circumstances. If we know ourselves, we want to do what is best and just, and to show a proper degree of humanity on the part of the Government.

Judge WARDLOW remarked that they had not come there to express their own hopes and desires, but as delegates from the South Carolina Convention to present the memorials of that body in a formal manner.

The PRESIDENT: We will, gentlemen, extend all the facilities and courtesies which the question requires. We would prefer to pardon twenty men than to refuse one.

Judge WARDLOW replied, that they did not design to say anything with reference to Governor Magrath, further than that they believed much good would result by the exercise of the Executive clemency toward him.

Colonel HAWKINS said if they could get Governor Magrath paroled it would be a great relief to him at the present time.

Judge WARDLOW thanked the President for having released Messrs. Stephens and Trenholm.

The PRESIDENT: We have thus far, then, anticipated your memorial.

Mr. HUGER said Mr. Trenholm was one of their most useful men, and there was no doubt he would exert all his power with a view to entire harmony between the State and the Government.

The PRESIDENT replied that he understood that was so; adding, if treason was committed, there ought to be some test to determine the power of the Government to punish the crime. He was free to say that it was not a mere contest between political parties, or a question

as to *de facto* governments. Looking at the Government as we do, the laws violated, and an attempt made at the life of the nation, there should be a vindication of the Government and the Constitution, even if the pardoning power were exercised thereafter. If treason has been committed, it ought to be determined by the highest tribunal, and the fact declared, even if clemency should come afterward. There was no malice or prejudice in carrying out that duty.

Judge WARDLOW remarked they were well aware of that.

The PRESIDENT resuming, said there might be some unkind feeling on this subject, but it did not exist to any great extent.

Judge WARDLOW said, although not instructed by the Convention, he was induced to ask whether Mrs. Jefferson Davis, who was now confined to Georgia, could not cross into South Carolina to see her friends.

The PRESIDENT replied that he had received letters from Mrs. Davis, but they were not very commendable. The tone of one of them, however, was considerably improved, but the others were not of the character besecming one asking leniency.

Judge WARDLOW interposed by saying she was a woman of strong feeling.

The PRESIDENT: Yes; I suppose she is a woman of strong feeling and temper, but there is no intention to persecute her. There is as much magnanimity and independence, and nobleness of spirit, in submitting, as in trying to set the Government at defiance. True magnanimity takes things as they are, and when taken in the proper way I disconnect them from humiliation. Manifestations of temper and defiance do no good.

Judge WARDLOW remarked that the tone of the newspapers was more favorable, and different from what it was. He then asked if the President had seen a copy of the amended Constitution of South Carolina. Of course he had seen they accepted emancipation. He felt perfectly satisfied that the person and property of the negro would be protected, and spoke of the great difficulties of regulating labor and restraining vagrancy, etc.

Mr. HUGER remarked that they had a deep consciousness of the truth of all the President said.

The PRESIDENT, resuming, observed that the character of an individual may characterize a nation, which is nothing but an aggregate of individuals; and when a proper spirit is manifested, all can act harmoniously. The man who goes to the stake is almost dignified by his bearing: it lifts him above humiliation. In these cases, gentlemen, we will do the best we can. While there is sympathy, there



is a public judgment which must be met. But, I assure you, gentlemen, no disposition exists for persecution, or thirst for blood.

The PRESIDENT thought many of the evils would disappear if they inaugurated the right system. Pass laws protecting the colored man in his person and property, and he can collect his debts. He knew how it was in the South. The question when first presented of putting a colored man in the witness stand, made them shrug their shoulders. But the colored man's testimony was to be taken for what it is worth by those who examined him, and the jury who hear it. After all, there was not so much danger as was supposed. Those coming out of slavery cannot do without work; they cannot lie down in dissipation; they must work; they ought to understand that liberty means simply the right to work and enjoy the products of labor, and that the laws protect them. That being done, and when we come to the period to feel that men must work or starve, the country will be prepared to receive a system applicable to both white and black—prepared to receive a system necessary to the case. A short time back you could not enforce the vagrant law on the black, but could on the white man. But get the public mind right and you can treat both alike. Let us get the general principles, and the details and collaterals will follow.

A conversation of some length ensued between the President and Judge Wardlow and Mr. Trescott as to the legislation of the State necessary in reference to the condition of the Freedmen, and to the scope and consequences of the Circular No. 15 and General Orders No. 145, from the Adjutant-General's Department, relative to abandoned lands in South Carolina and other Southern States. The examination of these objects, it is understood, is to be continued at another interview.

The PRESIDENT said: We must be practical, and come up to surrounding circumstances.

Judge Wardlow, Colonel Hawkins and Mr. Huger, all expressed to the President their conviction that the State had accepted in good faith the result of the issue which had been made; that the people felt that the President had stood between them and a harsh use of the power of the Government; that they felt entire confidence in his purposes and actions, and hoped, in return, to entitle themselves to his confidence as to their feelings and actions.

The PRESIDENT replied, he was glad to hear it; that whenever such mutual confidence existed, there would, he thought, be an open road to the restoration of good feeling and a prosperous condition; and that if he knew himself, and he thought he did, he would rec-

commend nothing but what would advance their interests. So far from pandering or looking to future elevation, he must be believed, when he said he had not an eye single to such preferment. If, he continued, I could be instrumental in restoring the Government to its former relation, and see the people once more united and happy, I should feel that I had more than filled the measure of my ambition. If I could feel that I had contributed to this in any degree, my heart would be more than gratified, and my ambition full.

Judge WARDLOW: Every man in South Carolina would respond to that.

Mr. HUGER: I am sure there is on their part no Punic faith. They deserve your confidence, and I am sure they will earn it.

The PRESIDENT expressed himself gratified with what had been said by these gentlemen.

Mr. DAWKINS remarked that all South Carolina reposed confidence in the President, and that the memorials presented by the Chairman of the delegation represented the true sentiments of the people of that State, both in regard to those whom they wished pardoned and the feeling and position of South Carolina.

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#### THE PRESIDENT TO SOUTH CAROLINA CONVENTION.

South Carolina papers contain the following dispatch, dated 29th September:

“GOVERNOR B. F. PERRY: I thank you for your dispatch of the 28th instant. I have to congratulate your Convention upon its harmonious and successful amendments to the constitution. It affords great satisfaction here to all who favor a speedy restoration of all the States in the Union. Let this work go on, and we will soon be once more united, a prosperous and happy people, forgetting the past, looking with confidence to a prosperous and harmonious future.

“ANDREW JOHNSON, President United States.”

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#### THE PRESIDENT ON THE RESTORATION OF THE SOUTHERN STATES AND THE STATUS OF THE NEGRO.

Mr. George L. Stearns, of Medford, Mass., has published an authenticated report of an interview with the President, which, if

it does not add anything to, tends very explicitly to illustrate, the President's views on the restoration of the lately insurgent States and the *status* of the negro. I therefore give it as follows :

WASHINGTON, D. C., Oct. 3, 11½ A. M.

I have just returned from an interview with President Johnson, in which he talked for an hour on the process of reconstruction of rebel States. His manner was as cordial, and his conversation as free, as in 1863, when I met him daily in Nashville.

His countenance is healthy—even more so than when I first knew him.

I remarked that the people of the North were anxious that the process of reconstruction should be thorough, and they wished to support him in the arduous work ; but their ideas were confused by the conflicting reports constantly circulated, and especially by the present position of the democratic party. It is industriously circulated in the democratic clubs that he was going over to them. He laughingly replied : “ Major, have you never known a man who for many years had differed from your views because you were in advance of him, claim them as his own when he came up to your standpoint ?”

I replied : “ I have often.” He said : “ So have I,” and went on : “ The democratic party finds its old position untenable, and is coming to ours. If it has come up to our position I am glad of it. You and I need no preparation for this conversation ; we can talk freely on this subject, for the thoughts are familiar to us ; we can be perfectly frank with each other.” He then commenced with saying that the States are in the Union, which is whole and indivisible.

Individuals tried to carry them out but did not succeed, as a man may try to cut his throat and be prevented by the bystanders, and you cannot say he cut his throat because he tried to do it.

