# ANDREW JOHNSON

## MILITARY GOVERNOR OF TENNESSEE

CLIFTON R. HALL

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# ANDREW JOHNSON

## MILITARY GOVERNOR OF TENNESSEE

BY

CLIFTON R. HALL, Ph.D.

ASSISTANT PROFESSOR IN HISTORY AND
POLITICS IN PRINCETON UNIVERSITY

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# PREFACE

This book, as its title implies, is an attempt to trace the personality of Andrew Johnson through the years 1862-1865, when the burden of military government and reconstruction in Tennessee rested principally upon his shoulders. With this purpose in mind, I have refrained from going into several tempting by-paths of the subject. The military administration in West Tennessee, for example, for which not Johnson, but the generals of the regular army stationed at Memphis were primarily responsible, has been scarcely touched upon; so, too, the working of the Federal trade regulations in Tennessee, a subject on which a separate monograph might be written. Nor have I carried my account beyond the spring of 1865, when Johnson left Tennessee for Washington. The subsequent details of reconstruction in the state may be found in J. W. Fertig's "The Secession and Reconstruction of Tennessee," which also treats of the period of the war, but which was written before the Johnson papers in the Library of Congress were available for study.

As is apparent from the footnotes, I have based my account largely upon the Johnson papers, the *Official Records of the Union and Confederate Armies,* and the contemporary newspapers. Of these last, the Nashville *Union* is a source of the highest importance. It is, of course, polemical and violently partisan, but it contains a surprising amount of detailed news of any local occurrence of interest and notices and discusses all references to Tennessee affairs which it discovers in exchanges; and its assertions can usually be checked from other sources. I have made little use of Brownlow's Knoxville *Whig,* a file of which is in the Yale University library, or of "Parson Brownlow's Book," for the obvious reason that, in this period of his career, the choleric parson was consciously blinking facts and coining political capital out of superlatives.

I am conscious of my failure adequately to present the Con-

federate side of many controverted points. There is a most regrettable dearth of material for this purpose, even the anti-administration newspapers of Memphis, such as the *Argus* and the *Avalanche* existing, unless I am mistaken, only in files so broken as to be practically of no value to the historian. Fortunately, for an investigation directed to Johnson's own career, this kind of material is not essential.

It is hardly necessary for me to add, in explanation of my method of treating my subject, that I have desired to show how the lessons learned by Johnson in reconstructing his own state constituted a training for the work to which he was so suddenly and unexpectedly called in a national capacity. It will be seen, I think, that his attitude, as president, toward the problems of reconstruction, was, in most respects, a natural consequence of his experience as military governor of Tennessee.

I am happy to express my gratitude to Professor Robert M. McElroy and Professor William Starr Myers of Princeton for their kindly interest and assistance in my work, and to Dr. Gaillard Hunt, of the Library of Congress, for many courtesies shown me.

CLIFTON R. HALL.

*Princton, N. J.*
*1915.*

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# CHAPTER I

## Secession

The early mutterings of the secession storm awakened but little response in Tennessee. The state was a stronghold of the conservative Whig party, devoted from its inception to the maintenance of the Union as the *summum bonum* of the national life, for the preservation of which slavery and every other minor issue must compromise or give way. While the Democrats had carried every gubernatorial election since 1853, they had invariably been compelled to struggle desperately for victory over the Whigs, and this at a time when the power of that party was crumbling to pieces in other parts of the country.[1] The border states, with vital interests and intimate associations both North and South, had contributed many redoubtable Whig champions, and the political leader of Tennessee in 1860 was the Whig, John Bell, to whom, as the exponent of "the Constitution, the Union, and the enforcement of the laws," his state had given a plurality of 4,565 votes over Breckenridge in the presidential election of that year.[2] Allied with the same party were Thomas A. R. Nelson, Horace Maynard, William G. Brownlow, W. B. Campbell and Robert L. Caruthers, whose careers make up so large a part of Tennessee history during the war.

Tennessee's loyalty, however—as circumstances were to prove and as keen observers appreciated even in 1860—was subject to conditions. Socially and economically she was, except in her eastern district, identified with the South. The inhabitants of the slopes of her great middle division and the alluvial plains of the west were largely engaged in growing and shipping cotton. The plantation system and slavery were in full opera-

[1] Miller's *Manual of Tennessee*, p. 170.

[2] *Annual Cyclopedia*, 1861, p. 676. "The full Whig strength went to Bell and Everett, and the majority of the democratic votes to Breckenridge, while Douglas was supported by about 10,000 conservative Democrats."—Caldwell, *Studies in the Constitutional History of Tennessee*, p. 266. There was no Lincoln ticket in the state.

tion. These were her most precious interests. As a border state, situated between North and South and deriving profit and advantage from both, she perceived in the Union her best prospects for prosperity; and had the Union been peaceably dissolved in such a way as not to interfere with her "peculiar institutions" and her channels of communication with the slave states, it is possible—though, indeed, not probable—that her conservative antecedents might have combined with considerations of her own advantage to hold her true to her old allegiance. The attitude of acquiescence by most of her leaders, her newspapers and the great majority of her citizens in the election of Lincoln showed at least that they had no sympathy with any project to disrupt the Union before the infringement of Southern rights by overt acts of the Federal government.[3]

The belligerent pro-slavery minority, however, were for immediate action, and the initiation of secession by the legislatures of South Carolina and Georgia aroused popular excitement and encouraged them in this course. Their guiding spirit was the governor, Isham G. Harris, who, in constant communication with the secession leaders in the other states and alert for the auspicious moment to perfect his designs, waited only for assurance of decisive action by his neighbors to convene the legislature in secret session on the 7th of January, 1861 "to consider the present condition of the country." In his message, he advised that the question of calling a convention be submitted forthwith to the people; but suggested, as the safest and wisest procedure, that amendments to the Federal Constitution, designed permanently to tie the hands of the Northern majority—such as the restoration of a compromise line and its extension to the Pacific, modifications of the fugitive-slave law as concessions to Northern sentiment, and a provision against the repeal of these measures except by the unanimous consent of the slave-holding states—be insisted on. Harris' opinion of the actual worth of his own pacific proposals was shown in the observation: "Before your adjournment, in all human probability, the only practical question for the state to determine

[3] Memphis *Bulletin,* Nov. 12, 1860; Nashville *Banner,* Nov. 13, 1860, etc.

will be whether or not she will unite her fortunes with a Northern or Southern Confederacy; upon which question, when presented, I am certain there can be little or no division in sentiment, identified as we are in every respect with the South."[4]

Immediately upon this message, as if part of a prearranged plan, followed the news of the secession of Mississippi, Florida, Alabama and Georgia and the repulse of the *Star of the West* in Charleston harbor. The state seethed with excitement. Secession meetings were held everywhere and the legislature, strongly pro-Southern in sympathy from the beginning, hastened to provide (January 19) for a popular vote on the question of assembling a convention "to adopt such measures for vindicating the sovereignty of the state and the protection of its institutions as shall appear to them to be demanded," with high hopes of stampeding Tennessee for their views. With the wise intent of avoiding the appearance of precipitation or illegality, it was declared that no action of the convention favoring secession should be valid until submitted to the people and carried by a vote equal to the majority vote in the gubernatorial election of 1859. At the same time, the people were to choose delegates to attend the convention, in case one should be held.[5]

The legislature then proceeded to adopt significant resolutions—asking the president of the United States and the authorities of the Southern states to "reciprocally communicate assurances" of their peaceable designs, regretting the action of the New York legislature in tendering men and money for the coercion of sovereign states, and directing the governors to inform the executive of New York "that it is the opinion of this General Assembly that whenever the authorities of that state shall send armed forces to the South for the purpose indicated . . . the people of Tennessee, uniting with their brethren of the South, will, as one man, resist such invasion of the soil of

[4] *Senate Journal 33d Tenn. General Assembly, 1st extra session, 1861*, pp. 6 seq.; Caldwell, *"Studies in the Constitutional History of Tennessee,"* pp. 268 seq.

[5] *Acts, 33d Tenn. General Assembly, 1st extra session, 1861*, p. 15.

the South at any hazard and to the last extremity."[6] That in these resolutions the legislators exactly expressed the sentiments of the vast majority of their constituents there is no reason to doubt. Like Virginia and North Carolina, though more ardently, they clung to the old Union with which their affections and interests were so closely identified; but they believed firmly in state sovereignty and the constitutional exemption of their "rights" from invasion by the Federal government, and, perceiving that their institutions and those of the Southern states were the same, they looked upon any forcible assault upon "Southern liberties" as directed also against their own. An appeal to arms would undermine the neutral ground on which they hoped to stand and, forced to take sides, they could not hesitate. The prayers of all Union-lovers were for the success of the peace convention about to meet in Washington.

In these sentiments the people of East Tennessee had no share. This region had been settled largely by Scotch-Irish from Virginia and North Carolina. Geographically it consists of mountains and narrow valleys, affording, for the most part, profitable returns in grain and live stock to industrious, provident white inhabitants, but utterly unsuited to a system of slave labor.[7] The farms were small and the man of wealth was the distinct exception—conditions contributing to the development of a rough, vigorous and aggressive democracy, of which Andrew Johnson, the tailor-politican was the type and leader. In the cities, notably Knoxville, was a small, but powerful coterie of conservative professional men, Whigs, like T. A. R. Nelson and Maynard. To such men the perpetuation of slavery was of little moment, and the extension of it of no moment at all. Their Union predilections encountered no contrary impulse. To the argument that the freeing of the slaves would humiliate the white laborer and bring him into competition with the black, they replied that it would also destroy the unjust ascendency of the rich aristocratic proprietor, created by the slave system,

[6] *House Journal, 33d Tenn. General Assembly, 1st extra session, 1861,* pp. 66, 76, et passim.

[7] The ratio of slaves to whites was about one to twelve. Census of 1860, quoted by Fertig, *The Secession and Reconstruction of Tennessee,* p. 28.

which cheapened the value of labor and closed the avenues of industry, and would throw all men, white and black, into a fair competition, in which the ambitious Scotchman, born and bred to intelligent self-dependence, had no reason to fear the result.

Thus, with a powerful leaven of loyalty to the Union—unconditional on the part of the East Tennesseeans; sustained, in the case of the Whigs of Middle and West Tennessee, by the hope that the use of force might be averted and Tennessee become the mediator to reconcile the contending sections and save the Union—the people voted, on the 9th of February, on the proposition submitted to them by the legislature. The peace conference was still in session. The result was 57,798 in favor of a convention; 69,675 against it. East Tennessee voted five to one in the negative; Middle Tennessee followed suit by a majority of 1,382; West Tennessee gave a 15,118 majority for the affirmative. The vote for Union delegates to the convention was 88,803; for disunion delegates, 24,749.[8] Thus the people declared that they did not wish even to discuss the question of secession. Tennessee was still emphatically loyal and the Southern cause had sustained a severe reverse.

"The election of February was a division along party lines. Its result was simply an indication that the Whig party of Tennessee was still opposed to the doctrine of secession."[9] All this was changed by the outbreak of actual hostilities in April. Enough has been said to indicate that coercion was the rock on which the Union party in Tennessee would split. Secession at once became popular and irrisistible. To President Lincoln's call for troops, Governor Harris replied (April 18): "Tennessee will not furnish a single man for coercion, but fifty thousand, if necessary, for the defence of our rights and those of our Southern brothers."[10]

Still the Whig leaders, whose political religion was love and service of the Union, could not bring themselves to believe that the noble structure for which Clay and Webster had labored so

[8] *Annual Cyclopedia, 1861*, p. 677.

[9] Neal, *Disunion and Restoration in Tennessee*, p. 14.

[10] Goodspeed, *History of Tennessee*, pp. 513-519.

passionately was tumbling to pieces before their eyes, while they stood powerless to prevent the ruin. On the very day when Governor Harris sent his defiant reply to the president, Neil S. Brown, Russell Houston, E. H. Ewing, John Bell, R. J. Meigs and other prominent Whigs appealed to the Tennesseeans in an impassioned address. "The agitation of the slavery question, combined with party spirit and sectional animosity," they said, "has at length produced the legitimate fruit." They denounced and deplored the coercive policy of the president "as calculated to dissolve the Union forever and to dissolve it in the blood of our fellow-citizens," and approved the governor's refusal to contribute to that end, but, they continued, they did not think it Tennessee's duty, "considering her position in the Union, and in view of the great question of the peace of our distracted country, to take sides against the government." To do so would be to "terminate her grand mission of peace-maker between the states of the South and the general government. Nay, more; the almost inevitable result would be the transfer of the war within her own borders—the defeat of all hopes of reconciliation, and the deluging of the state with the blood of her own people." (This was to speak with the oracular tongue of fate.) "The present duty of Tennessee is to maintain a position of independence—taking sides with the Union and the peace of the country against all assailants, whether from the North or South. Her position should be to maintain the sanctity of her soil from the hostile tread of any party. . . . But should a purpose be developed by the government of overrunning and subjugating our brethren of the seceded states, we say unequivocally, that it will be the duty of the state to resist at all hazards, at any cost, *and by arms,* any such purpose or attempt." Therefore let the authorities of the state proceed at once to arm her for all emergencies, but "in the meantime let her, as speedily as she can, hold a conference with her sister slave-holding states yet in the Union, for the purpose of devising plans for the preservation of the peace of the land. . . . The border slave states may prevent this civil war; and why shall they not do it?"[11]

[11] Moore, *Rebellion Record,* vol. i, p. 71; Greeley, *American Conflict,* vol. i, p. 481.

In all this there is nothing new. It is the last despairing, hopeless struggle of the Whigs to maintain their old position of peace, compromise and Union. Hardly had they spoken when the tide of secession swept them irresistibly with it into the disaster they so clearly foresaw. Four days later, Bell declared for the South, and most of his friends followed his lead. Except in East Tennessee, the Union sympathizers were frightened into silence. By the 24th of April, Gideon J. Pillow could write from Nashville to L. P. Walker, the Confederate secretary of war: "We are now united in Middle and West Tennessee, and we think East Tennessee will soon be so, or nearly so. Etheridge attempted to make a speech at Paris yesterday, but was prevented by the people after a short conflict with pistols, in which four were wounded and one killed. Johnson has at last returned to East Tennessee, and had his nose pulled on the way; was hissed and hooted at all along on his route. . . . His power is gone, and henceforth there will be nothing left but the stench of the traitor."[12]

Fort Sumter and President Lincoln had restored the prestige of Governor Harris, and he hastened to utilize it. The legislature, in full sympathy with him, reassembled at his call on the 25th of April and went into secret session, the members being pledged to reveal nothing that transpired during their deliberations. Harris' message asserted that the president had "wantonly inaugurated an internecine war between the people of the slave and non-slave-holding states," urged the passage of ordinances of secession and union with the Confederacy "in such manner as shall involve the highest exercise of sovereign authority by the people of the state," and, to that end, asked that opportunity be given for "a fair and full expression of the popular will on each of these propositions separately."[13] His motives in thus

[12] *Official Records of the Union and Confederate Armies*, series i, vol. lii, part ii, p. 69. (This publication will hereafter be referred to as "O. R.").

[13] *Acts, 33d Tenn. General Assembly, 2d extra session, 1861*, p. 1. "Under existing circumstances I can see no propriety in encumbering the people of the state with the election of delegates, to do that which is in our power to enable them to do directly for themselves. The most direct as well as the highest act of sovereignty, according to our theory, is

apparently clogging the wheels of the secession chariot for the sake of popular sovereignty and strict legality were, however, perhaps not as disinterested as they appeared on their face. "The object of the governor in recommending separate ordinances," wrote Henry W. Hilliard, the Confederate agent on the ground, to Secretary Toombs, "is to secure beyond all possibility of doubt the speedy secession of Tennessee from the government of the United States. . . . The first proposition will be ratified by an overwhelming popular vote. As to the second, which provides for the admission of Tennessee as a member of the Confederate States, there will be decided opposition, for many desire to establish a middle confederacy, formed of the border states, as they are termed. You will readily comprehend that personal considerations influence opinion to some extent in regard to this measure. . . . A great change has taken place in public sentiment here within a few days, and the feeling in favor of our government rises into enthusiasm. . . . By existing laws the governor has no authority to send troops beyond the limits of the state, but the legislature will authorize him to order them to any point, and in anticipation of this, or under the pressure of affairs, Governor Harris is now sending troops into Virginia. . . . Our Constitution is highly approved, and the conduct of our government inspires respect and admiration."[14]

Governor Harris had further recommended that the state be placed at once upon a war footing.[15] In response, the assembly authorized him (April 26) to order the immediate organization of all the regiments and companies tendered to him.[16] On the 6th of May, it placed in his hands the raising, organization, and equipment of 55,000 volunteers, the charge of the troops and the direction of the defence of the state, and gave him, with the

that by which the people vote, not merely for men, but for measures submitted for their approval or rejection. Since it is only the voice of the people that is to be heard, there is no reason why they may not be readily and effectively express themselves upon an ordinance framed and submitted to them by the legislature as if submitted by a convention."

[14] O. R., series i, vol. lii, part ii, p. 76.

[15] *Senate Journal, 33d Tenn. General Assembly, 2d extra session, 1861*, p. 11.

[16] Ibid, p 17.

concurrence of the military and financial board, the control of the military fund and the authority to make contracts for military purposes.[17]

Meanwhile, the Confederate commissioner, Hilliard, had been in conference with Harris and was introduced by him to the legislature, which he addressed, by invitation, on the 30th of April, urging the prompt union of Tennessee with the Southern republic.[18] A joint resolution of the 1st of May authorized the governor to appoint three commissioners to enter into a military league with the Montgomery government. This league, consummated on the 7th, looked to "a speedy admission into the Confederacy" and placed the military force of the state under the control and direction of President Davis.[19] The legislature ratified it the same day and invited the Confederacy to make Nashville its capital.[20]

Not until, by these remarkable proceedings, the Southern sympathizers had delivered the state bound into the hands of the Confederacy and destroyed all possibility of a free expression of the popular will, did they seek to throw the cloak of legality over their acts by introducing the fiat of the "ultimate sovereign." By an act passed on the 6th of May, embodying the recommendations of Harris' message, the people were called to vote, on the 8th of June, on two distinct ordinances: (1) a declaration of independence and separation from the Federal Union; (2) the adoption of the constitution of the provisional government of the Confederacy.[21]

"The spirit of secession appears to have reached its culminating point in Tennessee," said the Louisville *Journal* of May 13. "Certainly the fell spirit has, as yet, reached no higher point of outrageous tyranny. The whole of the late proceedings in Tennessee has been as gross an outrage as ever was perpetrated by the worst tyrant of all the earth. The whole secession movement, on the part of the legislature of that

[17] *Acts, 33d Tenn. General Assembly, 2d extra session, 1861*, p. 21.

[18] *Senate Journal, 33d Tenn. General Assembly, 2d extra session, 1861*, p. 30.

[19] *Acts, 33d Tenn. General Assembly, 2d extra session, 1861* p. 19.

[20] Ibid.

[21] Ibid., p. 13.

state, has been lawless, violent and tumultuous. The pretense of submitting the ordinance of secession to the vote of the people of the state, after placing her military power and resources at the disposal and under the command of the Confederate States without any authority from the people, is as bitter and insolent a mockery of popular rights as the human mind could invent."