Individuals may commit treason and be punished, and a large number of individuals may constitute a rebellion and be punished as traitors. Some States tried to get out of the Union and we opposed it, honestly, because we believed it to be wrong ; and we have succeeded in putting down the rebellion. The power of those persons who made the attempt has been crushed, and now we want to reconstruct the State governments, and have the power to do it. The State institutions are prostrated, laid out on the ground, and they must be taken up and adapted to the progress of events ; this cannot be done in a moment. We are making very rapid progress—so rapid I sometimes cannot realize it ; it appears like a dream.

We must not be in too much of a hurry. It is better to let them reconstruct themselves than to force them to it ; for if they go

wrong, the power is in our hands and we can check them at any stage, to the end, and oblige them to correct their errors. We must be patient with them. I did not expect to keep out all who were excluded from the amnesty, or even a large number of them; but I intended they should sue for pardon, and so realize the enormity of the crime they had committed.

You could not have broached the subject of equal suffrage, at the North, seven years ago; and we must remember that the changes at the South have been more rapid, and that they have been obliged to accept more unpalatable truth than the North has. We must give them time to digest a part; for we cannot expect such large affairs will be comprehended and digested at once. We must give them time to understand their new position.

I have nothing to conceal in these matters, and have no desire or willingness to take indirect courses to obtain what we want.

Our Government is a grand and lofty structure; in searching for its foundation we find it rests on the broad basis of popular rights. The elective franchise is not a natural right, but a political right. I am opposed to giving the States too much power, and also to a great consolidation of power in the central government.

If I interfered with the vote in the rebel States, to 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 we have the power to control the rebel States if they go wrong. If they rebel we have the army, and can control them by it, and, if necessary, by legislation also. If the general government controls the right to vote in the States, it may establish such rules as will restrict the vote to a small number of persons, and thus create a central despotism.

My position here is different from what it would be if I was in Tennessee.

There I should try to introduce negro suffrage gradually; first, those who had served in the army; those who could read and write, and perhaps a property qualification for others, say \$200 or \$250.

It will not do to let the negroes have universal suffrage now, it would breed a war of races.

There was a time in the Southern States when the slaves of large owners looked down upon non-slave owners because they did not own slaves; the larger the number of slaves their masters owned the prouder they were, and this has produced hostility between the mass of the whites and the negroes. The outrages are mostly from non-slaveholding whites against the negro, and from the negro upon the non-slaveholding whites.

The negro will vote with the late master whom he does not hate, rather than with the non-slaveholding white, whom he does hate. Universal suffrage would create another war, not against us, but a war of races.

Another thing. This Government is the freest and best on the earth, and I feel sure is destined to last; but to secure this we must elevate and purify the ballot. I for many years contended at the South that slavery was a political weakness, but others said it was political strength; they thought we gained three-fifths representation by it; I contended that we lost two-fifths.

If we had no slaves we should have had twelve representatives more, according to the then ratio of representation. Congress apportioned representation by States, not districts, and the State apportioned by districts.

Many years ago, I moved in the Legislature that the apportionment of representatives to Congress in Tennessee, should be by qualified voters.

The apportionment is now fixed until 1872; before that time we might change the basis of representation from population to qualified voters, North as well as South, and in due course of time, the States, without regard to color, might extend the elective franchise to all who possessed certain mental, moral, or such other qualifications, as might be determined by an enlightened public judgment.

The above having been submitted to the President, received the following endorsement:

“I have read the within communication and find it substantially correct. I have made some verbal alterations.

“ANDREW JOHNSON.”

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#### THE PRESIDENT ON THE REBEL WAR DEBT.

Governor W. W. Holden communicated the following important dispatch from the President to the Restoration Convention sitting at Raleigh, October 18:

“WASHINGTON CITY, Oct. 18, 1865.

“W. W. HOLDEN, Provisional Governor:

“Every dollar of the State debt created to aid the rebellion against the United States should be repudiated, finally and forever. The great mass of the people should not be taxed to pay a debt to aid in carrying on a rebellion which they, in fact, if left to themselves,

were opposed to. Let those who have given their means for the obligations of the State, look to that power they tried to establish in violation of law, Constitution and will of the people. They must meet their fate. It is their misfortune, and cannot be recognized by the people of any State professing themselves loyal to the Government of the United States and in the Union.

“I repeat that the loyal people of North Carolina should be exonerated from the payment of every dollar of indebtedness created to aid in carrying on the rebellion. I trust and hope that the people of North Carolina will wash their hands of everything that partakes in the slightest degree of the rebellion which has been so recently crushed by the strong arm of the Government, in carrying out the obligations imposed by the Constitution of the Union.

“ANDREW JOHNSON, President United States.”

On the next day an ordinance prohibiting for ever the assumption of the debt indicated, was passed by the Convention. It was greeted with loud applause.

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#### RECEPTION OF THE EMBASSY FROM TUNIS.

The Embassy from the Bey of Tunis was presented by Secretary Seward to the President in the blue room of the Executive Mansion on the 30th of October, when his Excellency General Otman Hashem read from a paper, written in Arabic, an address, of which the following is a translation:

EXCELLENCY: His Highness the Bey of Tunis, my august sovereign, presents to your Excellency his warmest greetings and the respectful homage which is due to your exalted position. He has sent me to appear in your presence for the purpose of expressing to your Excellency and to your people the great pleasure which he experienced on the cessation of your calamitous war, and on the restoration of peace and tranquillity in your great country. My august sovereign has also instructed me to present to your Excellency expressions of condolence for the tragic end of the illustrious man, Abraham Lincoln, whose death justly excited national grief and exceedingly affected his Highness. We ardently hope and pray that with this event may end the misfortunes of the United States. In view of the friendship which unites the two countries, his Highness the Bey sends to your Excellency his portrait as a *souvenir* of his friendship, for the augmentation of which, between our respective people, his Highness has a lively interest and a warm desire. I feel myself flattered and exceedingly fortunate that the choice of his Highness has fallen upon me to accomplish this important and honorable mission, whose success I should regard as one of the noblest results of my life. I take pleasure in stating on this occasion, in the presence of your Excellency, that since my arrival in this country I have everywhere re-

ceived the most cordial and flattering greetings, and the liveliest expressions of sympathy for my country, for which I am duly grateful.

The President replied :

GENERAL: This inauguration of national courtesies between the old continent of Africa and the new continent of America seems to us to be suggestive, and we trust that it is auspicious. I am glad that Tunis has sent us an envoy, and am especially pleased that you have been chosen by his Highness the Bey to be that minister. You are favorably known to us as a soldier and a scholar, and, above all, as a statesman devoted to the extinction of slavery. You will be able to report to his Highness the Bey that the American nation are trying a humanitarian experiment. It is nothing less than this: Whether a people can have liberty and at the same time govern itself. The events, pleasing and painful, to which you have referred in your speech, and to which your Government has referred so kindly in your letters of credence, were incidents of this great trial. We have accepted them as such; and while we thank God that He has saved us from the calamities which were threatened us by great crimes, we thank Him for having inclined the nations of the earth to interpret these crimes and their consequences so justly. We humbly trust that our success will be beneficent, not only at home, but throughout the world; because it will give assurance that although war and conquest are so directed by Providence as to produce beneficent effects, yet that benevolence and peace are even better agencies to promote the progress of civilization. The portrait of the Bey which he has sent us, besides being interesting to us as the likeness of a national friend, is valuable too as a work of art. It is received with satisfaction, and Congress will be apprised of the gift. The Executive Government will endeavor to make your sojourn agreeable, as it will at all times be pleased to know the wishes of your Government.

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#### THE PRESIDENT AND THE FENIANS.

The release of Mr. John Mitchel having been granted by the President, on an application made by the Congress of Fenian Societies of the United States, held in Philadelphia in October, the Congress sent a deputation composed of Colonel Roberts of New York, President of the Fenian Senate, and B. Doran Killian of St. Louis, to express the thanks of the organization. The deputation was accompanied by Mr. Stephen J. Meany of Toledo, Ohio. These gentlemen were favored with an early interview. Having been presented, Colonel Roberts addressed the President as follows:

MR. PRESIDENT: I have the honor of being delegated by the Convention of Irish-American citizens, assembled in Philadelphia, representing large social classes in thirty States and Territories, to wait upon your Excellency and express to you how deeply they feel the act restoring to freedom a man whom they love and venerate for his

self-sacrificing devotion to his native land. They remember nothing of John Mitchel's American career. They can never forget that he risked all a patriot should for Ireland. I am sure, your Excellency, the American people will have no cause to regret the sympathy they feel and the friendship we believe they entertain for their fellow-citizens of Irish birth. We, sir, are not unconscious of the fact that we have found in America liberty, justice and an asylum.