Allowing for undue violence of language, this is a statement of fact. Under the circumstances, the election was bound to be a farce. Before the 8th of June, Governor Harris had raised most of the troops authorized by the legislature and the state was full of soldiers. The sentiment of the people was now overwhelmingly for the Confederacy and, between soldiers and sentiment, he was a brave Union man who ventured to speak his mind at the polls. That the state would have gone heavily for the South under the fairest possible system of election is certain; that a fair election would have increased the Union vote seems equally so. But a mere victory would not content the secessionists; for moral effect, they required the nearest possible approach to unanimity.

Tennessee declared its independence by a majority of over 61,000 in a total vote of nearly 156,000, and its desire to join the Confederacy by a majority of 60,000. Middle Tennessee was for the South, 58,000 to 8,000; West Tennessee, 29,000 to 6,000. East Tennessee clung defiantly to its loyalty, 33,000 to 14,500. The military camps, comprising over 6,000 soldiers, went unanimously for separation and the Confederacy. Nearly 20,000 more votes were cast than at previous elections, which gave some color to charges of corruption and illegal voting by Confederate soldiers from other states. Governor Harris thereupon (June 24) proclaimed the state out of the Union and a part of the Confederacy.[22]

These proceedings, from first to last, were palpably irregular, and, by any construction, all except the secession by vote of the people were unconstitutional. It was sought to justify

[22] Moore, *Rebellion Record,* vol. ii, doc. 37. McPherson, *Political History of the United States during the Great Rebellion,* p. 5. For the vote, see Nashville *Dispatch,* Jan. 11, 1865.

this final act under the pronouncement in the preamble of the state constitution "that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness," that "for the advancement of those ends they have at all times, an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper," and "that government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."[23] That is, the action of the people must be validated, if at all, by an appeal to the reserved, extra-constitutional rights inhering in sovereignty. The constitution provided for its amendment by a slow process requiring at least two years, which, granting the existence of "arbitrary power and oppression," might imperil the "peace, safety and happiness" of the people, for the advancement of which the government could at any time be altered or abolished; if so, irregular measures were defensible. These reflections will be of value when we come to consider the reconstruction of 1865.

But, although it be conceded that the "sovereign people" had the right to decide their destiny by any means they chose to adopt, the military ordinance and the league with the Confederacy, put through before the sovereign had spoken, are indefensible from any legal standpoint, and throw suspicion upon the final vote itself. The governor and legislature, holding office under the state constitution of 1834, had taken oath to support the Constitution of the United States, and were obliged to do so until their state constitution was altered.[24] If the people, by the exercise of the "reserve" of sovereignty, could release them, they were bound at least until some sovereign act transpired. The practical effect of their proceedings was to precipitate revolution. The terms *temporary league* and *loan* of military forces to the Confederacy were but blinds behind which they deliberately violated strict moral and constitutional obligations.

[23] Tennessee State Constitution of 1834. Art, 1, sec. i-11, Miller's *Manual of Tennessee,* p. 81.

[24] Ibid., art x. sec. i.

From the beginning, the loyal people of East Tennessee fully comprehended the significance of the transactions at the capital, and viewed the course of events with apprehension and dismay. The illegal ordinances of early May confirmed their worst fears, and their leaders, Whig and Democrat, united in a call to a convention at Knoxville on the 30th of that month.[25] This assembly, designated by the Memphis *Appeal* as "the little batch of disaffected traitors who hover around the noxious atmosphere of Andrew Johnson's home," adopted resolutions condemning the doctrine of secession, declaring the ordinances of the legislature to be acts of usurpation, urging the policy of Kentucky as the true policy for Tennessee and all the border states, and appealing to the people, "while it is yet in their power, to come up in the majesty of their strength and restore Tennessee to her true position."[26] Following the election of June 8, in which East Tennessee stood staunchly by the Union, the convention reassembled at Greenville (June 17-20) at the call of its president and promulgated the following striking declaration:

"So far as we can learn, the election held in this state on the eighth day of the present month was free, with few exceptions, in no part of the state other than East Tennessee. In the large parts of Middle and West Tennessee no speeches or discussions in favor of the Union were permitted. Union papers were not allowed to circulate. Measures were taken in some parts of West Tennessee, in defiance of the Constitution and laws, which allow folded tickets to have the ballot numbered in such manner as to mark and expose the Union votes. . . . Disunionists in many places had charge of the polls, and Union men, when voting, were denounced as Lincolnites and abolitionists. The unanimity of the votes in many large counties where but a few weeks ago the Union sentiment was so strong proves beyond doubt that Union men were overawed by the tyranny of the military power, and the still greater tyranny of a corrupt and subsidized press. . . . For these and other causes we do not regard the result of the election as

[25] O. R., series i, vol. lii, part i, p. 148.
[26] Ibid.

expressive of the will of a majority of the freemen of Tennessee. . . . But if this view is erroneous, we have the same, and as we think a much better right to remain in the government of the United States than the other divisions of Tennessee have to secede from it. We prefer to remain attached to the government of our fathers. . . . We believe there is no cause for rebellion or secession on the part of the people of Tennessee." Wishing, therefore, "to avert a conflict with our brethren in other parts of the state, and desiring that every constitutional means shall be resorted to for the preservation of peace," the convention appointed a committee to ask the consent of the general assembly that the counties of East Tennessee and those of Middle Tennessee so desiring might form a separate state.[27] This was "peaceable secession" in a new aspect. The convention then adjourned, subject to the call of its president whenever another meeting should be deemed desirable. Two years were to elapse before it reassembled.

A petition embodying these resolutions was presented to the general assembly on the 20th of June and referred to a joint committee, but no action was ever taken on it. Its only result was to mark the section for the immediate attention of the Confederacy. The people of East Tennessee were not blind to the danger of the course they were pursuing, but their courage remained unshaken. The first Thursday in August was the regular date for the choice of representatives to the Federal Congress, and Governor Harris, by proclamation, ordered that the election take place as usual, the delegates chosen to sit in the Congress of the Confederacy. In each of the four districts of East Tennessee, the Confederate nominees were opposed by Unionists, and all of the latter (Thomas A. R. Nelson, Horace Maynard, Andrew J. Clements, and George W. Bridges) were elected at the polls. The vote for Nelson and Maynard was so overwhelming that their opponents were compelled to acknowledge defeat. The other two beaten candidates were seated. Bridges and Nelson were arrested by Confederate troops on their way to Washington, Bridges finally escaping from prison and being admitted to the House near the close of the session. Nelson consented

[27] Ibid., p. 168.

to take an oath of neutrality, which bound him to inaction during the war.[28]

The attention of statesmen and military men both North and South was now directed to East Tennessee. The district was of great strategic importance. Its occupation meant the control of the railroad communication between the Mississippi valley and eastern Virginia. Politically it afforded a prop to the Union sentiment in western Virginia and North Carolina. As early as May, the leading East Tennesseeans in Washington, Senator Andrew Johnson and Representative Horace Maynard, were besieging the president for prompt aid for the Union cause, and some arms and supplies were sent,[29] but the action of the Confederates was more effective. In August, General Felix K. Zollicoffer, himself an East Tennesseean, was designated to reclaim the district for the Confederacy, and promptly overran it.

Then followed a reign of terror which, making all allowance for exaggeration and hysteria in the contemporary reports, fully entitles the East Tennessee loyalists to the name of martyrs. Much that has been written of Confederate brutality and outrages is doubtless false. Accounts like Brownlow's have been controverted by Southern writers. The Richmond *Enquirer* afterwards asserted that the policy of the Confederate government towards the district had been "generous to weakness." "The Union men of East Tennessee," it affirmed, "never have been subjected to restraint, punishment, or violence, on account of their being Union men. . . . No Union man who has not acted treason to the Confederate States, who has not in some form, been in open, factious rebellion against its laws and authority, has been subjected to the slightest inconvenience on account of his sentiments."[30] This may be approximately true; still, it is certain that the Confederates were determined, by fair means or foul, to control the district. The *Enquirer*

[28] Fertig, *The Secession and Reconstruction of Tennessee*, p. 31, cites *Report of contested election cases*, pp. 466 et seq. and *Congressional Globe*, Feb. 23, 1863.

[29] General Beauregard wrote to President Davis (June 27) that Johnson had sent 10,000 muskets from Washington to East Tennessee. O. R., series i, vol. lii part ii, p. 115.

[30] Quoted by Nashville *Union*, Aug. 10, 1862.

called it "the keystone of the Southern arch." Not only did its passes afford avenues for the manoeuvres of armies and its principal railroad a great artery of communication and supply; it was also an apparently inexhaustible storehouse of salt and bacon, those scarce and precious necessaries of the soldier's life. During the first two years of the war, it became a great commissariat of the Southern army. Its tremendous value justified almost any measure calculated to secure it. When the conciliatory policy of Zollicoffer failed, more stringent methods were adopted. Many of the troops employed for the purpose of subjugation were themselves Tennesseeans, their bitterness intensified by the political struggle within the state, and keenly realizing that, unless the South prevailed, they had to expect the penalty of treason at the hands of vindictive local enemies. As the war progressed, East Tennessee became one of its battlegrounds. Union and Confederate armies marched and countermarched across it, leaving inevitable destruction in their wake. The Confederates, insisting that Tennessee had lawfully exercised her right of secession and that all her citizens were bound thereby, their Union convictions to the contrary notwithstanding, put their conscription law in full operation in the state and gave the people the option of submitting to it or meeting the fate of traitors. Many were torn from their homes for unwilling service in the ranks of the enemy. When such an alternative confronted the Union man who might otherwise have been disposed to consider his security before his patriotism (and it was alleged that the conscription searched out with especial care those whose fidelity to the Confederacy was open to suspicion), acquiescence in Southern domination could bring but cold comfort.[31]

Meanwhile the crops were confiscated and sent south, and as was natural, the friends of the Union were the first to be stripped and left without hope of remuneration. Detached bands of horsemen, whom the regular Confederate commanders had no means of controlling, labored for their cause in their own

[31] For detailed accounts of East Tennessee before and during the war, see *Parson Brownlow's Book;* O. P. Temple, *East Tennessee in the Civil War;* Humes, *The Loyal Mountaineers of Tennessee.*

way, burning barns and houses, destroying stores, driving off cattle, and spreading terror among the inhabitants. Hosts of refugees fled for safety to Camp Dick Robinson and other Federal military posts in Kentucky or further north, leaving their property in the hands of their foes. The Confederate commander of the post at Knoxville himself declared: "Marauding bands of armed men go through the country, representing themselves to be the authorized agents of the state or Confederate Government; they 'impress' into 'service' horses and men; they plunder the helpless, and especially the quondam supporters of Johnson, Maynard, and Brownlow; they force men to enlist by the representation that otherwise they will be incarcerated at Tuscaloosa; they force the people to feed and care for themselves and horses without compensation."[32]

The people of East Tennessee did not tamely submit to the domination of a superior military force. They would not believe that the government for which they had struggled and suffered would desert them in their time of need. A Southern sympathizer wrote (November 12) to Jefferson Davis: they "look for the re-establishment of the Federal authority with as much confidence as the Jews look for the coming of the Messiah, and I feel quite sure when I assert that no event or circumstance can change or modify their hope."[33] While their leaders implored the president for aid, they formed secret military organizations, whose activity aroused the apprehension of Zollicoffer, but which, for lack of arms, were of little value. Many took to "bushwhacking," shooting Confederates from ambush and destroying their property—tactics which did the Unionists more harm than good, for they maddened the Confederates and provoked them to savage retaliation. More effective was the burning of railroad bridges. This began in November and seriously impeded the operations of the Confederate forces. Secretary Benjamin ordered the execution of convicted bridge-burners, after summary trial by drum-head court-martial, "on the spot in the vicinity of the burned bridges," and the imprisonment at Tuscaloosa of all other active Union

[32] Nicolay & Hay, *Life of Lincoln,* vol. v, ch. 4.
[33] Goodspeed, *History of Tennessee,* p. 486.

sympathizers, and directed that in no case should a man once in arms against the government be released on any pledge or oath of allegiance.[34] The military authorities sought by mingled craft and violence to secure the leaders of the resistance and crush it in the bud. Brownlow was lured from his hiding-place in the mountains by the promise of a pass into Kentucky, and promptly arrested and imprisoned.[35]

Meanwhile the Federal government was moving with disastrous slowness. In October, the president had pressed on the war department the advantage of occupying a point on the railroad near Cumberland Gap, the outlet into Virginia and Kentucky. He was supported by the emphatic opinion of General Thomas at Camp Dick Robinson. When General McClellan became commander-in-chief in November, he assigned his personal friend, General Buell, to the command in Kentucky and urged him to advance promptly into East Tennessee, cut the Confederate communications, and succor the Union sympathizers there. Johnson and Maynard telegraphed Buell: "Our people are oppressed and pursued as beasts of the forest; the government must come to their relief."[36] The general replied: "I assure you I recognize no more imperative duty, and crave no higher honor, than that of rescuing our loyal friends in Tennessee;"[37] but he failed to suit the action to the word. The fact was that he had set his heart upon striking directly at the centre of the Confederate power at Nashville. With this end in view, he remained inactive, maturing his own plans, and meeting the importunities of Lincoln and McClellan with evasive replies, until the Confederate domination of East Tennessee was complete and only a laborious campaign could dislodge them. Finally a peremptory telegram from Lincoln (January 4) forced him to confess that he had not acted in sympathy with his superiors and that his opportunity had been lost. His report met with a sharp reproof from McClellan and an expression of acute disappointment and distress from Lincoln,

[34] Ibid., pp. 483-490.
[35] Ibid., p. 490.
[36] O. R., series i, vol. vii, p. 480.
[37] Ibid., p. 483.

who was keenly alive to the political value of East Tennessee to the Union, while Buell viewed the situation exclusively from a military standpoint.[38]

The devoted district had yet almost two years of extremest suffering to undergo before its deliverance. Brownlow and Oliver P. Temple have related in detail the pathetic history of those terrible times. Neither Lincoln at Washington nor Johnson at Nashville, in agony over the fate of his friends and neighbors, to whose confidence and support he owed everything, could provide the needed aid. On the 8th of April, 1862, President Davis placed East Tennessee under martial law.[39] On the 23d, Colonel Churchwell, the Confederate provost-marshal at Knoxville, warned all who had fled to the enemy to return within thirty days. Those who did so were offered amnesty and protection; those who failed to comply would have their families sent to Kentucky or beyond the Confederate lines at their own expense. "The women and children must be taken care of by husbands and fathers, either in East Tennessee or in the Lincoln government."[40] On the 24th, Johnson's invalid wife, with her family, was ordered to pass beyond the Confederate states line within thirty-six hours. Though this order was not fully enforced at once, she was driven from her house and, after distressing experiences, sent North in September at her own request.[41] The families of Brownlow and Maynard were similarly served. Their property was confiscated.

While East Tennessee was firmly in the grip of the Confederacy, the situation in the central and western parts of the

[38] I present, in general, the administration view. The wisdom of Buell's plan is still a moot point. Writers have contended that his design to strike the enemy's main force was better calculated than that of Lincoln and McClellan both to further the campaign and to free East Tennessee. Whatever the merits of the case, the lack of candor in Buell's dispatches put him in bad odor with the administration.

[39] Moore, *Rebellion Record*, vol. iv, p. 502.

[40] McPherson, *Political History of the United States during the Great Rebellion*, p. 121.

[41] Johnson, Papers, vol. xviii, 4104 a, 4104 d, 4104 e. This collection of manuscripts is in the Library of Congress at Washington. It will hereafter be referred to as "J. P.".

state was transformed by the victories of Grant. The fall of Fort Henry (February 6) and Fort Donelson (February 16) turned the Confederate line of defence extending from these strongholds to Bowling Green in Kentucky. The army of General Johnston at once abandoned Bowling Green and fell back through Nashville, followed by things of panic-stricken secessionists. Buell, pressing on in pursuit, reached the capital on the 25th. The state government fled to Memphis and, on the 20th of March, adjourned *sine die*. Governor Harris took refuge in Mississippi. On the 22d of February, Grant proclaimed martial law in West Tennessee. No courts were to be held under state authority. All cases coming within reach of the military arm were to be adjudicated by the authorities established by the government of the United States. Whenever a sufficient number of citizens returned to their allegiance to maintain law and order, the military restriction would be removed.[42]

On the 3d of March, President Lincoln appointed Andrew Johnson military governor of Tennessee, with the rank of brigadier-general of volunteers.

[42] *Annual Cyclopedia*, 1862, p. 763.

## CHAPTER II

### Andrew Johnson

Andrew Johnson,[1] to whose discretion the president confided a task appalling in its difficulties, demanding in the highest degree, keen instinct, fine discrimination, and sound judgment, was a remarkable personality, a character calculated to inspire admiration, hatred, enthusiasm, contempt, but never indifference. The record of his life is the history of the victory of an indomitable will over countless obstacles. Born in 1808, the son of a "poor white" of Raleigh, North Carolina, and raised in miserable poverty, he received not even the most ordinary education, and, at the age of ten, was apprenticed to a tailor of Greenville, Tennessee, to aid in the support of his widowed mother. Realizing his ignorance and fired with the most ardent desire to improve his condition, he employed the hours after his day's work was done in learning to read, and, after his marriage in 1827, his wife helped him to acquire the arts of writing and arithmetic. His greatest assets were a brilliant, incisive mind and an insatiable ambition; these proved decisive of his career. Breadth of view he never attained.

Conscious of his superior ability, and impeded at every turn, in his efforts to secure the preferments he felt his worth demanded, by lack of wealth and social standing, the monopolies of the plantation-owning, slave-holding aristocrats in his state, he early developed an intense bitterness against the artificial distinctions of society. Far from diminishing, this feeling grew upon him with years, poisoned his whole life, and impaired his character. At the outset it made him the champion of oppressed democracy and tempted him to employ the devices of the demagogue. To such a man East Tennessee offered a fertile

[1] John Savage, *The Life and Public Service of Andrew Johnson* (New York, 1866) is the best biography for Johnson's early years, although an unscholarly, adulatory, and often indiscriminatingly partisan work. Professor St. George L. Sioussat is at work upon a life of Johnson which is expected to appear shortly.

field. The tailor's shop became a meeting-place for the poor laborers of the town. There their grievances were discussed, and among them Johnson was first in ability and influence. He urged upon them the importance of asserting their right to a voice in the town councils, from which their interests had long received scant consideration, and, as their avowed representative, he made his political debut as alderman of Greenville in 1828. In 1830 he was chosen mayor. His aggressive labors for his constituents and his vicious, fearless attacks upon the aristocracy soon made him the idol of the democracy of East Tennessee. In 1835 he was sent to the state House of Representatives. His opposition to a popular scheme of internal improvements, as designed to get fraudulent profits for capitalists at the expense of the state, brought about his defeat at the next election; but the results bore out his predictions and he was returned in 1839. Henceforth his career was a succession of triumphs. State senator in 1841, East Tennessee sent him in 1843 to represent her in the national House, where he remained uninterruptedly for ten years. In 1853 he lost his seat, owing to the "gerrymandering" of the state under Whig auspices, which placed him in a strong Whig district. With characteristically irrepressible fighting spirit, he promptly presented himself as candidate for governor in opposition to the brilliant and popular Gustavus A. Henry, "the eagle orator," whom he believed to be the chief agent in his discomfiture, and defeated him in an exciting campaign. In 1855 he was re-elected over Meredith P. Gentry, a Know-Nothing Whig. In both these campaigns the rival candidates appeared in joint debate throughout the state. Contemporary evidence records that, while Henry and Gentry scrupulously observed the amenities of debate and refused to be badgered into compromising their reputation as dignified statesmen, Johnson's speeches were tissues of misstatement, misrepresentation, and insulting personalities, directed to the passions and unreasoning impulses of the ignorant voter. Assaults upon aristocrats combined with vaunting of his own low origin and the dignity of manual labor.