President Johnson replied in substance as follows :

GENTLEMEN: I am glad to learn that the steps which have been taken in the matter referred to have met with the approval of the gentlemen who have sent you here. As you, sir, delicately remarked, we could not remember Mr. Mitchel's American career; but we were anxious, as a mark of respect and compliment to the large section of our countrymen with whom Mr. Mitchel was previously identified, to yield to their expressed wishes in that regard.

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#### THANKSGIVING FOR PEACE AND UNION.

##### *Proclamation of the President of the United States of America.*

*Whereas*, it has pleased Almighty God, during the year which is now coming to an end, to relieve our beloved country from the fearful scourge of civil war, and to permit us to secure the blessings of peace, unity and harmony, with a great enlargement of civil liberty; and

*Whereas*, our Heavenly Father has, also, during the year, graciously averted from us the calamities of foreign war, pestilence and famine, while our granaries are full of the fruits of an abundant season; and

*Whereas*, righteousness exalteth a nation, while sin is a reproach to any people;

Now, therefore, I, Andrew Johnson, President of the United States, do hereby recommend to the people thereof, that they do set apart and observe the First Thursday of December as a day of National Thanksgiving to the Creator of the Universe for these deliverances and blessings.

And I do further recommend that on that occasion the whole people make confession of our national sins against His infinite goodness, and with one heart and one mind implore the Divine guidance in the ways of national virtue and holiness.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the ninetieth.

ANDREW JOHNSON.

*By the President :*

WILLIAM H. SEWARD, *Secretary of State.*



THE PRESIDENT TO GOVERNOR HUMPHREYS OF  
MISSISSIPPI.

WASHINGTON, Nov. 17, 1865.

B. G. HUMPHREYS, *Governor elect, Jackson, Miss. :*

The troops will be withdrawn from Mississippi when, in the opinion of the government, peace and order and the civil authority have been restored and can be maintained without them. Every step will be taken while they are there to enforce strict discipline and subordination to the civil authority. There can be no other or greater assurance given than has heretofore been on the part of the President or Government. There is no concession required on the part of the people of Mississippi or the legislature, other than a loyal compliance with the laws and Constitution of the United States, and the adoption of such measures giving protection to all freedmen or freemen in person and property, without regard to color, as will entitle them to resume all their constitutional relations in the Federal Union.

The people of Mississippi may feel well assured that there is no disposition, arbitrarily, on the part of the Government to dictate what action should be had; but, on the contrary, to simply and kindly advise a policy that is believed will result in restoring all the relations which should exist between the States comprising the Federal Union.

It is hoped that they will appreciate and feel the suggestions herein made, for they are offered in that spirit which should pervade the bosom of all those who desire peace and harmony and a thorough restoration of the Union.

There must be confidence between the Government and the States, and while the Government confides in the people the people must have faith in the Government. This must be mutual and reciprocal, or all that has been done will be thrown away.

ANDREW JOHNSON,

President of the United States.

## REVOCATION OF REWARDS.

GENERAL ORDERS—NO. 164.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, }  
WASHINGTON, Nov. 24, 1865. }

*Ordered—First:* That all persons claiming reward for the apprehension of John Wilkes Booth, Lewis Payne, G. A. Atzerott, and David E. Harold and Jeff. Davis, or either of them, are notified to file their claims and proofs with the Adjutant General for final adjudication by the special commission appointed to award and determine upon the validity of such claims before the first of January next, after which time no claims will be received.

*Second:* The rewards offered for the arrest of Jacob Thompson, Beverly Tucker, George N. Saunders, William G. Cleary, and John H. Surratt, are revoked.

By order of the

PRESIDENT OF THE UNITED STATES.

E. D. TOWNSEND, Assistant Adjutant General.

## THE PRESIDENT TO GOVERNOR HOLDEN.

WASHINGTON, Nov. 27, 1865.

HON. W. W. HOLDEN, *Provisional Governor of North Carolina:*

Accept my thanks for the noble and efficient manner in which you have discharged your duty as Provisional Governor. You will be sustained by the Government.

The results of the recent elections in North Carolina have greatly damaged the prospects of the State in the restoration of its governmental relations.

Should the action and spirit of the Legislature be in the same direction it will greatly increase the mischief already done, and might be fatal.

It is hoped the action and spirit manifested by the Legislature will be so directed as rather to repair than increase the difficulties under which the State has already placed itself.

ANDREW JOHNSON,

President of the United States. ]

## GOVERNOR HOLDEN TO THE PRESIDENT.

RALEIGH, N. C., Dec. 1, 1865.

*To the President of the United States :*

The Legislature has ratified, with but six dissenting voices, the Congressional amendment abolishing slavery.

Five judges have been elected—all good selections. Three of my personal appointments have been confirmed.

W. W. HOLDEN, Provisional Governor.

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 PROCLAMATION RESTORING THE WRIT OF HABEAS  
CORPUS IN CERTAIN STATES.

Whereas, by the proclamation of the President of the United States of the fifteenth day of December, one thousand eight hundred and sixty-three, the privilege of the writ of habeas corpus in certain cases therein set forth was suspended throughout the United States ; and, whereas, the reasons for that suspension may be regarded as having ceased in some of the States and Territories ;

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States, do hereby proclaim and declare that the suspension aforesaid and all other proclamations and orders suspending the privilege of the writ of habeas corpus in the States and Territories of the United States, are revoked and annulled, excepting as to the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the District of Columbia, the Territories of New Mexico and Arizona.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of December, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, Secretary of State.

[Official copy.]

MESSAGE OF THE PRESIDENT OF THE UNITED STATES

TO THE

TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE FIRST SESSION OF THE THIRTY-  
NINTH CONGRESS.

*Fellow-Citizens of the Senate and House of Representatives :*

To express gratitude to God, in the name of the People, for the preservation of the United States, is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh; it finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy, to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union; and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of Government, and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid; it is, to state with frankness, the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will, in a great measure, depend upon your and their undivided approbation.

The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. "THE UNION SHALL BE PERPETUAL," are the words of the Confederation. "TO FORM A MORE PERFECT UNION" by an ordinance of the people of the United States is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is, beyond comparison, the greatest event in American history; and indeed is it not, of all events in modern times, the most pregnant with consequences for every people of the earth? The members of the Convention which prepared it, brought to their work the experience of the Confederation, of their several States,

and of other Republican Governments, old and new; but they needed, and they obtained, a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent, and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support?

The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason and insure domestic tranquillity. In case of the usurpation of the Government of a State by one man or an oligarchy, it becomes a duty of the United States to make good the guarantee to that State of a republican form of government, and so to maintain the homogeneousness of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate—by Jefferson and Jackson, not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States, was, that “the free Constitution, which was the work of their hands, might be sacredly maintained,” and the inaugural words of President Jefferson held up “the preservation of the General Government, in its constitutional vigor, as the sheet-anchor of our peace at home and safety abroad.” The Constitution is the work of “the People of the United States,” and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State Governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the General Government. The subjects that come unquestionably within its jurisdiction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise, the Executive would sink beneath the burden; the channels of justice would be

choked ; legislation would be obstructed by excess ; so that there is a greater temptation to exercise some of the functions of the General Government through the States than to trespass on their rightful sphere. "The absolute acquiescence in the decisions of the majority," was, at the beginning of the century, enforced by Jefferson "as the vital principle of republics," and the events of the last four years have established—we will hope forever—that there lies no appeal to force.

The maintenance of the Union brings with it "the support of the State Governments in all their rights;" but it is not one of the rights of any State Government to renounce its own place in the Union, or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the Federal Government ; but there is no appeal from its laws, except to the various branches of that Government itself, or to the people, who grant to the members of the Legislative and of the Executive Departments no tenure but a limited one, and in that manner always retain the powers of redress.