Johnson was now the undisputed Democratic leader of the state. As such, he entered the national Senate at the expiration

of his gubernatorial term in 1857, and remained there, an increasingly isolated and significant figure, until 1862.

The political course of Johnson in these early years of his public service concerns us here only as it throws light upon his relation to the great events of 1860 and 1861. Through every public act of his runs one consistent, unifying thread of purpose—the advancement of the power, prosperity and liberty of the masses at the expense of intrenched privilege. The slave-holding aristocracy he hated with a bitter, enduring hatred born of envy and ambition. "If Johnson were a snake," said his rival, the well-born Isham G. Harris, "he would lie in the grass to bite the heels of rich men's children."[2] The very thought of an aristocrat caused him to emit venom and lash about him with fury. He repeatedly declared that the aristocrats were an association of secret conspirators, seeking to subvert the government and the Constitution in the interest of their class. "What do you mean by the laboring classes?" asked Jefferson Davis in the Senate. "Those who earn their bread by the sweat of their face, and not by fatiguing their ingenuity," Johnson replied.[3]

Though himself a slaveholder, he early demonstrated his consistency by extending his principle to embrace the eventual emancipation of the negro bondman. In a speech in 1845 on the proposed annexation of Texas, he favored that measure as calculated to improve the present condition of the slaves and, in the end, perhaps, 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."[4] He denounced a high tariff policy as redounding to the advantage of the few at the expense of the many, and opposed national control of internal improvements not in their character national, as weakening the authority and self-reliance of the states. The measure most intimately associated with his name as senator was the Homestead bill—to grant to

[2] Harriot S. Turner, *Recollections of Andrew Johnson, Harper's Magazine*, vol. 120, p. 170.

[3] Frank Moore, *Speeches of Andrew Johnson*, p. xii.

[4] Savage, *The Life and Public Service of Andrew Johnson*, p. 32.

every laborer making application for himself and family a homestead of 160 acres out of the public domain, on condition of occupation and cultivation within a specified time—a project calculated to increase the dignity and resources of labor, the chief asset of the state. You transplant the laborer, he said, "from a position where he is making hardly anything, and consequently buying but little," and "by bringing his labor in contact with the productive soil, you increase his ability to buy a great deal." The treasury is benefited through his demand for imports and the government is strengthened by giving him a stake in its welfare and stability.[5] Johnson's ardor for the bill was not diminished by the fact that most of the Southern senators opposed it as a menace to Southern institutions, and when, after several defeats, it was carried through Congress in 1860, only to fall before Buchanan's veto, the president's subserviency to Southern interests was assigned as the motive of his action.

We come now to Johnson's pronouncements on the status of slavery in the Union, the right of secession, and the right of the Federal government to coerce a recalcitrant state—the burning questions of the period immediately preceding the war.[6]

As regards slavery, while Johnson hoped for the eventual disappearance of the institution, as at variance with his favorite principles of democracy and equality of opportunity for all men, he recognized that, in fact, it was so deeply rooted in the life of the nation that, in justice to vested rights lawfully acquired and for the sake of social stability, it ought not to be molested, so long as it, in turn, remained in strict subordination to and in harmony with the government.[7] The government, the best and freest on earth, the one great stronghold of democracy, the hope of the humble and downtrodden of all the world, became the object of his most passionate attachment, its preservation, with

[5] Ibid., p. 53.

[6] Moore, *Speeches of Andrew Johnson*, passim.

[7] In 1842, Johnson introduced in the Tennessee legislature a resolution "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." Savage, *The Life and Public Services of Andrew Johnson*, p. 140.

power and vitality unimpaired, the principal article of his political creed, moulding decisively his opinions on all other questions of state. His every speech and every action as a public man reiterated the slogan of Andrew Jackson, the idol of his boyhood and the inspiration of his whole career: "Our Union! it must be preserved!" Of its overthrow he could not conceive.

Bred in the school of states'-rights democracy, Johnson naturally took the position that the Federal government could not coerce a state. But even more strongly did he maintain that the government was a compact for eternity, and no temporary alliance, revocable at the will of any party to it. Release from its obligations could come only by consent of all the states, or by the violent, extra-constitutional means of revolution, morally justifiable only after "a long train of abuses," for which no remedy through constitutional means appeared. Thus denouncing the so-called right of secession, he undermined also his own anti-coercion doctrine by asserting that, while the government cannot coerce a state, it is under a constitutional obligation to guarantee to every state a republican form of government, and, from the standpoint of the Constitution, the state consists of loyal citizens, be they one or many; that, in the enforcement of this guarantee, the government may coerce a disloyal majority *as individuals* in revolt against the true citizens of the state.

It is apparent that Johnson's convictions, as above outlined, would incline him, in the theoretical controversies over slavery between 1853 and 1860, to adopt the popular-sovereignty doctrine of Douglas. This, indeed, was his preference, and Douglas afterwards expressed his regret that Johnson had not come strongly to the support of himself and Crittenden early in 1860, in their struggle against sectionalism and the extremists North and South.[8] His hesitation at this time is probably explained by the fact that the safety of the Union demanded the preservation of the Democratic party as a national organization. The Southern leaders had broken irrevocably with Douglas, and the triumph of himself or his policy in the party was certain to split it along sectional lines. Could it be held together and carry the November election, civil war would be averted, or, at worst, indefinitely

[8] S. S. Cox, *Three Decades of Federal Legislation*, p. 71.

postponed. With this great end so close to his heart, Johnson supported Breckenridge at the Charleston convention and labored for his election.

The vote of the people on the 6th of November, 1860, destroyed Johnson's hopes. The South declared that the Republican success committed the government to a policy of sectionalism fatal to the vital institutions for the preservation of which they had entered the Union; they were, therefore, released from their compact. The secession of South Carolina was followed by that of the other cotton states. President Lincoln asserted the determination of the government to perform its constitutional functions in the rebellious states, and they prepared to resist invasion of their sovereignty by force.

In this juncture, Senator Johnson at once elected the only course consistent with the habits and convictions of a lifetime. With him the preservation of the Union overshadowed every other consideration, human or divine. While it seemed to him that this end would be best subserved by the triumph of the Southern Democracy, he gave it his earnest support. Now his beloved Union was crashing down about his ears, and the Southern Democracy had, in his view, assumed the rôle of destroyer. Without hesitation, and with all the ardor and fury of a desperate champion in a sacred cause, he tore off the colors which had now become to him the badge of treason and struck with all his might for the cause he would gladly have died to save. This explanation of his so-called "change of front" is so obvious and convincing as to obviate the necessity of casting about for subtle reasons for his action.[9]

As late as the 13th of December, 1860, Johnson made a last hopeless effort for peace by introducing in the Senate a proposal for amending the Constitution in such a way as to prevent the permanent monopoly of the Federal executive and judiciary by any section. Beginning with 1864, the president was to be chosen alternately from a slave-holding and a free state; senators were to be elected by popular vote; all Federal courts were to be

[9] Oliver P. Temple (*Notable Men of Tennessee from 1833 to 1875*) expresses his opinion that Johnson was actuated chiefly by selfish political motives.

composed of judges, one-third of whom should be elected every fourth year for a twelve year term, and all vacancies must be filled half from the free and half from the slave states. Slavery was to be permitted south and prohibited north of a fixed line. In his speech supporting these amendments, he said: "I think that this battle ought to be fought not outside but inside of the Union, and upon the battlements of the Constitution itself. . . . Those who have violated the Constitution either in the passage of what are denominated personal-liberty bills, or by their refusal to execute the fugitive-slave law . . . must go out, and not we. If we violate the Constitution by going out ourselves, I do not think we can go before the country with the same force of position that we shall if we stand inside of the Constitution, demanding a compliance with its provisions and its guarantees; or, if need be, as I think it is, demanding additional securities. We should make that demand inside of the Constitution, and in the manner and mode pointed out by the instrument itself. Then we keep ourselves in the right; we put our adversary in the wrong; and though it may take a little longer, we take the right means to accomplish an end that is right in itself. . . . If the states have the right to secede at will and pleasure, for real or imaginary evils or oppressions . . . this government is at an end; it is not stronger than a rope of sand; its own weight will crumble it to pieces, and it cannot exist."[10]

Johnson was the only senator from a seceding state to retain his seat after his state withdrew from the Union. This fact alone thrust him at once into national prominence. Moreover, he possessed by nature the ideal equipment for a popular champion in such a crisis. His almost fanatical love of the Union and his horror of its destroyers, combined witih a life-long hatred of the aristocratic Southern leaders and of the social and economic system upon which they proposed to build their government to goad him almost to frenzy. Unbridled in speech, indomitable in spirit, relentless in purpose, denouncing his enemies as animated by the basest, most despicable of motives, and threatening them with the direst penalties of treason, he embodied the unrestrained passions of the

[10] *Congressional Globe*, 36th Congress, 2d session, p. 82 et seq.; Moore, *Speeches of Andrew Johnson*, p. 80.

hour. From the platform in Tennessee and neighboring states and from the floor of the Senate, he heaped maledictions upon the Confederacy and sounded a stirring call to save the Union. He was utterly without fear. The crowd groaned and hissed him as he passed through Lynchburg. At Liberty he drove back at the point of his pistol a mob that attacked his car. He was hanged and shot in effigy at Knoxville, Nashville, and Memphis.

Two of Johnson's fiery speeches for the Union in the Senate made especially strong impressions upon his contemporaries. One was delivered on the 2d of March, 1861, in the heat of the famous debate on the right of secession, in which he broke lances with Davis, Benjamin, and Lane of Oregon. It enunciates no new doctrines, but is notable for the violence of its language, the bitterness of its personalities, and its extraordinary success in the very purpose for which it was contrived—to sway the crowded galleries to demonstrations of approval of the speaker's words. The episode was, says Temple, the most remarkable and the most intensely dramatic that ever occurred in the Senate. Several times, as the orator arraigned the "rebels" and "traitors," the applause became so loud that the president threatened to clear the galleries, and, at the climacteric outburst: "I would have them arrested; and, if convicted, within the meaning and scope of the Constitution, by the eternal God, I would execute them: Sir, treason must be punished; its enormity and the extent and depth of the offence must be made known!"[11] the spectators stood upon their seats, swung their hats in the air, and cheered wildly.