"The sovereignty of the States" is the language of the Confederacy, and not the language of the Constitution. The latter contains the emphatic words : "The Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Certainly the Government of the United States is a limited government ; and so is every State Government a limited government. With us, this idea of limitation spreads through every form of administration, general, State, and municipal, and rests on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the State, prescribed his religion, and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness ; to freedom of conscience, to the culture and exercise of all his faculties. As a consequence, the State Government is limited, as to the General Government in the interest of Union, as to the individual citizen in the interest of freedom.

States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among the Powers of the

earth, the Declaration of Independence was adopted by States; so also were the Articles of Confederation; and when "the People of the United States" ordained and established the Constitution, it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States, one great branch of the Legislative Government would be wanting. And, if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connexion is indissoluble. The whole cannot exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures, the States will endure; the destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my administration. It has been my steadfast object to escape from the sway of momentary passions, and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I 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 territory 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.

Now, military governments, established for an indefinite period, would have offered no security for the early suppression of discontent; would have divided the people into the vanquishers and the vanquished; and would have envenomed hatred, rather than have restored affection. Once established, no precise limit to their continuance was conceivable. 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, and populous, and naturally wealthy region, are greater than, unless under extreme necessity, I should be willing to entrust to 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 powers, if continued through a period of years, would have endangered 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 cannot 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 the 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 re-opened, 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 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 ports invite 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 to pardon. As no State can throw a defence 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 of 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 the 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 offence 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 millions of inhabitants whom 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 authors and their contemporaries, and recent legislation by Congress. When, at the first movement toward independence, the Congress of the United States instructed the 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 for 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 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 avowed the 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 which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen, by 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 South-Western. 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 States 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 usages 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 their property, their right to labor, and their right to claim the just return of their labor. I cannot 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 that 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 cannot 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 millions of 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 point of 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 foreign emigrant 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 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 as yet 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 those 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.

Our Government springs from and was made for the people—not the people for the Government. To them it owes allegiance; from them it must derive its courage, strength and wisdom. But, while the Government is thus bound to defer to the people, from whom it derives its existence, it should, from the very consideration of its

origin, be strong in its power of resistance to the establishment of inequalities. Monopolies, perpetuities, and class legislation, are contrary to the genius of free government, and ought not to be allowed. Here, there is no room for favored classes or monopolies, the principle of our Government is that of equal laws and freedom of industry. Wherever monopoly attains a foothold, it is sure to be a source of danger, discord, and trouble. We shall but fulfill our duties as legislators by according "equal and exact justice to all men," special privileges to none. The Government is subordinate to the people; but, as the agent and representative of the people, it must be held superior to monopolies, which, in themselves, ought never to be granted, and which, where they exist, must be subordinate and yield to the Government.

The Constitution confers on Congress the right to regulate commerce among the several States. It is of the first necessity, for the maintenance of the Union, that that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce between States. The position of many States is such, that if they were allowed to take advantage of it for purposes of local revenue, the commerce between States might be injuriously burdened, or even virtually prohibited. It is best, while the country is still young, and while the tendency to dangerous monopolies of this kind is still feeble, to use the power of Congress so as to prevent any selfish impediment to the free circulation of men and merchandise. A tax on travel and merchandise, in their transit, constitutes one of the worst forms of monopoly, and the evil is increased if coupled with a denial of the choice of route. When the vast extent of our country is considered, it is plain that every obstacle to the free circulation of commerce between the States ought to be sternly guarded against by appropriate legislation, within the limits of the Constitution.

The report of the Secretary of the Interior explains the condition of the public lands, the transactions of the Patent Office and the Pension Bureau, the management of our Indian affairs, the progress made in the construction of the Pacific Railroad, and furnishes information in reference to matters of local interest in the District of Columbia. It also presents evidence of the successful operation of the Homestead Act, under the provisions of which 1,160,533 acres of the public lands were entered during the last fiscal year—more than one fourth of the whole number of acres sold or otherwise disposed of during that period. It is estimated that the receipts

derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this act, and that payments in cash to the extent of from 40 to 50 per cent will be made by settlers, who may thus at any time acquire title before the expiration of the period at which it would otherwise vest. The homestead policy was established only after long and earnest resistance: experience proves it wisdom. The lands, in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

The lamentable events of the last four years, and the sacrifices made by the gallant men of our Army and Navy, have swelled the records of the Pension Bureau to an unprecedented extent. On the 30th day of June last, the total number of pensioners was 85,986, requiring for their annual pay, exclusive of expenses, the sum of \$8,023,445. The number of applications that have been allowed since that date will require a large increase of this amount for the next fiscal year. The means for the payment of the stipends due, under existing laws, to our disabled soldiers and sailors, and to the families of such as have perished in the service of the country, will no doubt be cheerfully and promptly granted. A grateful people will not hesitate to sanction any measures having for their object the relief of soldiers mutilated and families made fatherless in the efforts to preserve our national existence.

The report of the Postmaster General presents an encouraging exhibit of the operations of the Post Office Department during the year. The revenues of the past year from the loyal States alone, exceeded the maximum annual receipts from all the States previous to the Rebellion, in the sum of \$6,033,091; and the annual average increase of revenue during the last four years, compared with the revenues of the four years immediately preceding the Rebellion, was \$3,533,845. The revenues of the last fiscal year amounted to \$14,556,158, and the expenditures to \$13,694,728, leaving a surplus of receipts over expenditures of \$861,430. Progress has been made in restoring the postal service in the Southern States. The views presented by the Postmaster General against the policy of granting subsidies to ocean mail steamship lines upon established routes, and in favor of continuing the present system, which limits the compensation for ocean service to the postage earnings, are recommended to the careful consideration of Congress.

It appears, from the report of the Secretary of the Navy, that

while, at the commencement of the present year, there were in commission 530 vessels of all classes and descriptions, armed with 3,000 guns, and manned by 51,000 men, the number of vessels at present in commission is 117, with 830 guns and 12,123 men. By this prompt reduction of the naval forces the expenses of the Government have been largely diminished, and a number of vessels, purchased for naval purposes from the merchant marine, have been returned to the peaceful pursuits of commerce. Since the suppression of active hostilities our foreign squadrons have been re-established, and consist of vessels much more efficient than those employed on similar service previous to the rebellion. The suggestion for the enlargement of the Navy Yards, and especially for the establishment of one in fresh water for iron-clad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

In the report of the Secretary of War, a general summary is given of the military campaigns of 1864 and 1865, ending in the suppression of armed resistance to the national authority in the insurgent States. The operations of the general administrative Bureaus of the War Department during the past year are detailed, and an estimate made of the appropriations that will be required for military purposes in the fiscal year commencing the 30th day of June, 1866. The national military force on the 1st of May, 1865, numbered 1,000,516 men. It is proposed to reduce the military establishment to a peace footing, comprehending 50,000 troops of all arms, organized so as to admit of an enlargement by filling up the ranks to 82,600, if the circumstances of the country should require an augmentation of the army. The volunteer force has already been reduced by the discharge from service of over 800,000 troops, and the Department is proceeding rapidly in the work of further reduction. The war estimates are reduced from \$516,240,131 to \$33,814,461, which amount, in the opinion of the Department, is adequate for a peace establishment. The measures of retrenchment in each Bureau and branch of the service exhibit a diligent economy worthy of commendation. Reference is also made in the report to the necessity of providing for a uniform militia system, and to the propriety of making suitable provision for wounded and disabled officers and soldiers.