A far more creditable and justly meritorious effort followed the introduction into the Senate by Johnson (July 27) of Crittenden's famous resolution, "that this war is not prosecuted upon our part in any spirit of oppression, nor for the purpose of conquest or subjugation, nor for the 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 all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several

[11] *Congressional Globe,* 36th Congress, 2d session, p. 1354; Moore, *Speeches of Andrew Johnson,* p. 204; O. P. Temple, *Notable Men of Tennessee,* p. 397.

states unimpaired." The resolution, said the senator, truly expressed the sentiment of every lover of the Union. "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 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. . . . 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. . . . All the compromise I have to make is the compromise of the Constitution of the United States." The secessionists aim to establish an aristocracy, according to the South Carolina idea, based on property—slave property—and to devote their government to the interests of slavery. It has been said that the president of the United States is violating the Constitution by his so-called war measures. "Are not violations of the Constitution necessary for its protection and vindication more tolerable than violations of that sacred instrument aimed at the overthrow and destruction of the government? . . . I say it is the paramount duty of this government to protect those states, or the loyal citizens of those states, in the enjoyment of a republican form of government."

Then, lifted out of himself by the sublimity of the cause for which he was pleading, the speaker rose to heights of oratory that thrilled the hearers to whom he now revealed the essence of nobility in his strange and discordant nature. "I say, let the battle go on—it is Freedom's cause—until the Stars and Stripes . . . . 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. . . . 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. . . . Let the energies of the government be redoubled, and let it go on with the war, . . . not a war upon sections, not a war upon peculiar institutions anywhere; but let the Constitution and the Union be inscribed on our banners, and the supremacy and enforcement of the laws be 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 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."[12]

This speech—particularly the emphatic assertion that the war was waged for the Constitution and the Union, and not against any section or institution—made a profound impression and helped secure supporters for the Union where friends were then most needed, in the doubtful border states. Only the conviction that high principles, not sectional prejudices, were the issues at stake, could prevail on them to endure the suffering and devastation which the next three years were to bring to them; and to drive this conviction home, no other man in public life was so advantageously posted as Johnson. Alexander H. Stephens fully understood the importance of Johnson's service to the Union cause. "This speech," he writes, "was one of the most notable, as it certainly was one of the most effective ever delivered by any man on any occasion. I know of no instance in history when one speech effected such results, immediate and remote, as this one did. The resolution referred to and this speech especially, gave the war a vigor and real life it had not before, and never would

[12] *Congressional Globe*, 37th Congress, 1st session, pp. 288-297; Moore, *Speeches of Andrew Johnson*, pp. 329 et seq.; Moore, *Rebellion Record*, vol. i, p. 415; E. G. Scott, *Reconstruction during the Civil War*, p. 245; Nicholay and Hay, *Life of Lincoln*, vol. iv, p. 379.

have had without them, on the Northern side. . . . This speech, throughout, was characterized by extraordinary fervor and eloquence, and, in my judgment, did more to strengthen and arouse the war passions of the people at the North than everything else combined." It "had a special power and influence springing from the very source from which it emanated. The author stood solitary and alone—isolated from every public man throughout the Southern states, and from nearly every public man throughout the Northern states attached to the same political party to which he belonged, upon the questions involved."[13]

In December, 1861, Johnson became one of the seven members of the famous Joint Committee of Congress on the Conduct of the War, appointed after the disaster of Ball's Bluff, which served as the legislative whip and spur to the executive and the army. It assumed to speak for the loyal people and made its judgments feared by the most powerful officials. Prejudice and hasty conclusions could often be charged to it, but its zeal won it support in and out of Congress and brought it a prestige of which it was fully conscious and which it exploited to the utmost.

The qualities of loyalty, fearlessness, aggressiveness, self-reliance, willingness to accept responsibilities, and resource in carrying out his plans, together with an intimate knowledge of the political factors, public men, and peculiar conditions in his state, designated Johnson as preeminently the man to take the initiative in reconstructing Tennessee.[14] True to his reputation, he did not

[13] *War between the States,* vol. ii, pp. 458-462.

[14] On the other hand, it was contended that the choice of Johnson practically foredoomed the government's experiment in Tennessee to failure. Assistant Secretary of War Thomas A. Scott wrote from Nashville to Stanton (March 4, 1862): "The public here have long known Mr. Johnson as a decided out and out Union man, and one politically opposed to everything concerning the Southern Confederacy, which, so far as Mr. Johnson is concerned, is all right and proper, but it will prevent him from bringing back into the ranks people who have taken active part against him, and many would fear that he would choose to be somewhat vindictive and thus persecute them—knowing well that they in days past did sadly persecute him. His appointment would at once be used by the rebels as the means of organizing their party against anything he might attempt, and would undoubtedly prevent many men (thro' false pride) from joining the Union cause. Mr. Johnson has, in

hesitate to leave the comfort and security of Washington at the president's call and go to a post of danger and difficulty, where, for the next three years, the war clouds lowered around him, but parted at length to reveal him unshaken and triumphant, the leader of his party before the country.

times past, controlled a large share of the masses of Tennessee, but many of the influential men connected with those classes which he controlled are now numbered among his enemies. . . . Many people here think that neither Mr. Johnson nor any other prominent politician should be placed in charge of affairs in this state, as it would only serve to draw party lines and create fresh troubles which would not arise if some reliable man—such as General Campbell—was selected for the position. It has been intimated to me that the feeling against Mr. Johnson—if he were in power—is so bitter that attempts might be made to destroy his life, for the purpose of creating fresh troubles and gratifying revenge against him for his past course in opposition to the Southern Confederacy. . . This being the first state to be organized by the general government, great care should be used: the people of the South, as you know, are very sensitive upon the subject of state rights and your organization should be put in such shape as to enable the friends of the Union to satisfy the people that the government was using every precaution to provide them with a safe and prudent government, until such time as they—the Union people—could organize and elect their rules under the constitutions of the several states. Any other course might lead to serious rebellion against the state organizations and drive many men into support of the Southern Confederacy who would otherwise never be found there. This would undoubtedly be the effect if they had cause to believe that the establishing of a military government was placed in hands that would rule them with despotic power." Stanton Papers, March 4, 1862, Library of Congress.

## CHAPTER III

### Inauguration of Military Government

The task assumed by Governor Johnson was one of extreme difficulty. Had he come as an alien conqueror, or as temporary occupant of territory shortly to be annexed with the acquiescence of its inhabitants, the history of his own country would have furnished a precedent and international law would have supplied the principles on which to base his action. A conqueror holds the country firmly in his grip, his word is its only law, he brings pressure and punishment to bear with unsparing hand. No consideration binds him except how to fasten himself most inevitably, most completely upon his conquest. The military occupier has to deal only with problems of administrative detail, to preserve the *status quo* until the civil government of the new sovereign assumes its sway.[1] Johnson's problem, on the other hand, involved unique complications, demanding the utmost firmness, tact, dispassionate calmness, and invincible courage. His path had not been blazed for him; the outcome no man could foresee.

"You are hereby appointed," reads his commission, "military governor of the state of Tennessee, with authority to exercise and perform, within the limits of that state, all and singular the powers, duties and functions pertaining to the office of military governor (including the power to establish all necessary offices and tribunals and suspend the writ of habeas corpus) during the pleasure of the president, or until the loyal inhabitants of that state shall organize a civil government in conformity with the Constitution of the United States."[2] The accompanying instructions add: "It is obvious to you that the great purpose of your appointment is to re-establish the authority of the Federal government in the state of Tennessee, and provide the means of maintaining peace and security to the loyal inhabitants of that state until

[1] W. E. Birkhimer, *Military Government and Martial Law*, pp. 104-111.

[2] O. R., series i, vol. ix, p. 396; J. P. vol. xvi, 3688; Stanton Papers, March 4, 1862, Library of Congress.

they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing the result. It is not deemed necessary to give any specific instructions, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties."[3] The commission as brigadier-general was added, of course, to confer dignity upon the governor in his dealings with the officers of the army and to enable him to perform military functions and command military subordinates.

This plenary power and plenary discretion were to be applied to subjects of no uniform political status. The people of Tennessee might, at this time, have been divided into at least three classes, and with each class a different course must be followed. To those whose loyalty to the Union remained unshaken, it was the duty of the governor, as the agent of the Federal executive, to secure the constitutional guaranty of a republican form of government, to protect them in their persons and property, to restore to them the rights and privileges appertaining to loyal citizenship under the Constitution, and to coöperate with them in devising means to these ends. The active secessionists, on the other hand, were to be disarmed and brought into subjection to the Federal government, Constitution and laws—not, however, to be held as subjugated enemies, but with a view to their eventual voluntary acquiescence in the reestablishment of the old order and to their resumption of their duties as citizens. The third class consisted of those who were either honestly neutral or, at least, betrayed their leanings by no overt acts. These must be impressed with the ability and determination of the government to maintain itself against its enemies and finally to reassert its authority, while, at the same time, care must be taken not to excite their hostility or apprehension by unnecessarily harsh or illegal acts, violation of their constitutional prejudices, or threatened interference with rights or institutions to which they were devoted.

To compass all this without shipwreck required no ordinary mind. There must be added the fact that, within the territory to

[3] O. R., series i, vol. ix, p. 396. See also O. R., series iii, vol. ii, p. 106.

be administered by Governor Johnson, the armies of Halleck and Buell were operating in the face of the enemy. These generals, under the necessity of making everything bend to the success of their military plans, and accustomed by training and precedent to autocratic sway within the field of their commands, were little likely to defer to—indeed, were certain to view with impatience and intolerance—the projects of a civil officer whose position they regarded as at once an anomaly and an annoyance. A disquieting portent of trouble appeared at the very outset. On the 6th of March, Buell telegraphed from Nashville to General McClellan: "I have been concerned to hear that it is proposed to organize a provincial government for Tennessee. I think it would be injudicious at this time. It may not be necessary at all."[4]

Not only administrative difficulties confronted the new governor. The constitutional validity of his position was seriously questioned. Its sponsors rested their case upon the fourth section of the fourth article of the Constitution, which provides that "the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion." The Confederacy, they maintained, aimed to subvert the true republican form in favor of a dominant slave-holding aristocracy. The state, in the meaning of the Constitution, was, they said, its loyal citizens, regardless of their number. They could call upon the government to make good the guaranty, and the government was bound to respond. If they desired to remain in the Union, any who sought to force them out of it were invaders of their rights and privileges.

Thaddeus Stevens, in a celebrated debate[5] in the Federal House of Representatives, developing his doctrine that the seceded states were, for all practical purposes, out of the Union, declared that, *ipso facto,* the Constitution could not extend to them; they were enemies to be conquered; the authority of a military governor could be derived from no clause of the Constitution, but existed only by the fiat of the military commander-in-chief. "If the Constitution still operates in those portions of the country, if it is not a question of military power," he queried, "I want to know

[4] O. R., series i, vol. x, part ii, p. 11.

[5] *Congressional Globe,* 37th Congress, 3d session, pp. 239-244.

by what authority the president appoints military governors, directs what kind of men shall be elevated to office in the states, and surrounds the ballot-box with troops." If the authority is the article cited above, "then, if the president happens to think that there is not a republican form of government in Tennessee, although nine out of ten of her people form a constitution, and pass laws under it, he has a right to place a governor there and supersede the government of the people."

A third view was advanced by Representative Olin of New York, who repudiated Stevens' general thesis that the Constitution did not extend to the seceded states, but agreed that the appointment of military governors was justified not by the guaranty clause, but by military necessity. "It is the exercise of authority by the commanding general. . . . He had undoubtedly a right, where military and where judicial authority was to be exercised, to delegate a judge, or to delegate a major-general for the exercise of that power. . . . Of that necessity the president is alone the judge, as the commander-in-chief of the army."

This would seem to be the sound view. Stevens' objection to a sweeping interpretation of the guaranty clause is cogent. As he points out, the opinion of the president as to the existence of a republican form of government in a state is, by that construction, made decisive in every case and under all circumstances, even in time of peace and with an all but unanimous conviction of its citizens to the contrary. But, under his paramount obligation to maintain the Union, the president may, in case of undoubted rebellion and attempted dissolution of the Federal bond, and by virtue of his military power as commander-in-chief of the army, and for the purpose of protecting the loyal citizens and the Union interests in a state and restoring them to their rights under the Constitution—not for the purpose of regulating a peaceable state government in accordance with his questionable conceptions of republicanism—utilize any machinery, not contrary to the usages of war, to accomplish his end.

This explanation, too, is perhaps the only one that will serve to answer the strictures of Jefferson Davis upon the military government in Tennessee. The government of the United States, he says, "with a powerful military force, planted itself at Nash-

ville, the state capital. It refused to recognize the state government, or any organization under it, as having any existence, or to recognize the people otherwise than as a hostile community. It said to them, in effect: 'I am the sovereign and you are the subjects. If you are stronger than I am, then drive me out of the state; if I am stronger than you are, then I demand an unconditional surrender to my sovereignty.' It is evident that the government of the United States was not there by the consent of those who were to be governed. It had not, therefore, any 'just powers' of government within the state of Tennessee. . . . It is further evident that, by this action, the government of the United States denied the fundamental principle of popular liberty —that the people are the source of all political power. In this instance, it not only subverted the state government, but carried that subversion to the extent of annihilation. It, therefore, proceeded to establish a new order of affairs, founded, not on the principle of sovereignty of the people, which was wholly rejected, but on the assumption of sovereignty in the United States government. It appointed its military governor to be the head of the new order, and recognized no civil or political existence in any man, except some of its notorious adherents, until, betraying the state, he had taken an oath of allegiance to the sovereignty of the government of the United States."[6]

It is no part of this treatise to debate the eternal question whether the "sovereignty of the people" on which the Constitution rested was the sovereignty of "the people of the United States" as a whole or of the people of the states separately considered. If, however, as is now practically if not morally established, the former is the correct view, the argument of Davis may be paraphrased into a statement of the case for the president. Charged with the mandate of the people of the United States to preserve the Union, he was bound to regard any state organization attempting to overthrow the Union by means at variance with both Federal and state law as having no existence, and all persons in arms against the government as hostile. Armed with the "just powers" derived from the consent of the majority of the sovereign people at the election of 1860, he came into Tennessee, by

[6] *Rise and Fall of the Confederate Government,* vol. ii, pp. 455-458.

his agent, to vindicate by arms—the only means adequate to the magnitude of the resistance—"the fundamental principle of popular liberty" that the people of the nation "are the source of all political power," and to reestablish, as soon as might be, the old order "founded on the principle of the sovereignty of the people." He "recognized no civil or political existence" in any except the adherents of the government, because others had voluntarily renounced their rights and duties under the government and set about destroying it, and therefore could only be treated as rebels and enemies until, by an "oath of allegiance," they expressed their readiness to subject themselves again to the Constitution and laws.

To Johnson, a return to his own state as the agent of a government repudiated and hated by a vast majority of the people must have promised difficulties which could have been overborne in his mind only by a lofty spirit of patriotism and the belief that he, better than any other man, could shorten and ameliorate the period of suffering for his former fellow-citizens, or by an almost inhuman desire to revenge himself upon those who had wronged him and to gloat over their misfortunes. There was no lack of those who suggested the latter as the true motive, but, though rancor may have led him to look on the distress of the aristocrats with a certain satisfaction, love of his state and of the Union were deeper elements in his nature and he was incapable of prostituting them to any low impulse of revenge.[7]

It was but natural that the fury of Tennessee secessionists should be concentrated upon the "traitor" from their midst who had become the instrument of their subjugation. Plots were formed against his life, guerilla bands hoped to intercept his train and take him South to answer for his "crimes," his mail was filled with warnings and insults. "Go it Andy this is your day, But while you are going so high, you must not for get that evry dog has his day And the day is not far advanse when you will have your Just day, and that day cannot ever come untill you are tared and fethered and burnt. We are preparind a knise

[7]Oration of George W. Jones at the unveiling of the Johnson monument at Greenville (pamphlet), p. 13.

coat of feathers for that orcation, so when we have the chanse We will turn your black skin read, and then andy your black friends will not know you," threatened an anonymous correspondent.[8] A Confederate soldier wrote to his wife that men in the army had vowed to take the governor's life and would do so if they were allowed to leave their commands.[9] At least one elaborate plan, sanctioned by General Bragg, to kidnap him by an organized force is reported.[10]

A letter from Buell which reached Johnson at Louisville on his way to the capital advised him what to expect. "The mass," the general wrote, "are either inimical or overawed by the tyranny of opinion and power that has prevailed, or are waiting to see how matters turn out. They will acquiesce when they see that there is to be stability. You must not expect to be received with enthusiasm, but rather the reverse, and I would suggest to you to enter without any display."[11]

The governor inaugurated his administration with a proclamation—later published as an "Address to the People"—explaining his position and indicating his policy[12] He referred to the happiness and prosperity of the people of Tennessee while in the Federal bond. "They felt their government only in the conscious enjoyment of the benefits it conferred and the blessings it bestowed." He stated the purpose of the war in the conciliatory words of the Crittenden resolution and asserted the duty of the president to protect and defend the Constitution and laws and to suppress insurrection. The present condition of the state was next reviewed. The state government had disappeared and the state was in ruin and disorder. "The executive has abdicated, the legislature has dissolved, the judiciary is in abeyance. . . . The archives have been desecrated; the public property stolen

[8] J. P., vol. li, 1023.

[9] Ibid., vol. xvii, 3810.

[10] *Annals of the Army of Tennessee*, vol. i, p. 312.

[11] O. R., series i, vol. x, part ii, p. 612.

[12] J. P., vol. xvi, 3725 a, 3777 et seq.; Savage, *The Life and Public Services of Andrew Johnson*, pp. 250-253. This proclamation follows, in general, suggestions submitted to Johnson at his request by R. J. Meigs, a prominent Tennesseean, then clerk of the United States court in the District of Columbia. J. P., vol. xvi, 3764, 3765.

and destroyed; the vaults of the state bank violated and its treasuries 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 could not be unmindful of its high constitutional obligation to guarantee to every state in this Union a republican form of government." This obligation it 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 state, 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." He invited all persons in sympathy with his purpose to coöperate with him in the work.

Immediately to begin the restoration of order necessitated some irregularities in procedure. "I find most, if not all of the offices, both state and Federal, vacated either by actual abandonment, or by the action 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. . . .

"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 retained 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 reasserting 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 private, unofficial capacity have assumed an attitude of hostility to the government, a full and complete 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."

This proclamation is striking in its conciliatory tone. The sole purpose of the military government is to aid in the prompt restoration of the state to its former place in the Union.[13] If the people, though hitherto disloyal, will now consent to further that purpose, no unnecessary obstacles will be placed in their way. By implication, also, none of their institutions will be interfered with; the Federal government will neither dictate terms nor impose humiliating requirements of probation or atonement. The sole condition prescribed is submission to the Constitution and laws of the United States. A complete amnesty is especially offered to all private citizens who renounce their disloyalty and return to their allegiance.