The revenue system of the country is a subject of vital interest to its honor and prosperity, and should command the earnest consideration of Congress. The Secretary of the Treasury will lay before you



a full and detailed report of the receipts and disbursements of the last fiscal year, of the first quarter of the present fiscal year, of the probable receipts and expenditures for the other three quarters, and the estimates for the year following the 30th of June, 1866. I might content myself with a reference to that report, in which you will find all the information required for your deliberations and decision. But the paramount importance of the subject so presses itself on my own mind, that I cannot but lay before you my views of the measures which are required for the good character, and, I might almost say, for the existence of this people. The life of a Republic lies certainly in the energy, virtue, and intelligence of its citizens; but it is equally true that a good revenue system is the life of an organized Government. I meet you at a time when the nation has voluntarily burdened itself with a debt unprecedented in our annals. Vast as is its amount, it fades away into nothing when compared with the countless blessings that will be conferred upon our country and upon man by the preservation of the nation's life. Now, on the first occasion of the meeting of Congress since the return of peace, it is of the utmost importance to inaugurate a just policy, which shall at once be put in motion, and which shall commend itself to those who come after us for its continuance. We must aim at nothing less than the complete effacement of the financial evils that necessarily followed a state of civil war. We must endeavor to apply the earliest remedy to the deranged state of the currency, and not shrink from devising a policy, which, without being oppressive to the people, shall immediately begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definitely fixed number of years.

It is our first duty to prepare in earnest for our recovery from the ever-increasing evils of an irredeemable currency, with a sudden revulsion, and yet without untimely procrastination. For that end, we must, each in our respective positions, prepare the way. I hold it the duty of the Executive to insist upon frugality in the expenditures; and a sparing economy is itself a great national resource. Of the banks to which authority has been given to issue notes secured by bonds of the United States, we may require the greatest moderation and prudence, and the law must be rigidly enforced when its limits are exceeded. We may, each one of us, counsel our active and enterprising countrymen to be constantly on their guard, to liquidate debts contracted in a paper currency, and, by conducting business as nearly as possible on a system of cash payments or short

credits, to hold themselves prepared to return to the standard of gold and silver. To aid our fellow-citizens in the prudent management of their monetary affairs, the duty devolves on us to diminish by law the amount of paper money now in circulation. Five years ago the bank-note circulation of the country amounted to not much more than two hundred millions; now the circulation, bank and national, exceeds seven hundred millions. The simple statement of the fact recommends more strongly than any words of mine could do, the necessity of our restraining this expansion. The gradual reduction of the currency is the only measure that can save the business of the country from disastrous calamities; and this can be almost imperceptibly accomplished by gradually funding the national circulation in securities that may be made redeemable at the pleasure of the Government.

Our debt is doubly secure—first in the actual wealth and still greater undeveloped resources of the country; and next in the character of our institutions. The most intelligent observers among political economists have not failed to remark, that the public debt of a country is safe in proportion as its people are free; that the debt of a republic is the safest of all. Our history confirms and establishes the theory, and is, I firmly believe, destined to give it a still more signal illustration. The secret of this superiority springs not merely from the fact, that in a republic the national obligations are distributed more widely through countless numbers in all classes of society; it has its root in the character of our laws. Here all men contribute to the public welfare, and bear their fair share of the public burdens. During the war, under the impulses of patriotism, the men of the great body of the people, without regard to their own comparative want of wealth, thronged to our armies and filled our fleets of war, and held themselves ready to offer their lives for the public good. Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation, while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the nation, the duties should be so adjusted as to fall most heavily on articles of luxury, leaving the necessaries of life as free from taxation as the absolute wants of the Government, economically administered, will justify. No favored class should demand freedom from assessment, and the taxes should be so distributed as not to fall unduly on the poor, but rather on the accumulated wealth of the country. We should look at the national debt just as it is—not as a national

blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay.

It is estimated by the Secretary of the Treasury that the expenditures for the fiscal year ending the 30th of June, 1866, will exceed the receipts \$112,194,947. It is gratifying, however, to state that it is also estimated that the revenue for the year ending the 30th of June, 1867, will exceed the expenditures in the sum of \$111,682,818. This amount, or so much as may be deemed sufficient for the purpose, may be applied to the reduction of the public debt, which, on the 31st day of October, 1865, was \$2,740,854,750. Every reduction will diminish the total amount of interest to be paid, and so enlarge the means of still further reductions, until the whole shall be liquidated; and this, as will be seen from the estimates of the Secretary of the Treasury, may be accomplished by annual payments even within a period not exceeding thirty years. I have faith that we shall do all this within a reasonable time; that, as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any Government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

The Department of Agriculture, under its present direction, is accomplishing much in developing and utilizing the vast agricultural capabilities of the country, and for information respecting the details of its management, reference is made to the annual report of the Commissioner.

I have dwelt thus fully on our domestic affairs because of their transcendent importance. Under any circumstances, our great extent of territory and variety of climate, producing almost everything that is necessary for the wants, and even the comforts of man, makes us singularly independent of the varying policy of foreign powers, and protect us against every temptation to "entangling alliances," while at the present moment the reëstablishment of harmony, and the strength that comes from harmony, will be our best security against "nations who feel power and forget right." For myself, it has been and it will be my constant aim to promote peace and amity with all foreign nations and powers; and I have every reason to believe that they all, without exception, are animated by the same disposition. Our relations with the Emperor of China, so recent in their origin, are most friendly. Our commerce with his dominions is receiving new developments; and it is very pleasing to find that the Government of that great Empire manifests satisfaction with our

policy, and reposes just confidence in the fairness which marks our intercourse. The unbroken harmony between the United States and the Emperor of Russia is receiving a new support from an enterprise designed to carry telegraphic lines across the continent of Asia, through his dominions, and so to connect us with all Europe by a new channel of intercourse. Our commerce with South America is about to receive encouragement by a direct line of mail steamships to the rising empire of Brazil. The distinguished party of men of science who have recently left our country to make a scientific exploration of the natural history and rivers and mountain ranges of that region, have received from the Emperor that generous welcome which was to have been expected from his constant friendship for the United States, and his well-known zeal in promoting the advancement of knowledge. A hope is entertained that our commerce with the rich and populous countries that border the Mediterranean Sea may be largely increased. Nothing will be wanting on the part of this Government, to extend the protection of our flag over the enterprise of our fellow-citizens. We receive from the Powers in that region assurances of good-will; and it is worthy of note that a special envoy has brought us messages of condolence on the death of our late Chief Magistrate from the Bey of Tunis, whose rule includes the old dominions of Carthage, on the African coast.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the Powers which made that concession, there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain; and British ships, manned by British subjects, and prepared for receiving British armaments, sallied from the ports of Great Britain to make war on American commerce, under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterward entered them in every part of the world, to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of our shipping and our commerce to the very Power whose subjects had created the necessity for such a change. These

events took place before I was called to the administration of the Government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the questions which had thus arisen between the countries, to arbitration. These questions are of such moment that they must have commanded the attention of the great Powers, and are so interwoven with the peace and interests of every one of them as to have ensured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations before mentioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a Power which was professing the most friendly dispositions, but as involving questions of public law, of which the settlement is essential to the peace of nations; and, though pecuniary reparation to their injured citizens would have followed incidentally on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British Minister rests his justification is, substantially, that the municipal law of a nation, and the domestic interpretations of that law, are the measure of its duty as a neutral; and I feel bound to declare my opinion, before you and before the world, that that justification cannot be sustained before the tribunal of nations. At the same time I do not advise to any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

From the moment of the establishment of our free Constitution, the civilized world has been convulsed by revolutions in the interests of democracy or of monarchy: but through all those revolutions the United States have wisely and firmly refused to become propagandists of republicanism. It is the only government suited to our condition; but we have never sought to impose it on others; and we have consistently followed the advice of Washington to recommend it only by the careful preservation and prudent use of the blessing. During all the intervening period the policy of European Powers and of the United States has, on the whole, been harmonious. Twice, indeed, rumors of the invasion of some parts of America, in the in-

terest of monarchy, have prevailed; twice my predecessors have had occasion to announce the views of this nation in respect to such interference. On both occasions the remonstrance of the United States was respected, from a deep conviction, on the part of European Governments, that the system of non-interference and mutual abstinence from propagandism was the true rule for the two hemispheres. Since those times we have advanced in wealth and power; but we retain the same purpose to leave the nations of Europe to choose their own dynasties and form their own systems of government. This consistent moderation may justly demand a corresponding moderation. We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world, should any European Power challenge the American people, as it were, to the defense of republicanism against foreign interference. We cannot foresee and are unwilling to consider what opportunities might present themselves, what combinations might offer to protect ourselves against designs inimical to our form of government. The United States desire to act in the future as they have ever acted heretofore; they never will be driven from that course but by the aggression of European Powers; and we rely on the wisdom and justice of those Powers to respect the system of non-interference which has so long been sanctioned by time, and which, by its good results, has approved itself to both continents.

The correspondence between the United States and France, in reference to questions which have become subjects of discussion between the two Governments, will, at the proper time, be laid before Congress.

When, on the organization of our Government, under the Constitution, the President of the United States delivered his Inaugural address to the two Houses of Congress, he said to them, and through them to the country and to mankind, that the "preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally staked on the experiment intrusted to the American people." And the House of Representatives answered Washington by the voice of Madison: "We adore the invisible hand which has led the American people, through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty." More than seventy-six years have glided away since these words were spoken; the United States have passed through severer trials than were foreseen; and now, at this new epoch in our existence as one nation, with our Union purified

by sorrows and strengthened by conflict, and established by the virtue of the people, the greatness of the occasion invites us once more to repeat, with solemnity, the pledges of our fathers to hold ourselves answerable before our fellow-men for the success of the Republican form of government. Experience has proved its sufficiency in peace and in war; it has vindicated its authority through dangers, and afflictions, and sudden and terrible emergencies, which would have crushed any system that had been less firmly fixed in the heart of the people. At the inauguration of Washington the foreign relations of the country were few, and its trade was repressed by hostile regulations; now all the civilized nations of the globe welcome our commerce, and their Governments profess toward us amity. Then our country felt its way hesitatingly along an untried path, with States so little bound together by rapid means of communication as to be hardly known to one another, and with historic traditions extending over very few years; now intercourse between the States is swift and intimate; the experience of centuries has been crowded into a few generations, and has created an intense, indestructible nationality. Then our jurisdiction did not reach beyond the inconvenient boundaries of the territory which had achieved independence; now, through cessions of lands, first colonized by Spain and France, the country has acquired a more complex character, and has for its natural limits the chain of Lakes, the Gulf of Mexico, and on the east and west the two great oceans. Other nations were wasted by civil wars for ages before they could establish for themselves the necessary degree of unity; the latent conviction that our form of government is the best ever known to the world, has enabled us to emerge from civil war within four years, with a complete vindication of the constitutional authority of the General Government, and with our local liberties and State institutions unimpaired. The throngs of emigrants that crowd to our shores are witnesses of the confidence of all peoples in our permanence. Here is the great land of free labor, where industry is blessed with unexampled rewards, and the bread of the workingman is sweetened by the consciousness that the cause of the country "is his own cause, his own safety, his own dignity." Here every one enjoys the free use of his faculties and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteen-fold within a century. Here, through the easy development of boundless resources, wealth has increased with two-fold greater rapidity than numbers, so that we have become secure against

the financial vicissitudes of other countries, and, alike in business and in opinion, are self-centered and truly independent. Here more and more care is given to provide education for every one born on our soil. Here religion, released from political connexion with the Civil Government, refuses to subserve the craft of statesmen, and becomes, in its independence, the spiritual life of the people. Here toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of government, by the confession of European statesmen, "gives a power of which no other form is capable, because it incorporates every man with the State, and arouses everything that belongs to the soul."

Where, in past history, does a parallel exist to the public happiness which is within the reach of the people of the United States? Where, in any part of the globe, can institutions be found so suited to their habits or so entitled to their love as their own free Constitution? Every one of them, then, in whatever part of the land he has his home, must wish its perpetuity. Who of them will not acknowledge, in the words of Washington, that "every step by which the people of the United States have advanced to the character of an independent nation, seems to have been distinguished by some token of Providential agency?" Who will not join with me in the prayer, that the invisible Hand which has led us through the clouds that gloomed around our path, will so guide us onward to a perfect restoration of fraternal affection, that we of this day may be able to transmit our great inheritance, of State Governments in all their rights, of the General Government in its whole constitutional vigor, to our posterity, and they to theirs through countless generations?

ANDREW JOHNSON.

WASHINGTON, *December 4, 1865.*



## FREEDMEN'S BUREAU—VETO MESSAGE.

February 19, 1866.

*To the Senate of the United States:*

I HAVE examined with care the bill which originated in the Senate and has been passed by the two Houses of Congress to amend an act entitled "An act to establish a Bureau for the Relief of Freedmen and Refugees," and for other purposes. Having, with much regret, come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate with my objections to its becoming a law.

I might call to mind in advance of these objections that there is no immediate necessity for the proposed measure. The act to establish a Bureau for the Relief of Freedmen and Refugees, which was approved in the month of March last, has not yet expired. It was thought stringent and extensive enough for the purpose in view in time of war. Before it ceases to have effect further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace.

I share with Congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and property, and their entire independence and equality in making contracts for their labor; but the bill before me contains provisions which in my opinion are not warranted by the Constitution, and are not well suited to accomplish the end in view.

The bill proposes to establish, by authority of Congress, military jurisdiction over all parts of the United States containing refugees and freedmen. It would, by its very nature, apply with most force to those parts of the United States in which the freedmen most abound; and it expressly extends the existing temporary jurisdiction of the Freedmen's Bureau with greatly enlarged powers over those States "in which the ordinary course of judicial proceedings has been interrupted by the rebellion." The source from which this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the Commissioner of the Freedmen's Bureau. The agents to carry out this military jurisdiction are to be selected either from the Army or from civil life; the country is to be divided into districts and sub-districts; and the number of salaried agents to be employed may be

equal to the number of counties or parishes in all the United States where freedmen and refugees are to be found.

The subjects over which this military jurisdiction is to extend in every part of the United States include protection to "all employes, agents, and officers of this bureau in the exercise of the duties imposed" upon them by the bill. In eleven States it is further to extend over all cases affecting freedmen and refugees discriminated against "by local law, custom, or prejudice." In those eleven States the bill subjects any white person who may be charged with depriving a freedman of "any civil rights or immunities belonging to white persons" to imprisonment or fine, or both, without, however, defining the "civil rights and immunities" which are thus to be secured to the freedman by military law. This military jurisdiction also extends to all questions that may arise respecting contracts. The agent who is thus to exercise the office of a military judge may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment to which all men are liable. The exercise of power, over which there is no legal supervision, by so vast a number of agents as is contemplated by the bill, must, by the very nature of man, be attended by acts of caprice, injustice, and passion.

The trials, having their origin under this bill, are to take place without the intervention of a jury, and without any fixed rules of law or evidence. The rules on which offenses are to be "heard and determined" by the numerous agents, are such rules and regulations as the President, through the War Department, shall prescribe. No previous presentment is required, nor any indictment charging the commission of a crime against the laws; but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country.

While the territory and the classes of actions and offenses that are made subject to this measure are so extensive, the bill itself, should it become a law, will have no limitation in point of time, but will form a part of the permanent legislation of the country. I cannot reconcile a system of military jurisdiction of this kind with the words of the Constitution, which declare that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time

of war or public danger;" and that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed." The safeguards which the experience and wisdom of ages taught our fathers to establish as securities for the protection of the innocent, the punishment of the guilty, and the equal administration of justice, are to be set aside, and for the sake of a more vigorous interposition in behalf of justice, we are to take the risk of the many acts of injustice that would necessarily follow from an almost countless number of agents established in every parish or county in nearly a third of the States of the Union, over whose decisions there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in time of peace certainly ought never to be intrusted to any one man.

If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce and credit and industry of the country by declaring to the American people and to the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of the rights of whole communities. The country has returned or is returning to a state of peace and industry, and the rebellion is in fact at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country as it is at variance with the Constitution of the United States.

If, passing from general considerations, we examine the bill in detail, it is open to weighty objections.

In time of war it was eminently proper that we should provide for those who were passing suddenly from a condition of bondage to a state of freedom. But this bill proposes to make the Freedmen's Bureau, established by the act of 1865 as one of many great and extraordinary military measures to suppress a formidable rebellion, a permanent branch of the public administration, with its powers greatly enlarged. I have no reason to suppose, and I do not understand it to be alleged, that the act of March, 1865, has proved deficient for the purpose for which it was passed, although at that time, and for a considerable period thereafter, the Government of the

United States remained unacknowledged in most of the States whose inhabitants had been involved in the rebellion. The institution of slavery, for the military destruction of which the Freedmen's Bureau was called into existence as an ancillary, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the assent and concurrence of most of those States in which it at any time had an existence. I am not, therefore, able to discern, in the condition of the country, anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau, which were effective for the protection of freedmen and refugees during the actual continuance of hostilities and of African servitude, will now, in a time of peace and after the abolition of slavery, prove inadequate to the same proper ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the bureau, for which provision is made in the bill.

The third section of the bill authorizes a general and unlimited grant of support to the destitute and suffering refugees and freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of landed estates for freedmen, and for the erection for their benefit of suitable buildings for asylums and schools, the expenses to be defrayed from the Treasury of the whole people. The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in the defense of the Union, but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race, who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution, nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people more than for another. Pending the war, many refugees and freedmen received support from the Government, but it was never intended that they should thenceforth be fed, clothed, educated, and sheltered by the United States. The idea on which the slaves were assisted to freedom was that, on

becoming free, they would be a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects.

The appointment of an agent for every county and parish will create an immense patronage; and the expense of the numerous officers and their clerks, to be appointed by the President, will be great in the beginning, with a tendency steadily to increase. The appropriations asked by the Freedmen's Bureau, as now established, for the year 1866, amount to \$11,745,000. It may be safely estimated that the cost to be incurred under the pending bill will require double that amount—more than the entire sum expended in any one year under the administration of the second Adams. If the presence of agents in every parish and county is to be considered as a war measure, opposition, or even resistance, might be provoked, so that, to give effect to their jurisdiction, troops would have to be stationed within reach of every one of them, and thus a large standing force be rendered necessary. Large appropriations would therefore be required to sustain and enforce military jurisdiction in every county or parish, from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging; but in order to sustain the present measure of public confidence, it is necessary that we practice not merely customary economy, but, as far as possible, severe retrenchment.

In addition to the objections already stated, the fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to that provision of the Constitution which declares that no person shall "be deprived of life, liberty, or property without due process of law." It does not appear that a part of the lands to which this section refers may not be owned by minors, or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even then it cannot be appropriated to public purposes until by due process of law it shall have been declared forfeited to the Government.

There is still further objection to the bill on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension.

Undoubtedly the freedman should be protected, but he should be protected by the civil authorities, especially by the exercise of all the constitutional powers of the courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor cannot well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, and from capitalists in his vicinage or from other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode; and if, therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another, where that labor is more esteemed and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what it is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the exceedingly great demand for labor will not operate in favor of the laborer.

Neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting, for themselves, on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that instead of wasting away, they will, by their own efforts, establish for themselves, a condition of respect and prosperity. It is certain that they can attain to that condition only through their own exertions.

In this connection the query presents itself, whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support, and control of four million emancipated slaves to agents, overseers, or task-masters who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees? Such a system would inevitably tend to a concentration of power in the Executive, which would enable him, if so disposed, to control the action of this numerous class and use them for the attainment of his own political ends.

I cannot but add another very grave objection to this bill. The Constitution imperatively declares, in connection with taxation, that each State shall have at least one Representative, and fixes the rule for the number to which in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State, and adds with peculiar force, "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." The original act was necessarily passed in the absence of the States chiefly to be affected, because their people were then contumaciously engaged in the rebellion. Now the case is changed, and some at least of those States are attending Congress by loyal Representatives, soliciting the allowance of the constitutional right of representation. At the time, however, of the consideration and the passing of this bill, there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions. The very fact that reports were and are made against the good disposition of the people of that portion of the country is an additional reason why they need, and should have Representatives of their own in Congress to explain their condition, reply to accusations, and assist, by their local knowledge, in the perfecting of measures immediately affecting themselves. While the liberty of the discussions would then be free, and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested had not been permitted to be heard. The principle is firmly fixed in the minds of the American people, that there should be no taxation without representation.

Great burdens have now to be borne by all the country, and we may best demand that they shall be borne without murmur when they are voted by a majority of the representatives of all the people. I would not interfere with the unquestionable right of Congress to judge, each House for itself, "of the elections, returns and qualifications of its own members," but that authority cannot be construed as including the right to shut out, in time of peace, any State from the representation to which it is entitled by the Constitution. At present, all the people of eleven States are excluded—those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her constitutional relations to the Union by the patriotism and energy of her injured and betrayed people. Before the war was brought to a termination they had placed themselves in

relations with the General Government, had established a State Government of their own; as they were not included in the Emancipation Proclamation, they by their own act had amended their constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example, should not fully enjoy "all her constitutional relations to the United States."

The President of the United States stands toward the country in a somewhat different attitude from that of any member of Congress. Each member of Congress is chosen from a single district or State; the President is chosen by the people of all the States. As eleven States are not at this time represented in either branch of Congress, it would seem to be his duty, on all proper occasions, to present their just claims to Congress. There always will be differences of opinion in the community, and individuals may be guilty of transgressions of the law; but these do not constitute valid objections against the right of a state to representation. I would in nowise interfere with the discretion of Congress with regard to the qualifications of members; but I hold it my duty to recommend to you, in the interests of peace and in the interests of union, the admission of every State to its share in public legislation, when, however insubordinate, insurgent, or rebellious its people may have been, it presents itself not only in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty cannot be questioned under any existing constitutional or legal test.

It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attended by a spirit of disquiet and complaint. It is unwise and dangerous to pursue a course of measures which will unite a very large section of the country against another section of the country, however much the latter may preponderate. The course of emigration, the development of industry and business, and natural causes will raise up at the South men as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress, if, in a permanent statute, they are declared not to be in full constitutional relations to the country, they may think they have cause to become a unit in feeling and sentiment against the Government. Under the political education of the American people the idea is inherent and ineradicable that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation.

The bill under consideration refers to certain of the States as though they had not "been fully restored in all their constitutional



relations to the United States." If they have not, let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that, in my own judgment, most of those States, so far, at least, as depends upon their own action, have already been fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union. Reasoning from the Constitution itself, and from the actual situation of the country, I feel not only entitled, but bound, to assume that, with the Federal courts restored, and those of the several States in the full exercise of their functions, the rights and interests of all classes of the people will, with the aid of the military in cases of resistance to the law, be essentially protected against unconstitutional infringement and violation. Should this expectation unhappily fail, which I do not anticipate, then the Executive is already fully armed with the powers conferred by the act of March, 1865, establishing the Freedman's Bureau, and hereafter, as heretofore, he can employ the land and naval forces of the country to suppress insurrection or to overcome obstructions to the laws.

In accordance with the Constitution, I return the bill to the Senate, in the earnest hope that a measure involving questions and interests so important to the country will not become a law unless, upon deliberate consideration by the people, it shall receive the sanction of an enlightened public judgment.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 19, 1866.*

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#### CIVIL RIGHTS BILL.—VETO MESSAGE.

March 27, 1866.

*To the Senate of the United States :*

I REGRET that the bill which has passed both houses of Congress, entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," contains provisions which I cannot approve, consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States. I am, therefore, constrained to return it to the Senate, the house in which it originated, with my objections to its becoming a law.

By the first section of the bill all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or confer any other right of citizenship than federal citizenship. It does not purport to give these classes of persons any *status* as citizens of States, except that which may result from their *status* as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of federal citizenship is with Congress.

The right of federal citizenship thus to be conferred on the several excepted races before-mentioned is now, for the first time, proposed to be given by law. If, as is claimed by many, all persons who are native-born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill cannot be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself, whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States? Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens, in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill? Those rights are, by federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government, from its origin to the present time, seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass

through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens, as contemplated by the Constitution of the United States. The bill, in effect, proposes a discrimination against large numbers of intelligent, worthy and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have just now been suddenly opened. He must, of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has to some extent, at least, familiarized himself with the principles of a government to which he voluntarily intrusts "life, liberty and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth, who make our land their home, must undergo a probation of five years, and can only then become citizens upon proof that they are "of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the same."

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes, so made citizens, "in every State and Territory in the United States." These rights are, "to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property," and to have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens." So, too, they are made subject to the same punishment, pains and penalties in common with white citizens, and to none other. Thus a perfect equality of the white and colored races is attempted to be fixed by federal law in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise any power of discrimination between the different races. In the exercise of State policy over matters exclusively affecting the people of each State, it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, northern as well as southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that "marriages between them and the whites

are forbidden in some of the States where slavery does not exist, and and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offence against public decorum."

I do not say that this bill repeals State laws on the subject of marriage between the two races; for, as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore cannot, under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether, if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races? Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not federal restraints—as, for instance, in the State power of legislation over contracts, there is a federal limitation that no State shall pass a law impairing the obligations of contracts; and, as to crimes, that no State shall pass an *ex post facto* law; and, as to money, that no State shall make anything but gold and silver a legal tender. But where can we find a federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations and natural persons, in the right to hold real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal, in the same way, all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally, to vote, "in every State and Territory of the United States." As respects the Territories, they come within the power of Congress, for as to them the law-making

power is the federal power; but as to the States no similar provision exists vesting in Congress the power "to make rules and regulations" for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares "that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court." This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. It means an official offence—not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of the *right* to hold property. It means a deprivation of the right itself, either by the State judiciary or the State legislature. It is therefore assumed that under this section members of State legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments, could be brought before other tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, if you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount,

and "under color" of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment! I do not apprehend that the conflicting legislation which the bill seems to contemplate, is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality.

In the next place, this provision of the bill seems to be unnecessary, as adequate, judicial remedies could be adopted to secure the desired end, without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be, in this respect, not only anomalous, but unconstitutional, for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that, in cases of conflict with the Constitution and constitutional laws of the United States, the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive "cognizance of all crimes and offences committed against the provisions of this act," and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases "affecting persons who are denied, or cannot enforce in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section." The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." It stands, therefore, clear of doubt that the offence and the penalties provided in the second section are intended for the State judge who, in the clear exercise of his functions as a judge, not acting ministerially but judicially, shall decide contrary to this federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and a federal law, and bound, according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the federal law is invalid, he must not follow

the dictates of his own judgment, at the peril of fine and imprisonment. The legislative department of the government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that, in States which deny to persons whose rights are secured by the first section of the bill any one of those rights, all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of a State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the federal courts. How is the criminal to be tried? If the offence is provided for and punished by federal law, that law, and not the State law, is to govern. It is only when the offence does not happen to be within the purview of federal law that the federal courts are to try and punish him under any other law. Then resort is to be had to the “common law, as modified and changed” by State legislation, “so far as the same is not inconsistent with the Constitution and laws of the United States.” So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to federal tribunals certain classes of cases embraced in this section? The Constitution expressly declares that the judicial power of the United States “shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.” Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789,

establishing the judicial courts of the United States, in conferring upon the federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States; for the bill applies to all of them—as well to those that have as to those that have not been engaged in rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that “neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” It cannot, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people or the States. If, however, any such attempt shall be made, it will then become the duty of the general government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen’s Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States and the superior courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons from time to time to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, “as may



be necessary to the performance of the duty with which they are charged." This extraordinary power is to be conferred upon agents irresponsible to the government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, "for each person he or they may arrest and take before any such commissioner," "with such other fees as may be deemed reasonable by such commission," "in general for performing such other duties as may be required in the premises." All these fees are to be "paid out of the treasury of the United States," whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate, with the marshal and district attorney (and necessarily with the clerk, although he is not mentioned), to any part of the district upon the order of the President, and there hold a court "for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;" and there the judge and officers of the court must remain, upon the order of the President, "for the time therein designated."

The ninth section authorizes the President, or such persons as he may empower for that purpose, "to employ such part of the land or naval forces of the United States or of the militia as shall be necessary to prevent the violation and enforce the due execution of this act." This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave—capital owning labor. Now, suddenly, that relation is changed, and, as to ownership, capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and, if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people, living under federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the general government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the general government which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, towards centralization, and the concentration of all legislative powers in the national government. The tendency of the bill must be to resuscitate the spirit of rebellion, and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within

certain States and parts of States therein designated were, and thenceforward should be free, and, further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guarantee has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people, whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say that I will cheerfully co-operate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the federal Constitution.

I now return the bill to the Senate, and regret that, in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval, I am compelled to withhold my assent from a second measure that has received the sanction of both houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 27, 1866.*

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### THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA.

AT THE FIRST SESSION BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

AN ACT to protect all persons in the United States in their civil rights, and furnish the means of their vindication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons born in the United States and not subject to any foreign power, excluding Indians, not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except

as a punishment for crime wherof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime wherof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted,* That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a bureau for the relief of freedmen and refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the "Act relating to habeas corpus and regulating judicial pro-

ceedings in certain cases," approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect ; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 4. *And be it further enacted,* That the district attorneys, marshals and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedman's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act. And such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are autho-

rized by law to exercise with regard to other offences against the laws of the United States.

SEC. 5. *And be it further enacted,* That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other processes as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or the *posse comitatus* of the proper county, or such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 6. *And be it further enacted,* That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest

after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 7. *And be it further enacted*, That the district attorneys, the marshals, their deputies and the clerks of the said district and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 8. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offences have been, or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisi-

tion shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 10. *And be it further enacted*, That upon all questions of law arising in any cause under the provisions of this act, a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

LAFAYETTE F. FOSTER,

*President of the Senate, pro tem.*

I certify that this act did originate in the Senate.

J. W. FORNEY, *Secretary.*

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

April 2, 1866—Declaring the insurrection at an end in certain States of the Union.

WHEREAS, by proclamations of the 15th and 16th of April, 1861, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law ;

*And whereas*, By another proclamation, made on the 16th day of August, in the same year, in pursuance of an act of Congress approved July 13th, 1861, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and of such other parts of that State and the other States before named, as might maintain a loyal adhesion to



the Union and the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States ;

*And whereas*, By another proclamation, of the 1st day of July, 1862, issued in pursuance of an act of Congress approved June 7th, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia ;

*And whereas*, By another proclamation, made on the 2d day of April, 1863, in pursuance of the act of Congress of July 13th, 1861, the exceptions named in the proclamation of August 16th, 1861, were revoked, and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and the ports of New Orleans, Key West, Port Royal and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States ;

*And whereas* the House of Representatives, on the 22d day of July, 1861, adopted a resolution in the words following, namely :

*“Resolved by the House of Representatives of the Congress of the United States*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the capital ; that in this national emergency, Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country ; that this war is not waged upon our part in any spirit of oppression nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired ; and that as soon as these objects are accomplished the war ought to cease.”

*And whereas* the Senate of the United States, on the 25th day of July, 1861, adopted a resolution in the words following, to wit :

*“Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the capital ; that in this national emergency, Congress, banishing all

feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."

*And whereas* these resolutions, though not joint or concurrent in form, are substantially identical, and as such may be regarded as having expressed the sense of Congress upon the subject to which they relate;

*And whereas*, By my proclamation of the 13th day of June last, the insurrection in the State of Tennessee was declared to have been suppressed, the authority of the United States therein to be undisputed, and such United States officers as had been duly commissioned to be in the undisturbed exercise of their official functions;

*And whereas* there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed, and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States, prohibiting slavery within the limits and jurisdiction of the United States;

*And whereas*, In view of the before-recited premises, it is the manifest determination of the American people that no State, of its own will, has the right or the power to go out of, or separate itself from, or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States;

*And whereas* the people of the several before-mentioned States have, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity;

*And whereas* it is believed to be a fundamental principle of government that people who have revolted, and who have been overcome and subdued, must either be dealt with so as to induce them

voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom ;

*And whereas* the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates ;

*And whereas* such constituent States must necessarily be, and by the Constitution and laws of the United States are made equals, and placed upon a like footing as to political rights, immunities, dignity and power with the several States with which they are united ;

*And whereas* the observance of political equality as a principle of right and justice is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance ;

*And whereas* standing armies, military occupation, martial law, military tribunals and the suspension of the privilege of the writ of habeas corpus are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion ;

*And whereas* the policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, has been in conformity with the principles herein set forth and enumerated :

Now, therefore, I, ANDREW JOHNSON, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at end, and is henceforth to be so regarded.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of April, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, Secretary of State.



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A

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