The spirit of the proclamation was in harmony not only with the well-known humane views of the president, but also with those of many prominent Union men in Tennessee, whose observations had convinced them that the great mass of the people were either indifferent to the issues of the war and acquiesced in the proceedings of the active and dominant secessionists only to save themselves and their property from molestation, or were ignorant and led astray by misrepresentation of the purpose of

[13] "It (the proclamation) shows that at the time of his appointment as governor the *restoration* of the ancient government was still the object of President Lincoln's exertion, and that Johnson's military character was the use of the military power merely as an instrument to attain this end. That his appointment was made with the consent of the Senate first being had, proves conclusively that President Lincoln, as late as the spring of 1862, had not reached the point of appropriating to his sole use the powers involved in the work of reconstruction. Indeed, the natural inference is that no 'Presidential Plan' of reconstruction was yet present in the mind of the President, that 'restoration' of the old state governments was still the primary object of Federal endeavor, and that the part of the executive branch of the government was merely to perform such duties as would enable the restored sections to send senators and representatives to Washington, where the rest of restoration would be effected or denied by Congress, according to its decision upon the admission or rejection of these members to their respective houses." Eben Greenough Scott, *Reconstruction during the Civil War*, p. 319.

the Federal government; that these would willingly submit to a Union that proved itself able to restore order and protect its citizens and animated by no lawless designs on their institutions, persons, or property.[14] This was General Buell's opinion and controlled his policy while he retained command. Colonel Marc Mundy, whose military administration at Pulaski and elsewhere was highly successful, drew similar conclusions from his experience. "In my intercourse with the people," he testifies, "I found the masses had been largely duped by the leaders in being led to believe that our purpose in coming into Tennessee was to take away all their civil rights and destroy their domestic relations. . . . While they were generally rebels, they had been made so by falsehood. The policy I pursued made a practical contradiction to what had been taught them by their leaders, and the result in a short time was that they gained confidence in my course of procedure, and they themselves proposed that we should have what they called a county meeting, in order that all the people might hear my policy from my own lips. . . . A great many of the younger portion of the community in private conversation with me explained how they had been led away by the rebels assuring them that we were not only come there to take away their property, but to ravish their wives and daughters and do everything else that could be suggested that was bad. . . . I found the masses of the people of Tennessee were exceedingly ignorant, and depended entirely for their information upon their public speakers, the stump speakers, as they are called, which accounts for their gullibility by their leaders. . . . They expressed a great anxiety to return to their loyalty, . . . but expressed fears that some leading men in the community who were bitter secessionists would mark them and have them punished by the Southern Confederacy. . . . We cannot expect any demonstrations of loyalty from the people there unless we can assure them of protection against the rebel armies and guerillas. . . . If they were to incautiously develop the Union sentiment, and they had no protection from our forces and our government, it would be to seal their doom!"[15]

[14] J. P., vol. xx, 4615 et passim.

[15] O. R., series i, vol. xvi, part i, p. 633.

For the actual execution of Governor Johnson's restoration measures, the United States army furnished the motive power. His instructions from the war department advised him that the military commanders operating in Tennessee were directed to aid him in the performance of his duty and to detail an adequate force for the special purpose of a "governor's guard," to act under his orders.[16] In response to his request for more detailed information on this point, Secretary Stanton communicated to him the substance of an order to General Halleck to provide the necessary force, adding: "Important results are hoped from the measure, and it is important that the officer in command should be a discreet person, who would act efficiently and harmoniously with Governor Johnson."[17] Johnson also addressed a similar inquiry to Buell, who replied that the officers exercising separate commands under him in Tennessee would be ordered to honor within their respective limits any requisition made on them by the military governor to enforce his authority as such, and that, for Nashville, his orders sent directly to the provost-marshal would be executed by him without further reference. "Any requisitions which would involve the movement of troops," the general concludes, "must of course be dependent on the plan of military operations against the enemy.[18]

The governor's first concern was to select his lieutenants. Edward H. East was appointed secretary of state, Joseph S. Fowler, comptroller, Horace Maynard, attorney-general, and Edmund Cooper, private secretary and confidential agent.[19]

Since the influence of the secession leaders and the fear inspired by them were, in Johnson's opinion, the chief hindrance of the development of outspoken Unionism among the people, he proceeded directly to deal with such of them as remained within his reach. His purpose was to have no one in authority or eminent position who was not an avowed friend of the Union. The oath of allegiance was accordingly tendered (March 25) to the mayor, Richard B. Cheatham, and the city council of Nashville. They

[16] Ibid., vol. ix, p. 396.
[17] Ibid., vol. x, part ii, pp. 56-58.
[18] Ibid., p. 47; J. P., vol. xvii, 3814.
[19] Nashville *Union,* April 27, 1862.

refused it on the ground that the oath required by the state constitution applied only to state and county, not to corporation officers. The governor promptly declared their offices vacant and filled them himself by appointment, pending an election. The new city council imposed the oath on all municipal officers, including the board of education and the school-teachers. On the 29th, ex-Mayor Cheatham was arrested for disloyalty and uttering treasonable and seditious language against the government of the United States, giving counsel, aid and comfort to its enemies, proposing to invite Jefferson Davis to make Nashville his official residence, and other offenses, and was imprisoned in the penitentiary. Other prominent secessionists were similarly served, the arrests being made by the provost-marshal on the warrant of the governor. Among the victims were ex-Governor Neil S. Brown, Judge Guild of the chancery court, and the president and cashier of the Union Bank of Nashville.[20] Warrants were also sent to the military commanders of various posts in the state, the use of them being sometimes left to their discretion. Colonel Mundy reported that, for Lebanon and vicinity, he favored leaving as many cases as possible until the civil courts were restored, to allay any apprehension of undue exercise of the military power.[21]

Then came the turn of the press. Military supervision was extended over it. The *Daily Times* and the *Banner* were suppressed in April and the editor of the latter imprisoned. The same month, S. C. Mercer, a vehement Kentucky Unionist, started an administration paper, the *Daily Union,* which received the support of the government patronage. The plants of the *Gazette* and *Patriot* and the Methodist and Baptist publishing houses were also seized and closed for propagating disloyalty.[22]

Johnson next laid his hand upon the clergy. On the 17th of June, six ministers, who were accused of preaching treason from their pulpits, were summoned before him and requested to take the oath. After consideration, time for which was allowed them at their request, all refused. Five of them were

[20] J. P., vol. xvii, 3848 et passim; *Annual Cyclopedia,* 1862, pp. 597, 764.
[21] J. P., vol. xviii, 4091-4094.
[22] *Annual Cyclopedia,* 1862, p. 766.

promptly thrust into prison, the governor ordering that no visitors be admitted to comfort or lionize them and that no special favors be granted them. Shortly afterwards, they were sent south, beyond the Federal lines. The sixth, who was in feeble health, was paroled.[23] "These assumed ministers of Christ," Johnson wrote, "have done more to poison and corrupt the female mind of this community than all others, in fact changing their entire character from that of women and ladies to fanatics and fiends. One of these very ministers, in leaving here for Louisville, told those who were collected to see him off: 'Don't forget your God, Jeff Davis, and the Southern Confederacy.' This is a specimen of the 'blameless course' pursued by these traitors and hypocrites, who, in the language of Pollock, are 'wearing the livery of heaven to serve the devil in.' "[24] In October, several of the ministers were admitted to parole.

The restoration of the civil law was among the most important of the military governor's duties, and he took immediate steps to this end, although but the slightest progress was possible in 1862. In the spring of that year, the Federal lines extended scarcely further south than the Cumberland river, from Nashville to Clarksville, and even this territory they held by precarious tenure. Nashville and the district to the north of it were comparatively quiet, but soon again to be thrown into disorder by Bragg's dash into Kentucky. The capture of Memphis by the river fleet on the 7th of June and the presence of a powerful Federal garrison there extended the Union control down the Mississippi to that city, but the surrounding county was the scene of turbulence and guerilla raids and developed no considerable loyalty until the end of the war. The Confederates retained their hold upon East Tennessee until September, 1863, and, even after that, the Union occupation afforded little security beyond the vicinity of the post garrisons. Southern Middle Tennessee was the battlefield of the great armies of the west in every year of the war, and Nashville itself was in a state of siege during the entire summer of 1862, and threatened by Hood as late as the winter of 1864. Under

[23] Nashville *Union*, July 5; New York *Tribune*, July 4.

[24] J. P., vol. xxiv, 5281; vol. xxvi, 5705, et passim.

such conditions, there was slight encouragement to attempt anything in the way of judicial reorganization.

In early April, 1862, the county and circuit courts opened for business at various points in Middle Tennessee under the protection of the army. To avoid all unnecessary annoyance and delay and to win for them all the popular support possible, Johnson did not require the officers to take the oath of allegiance.[25] On the 13th of May, the United States circuit court sat at Nashville. Judge Catron, in his charge to the grand jury, admonished them to ferret out and indict all persons guilty of aiding and abetting the marauders who infested the state.[26]

Besides the constant menace of the enemy, the civil courts were subjected to the discomfort of being crowded cheek by jowl with the military tribunals under direct control of the generals of the army. Two rival systems of law attempted to operate side by side and under the most trying conditions. Friction was inevitable, and increased to an alarming degree until, in March, 1863, the war department felt compelled to take up the matter and prescribe detailed rules for the guidance of General Rosecrans, then commanding the department of the Cumberland, in his relations with the civil authorities.[27] As these instructions may be regarded as expressing the official attitude of the government on the subjects of which they treat, it may be well to anticipate by considering them here.

To the provisional state government, writes General Halleck, must be left "the trial and adjudication of all civil and criminal cases cognizable under the laws of the state, and to the courts of the United States, reestablished there, must be left all cases which belong to their jurisdiction, under the laws of the United States. But military offenses, that is, offenses under the *Rules and Articles of War* and under the 'common law and usages of war,' are not, as a general rule, cognizable by the civil courts, but must be tried and punished by military tribunals. It is not always easy to accurately define the dividing line between these two classes of jurisdictions—the civil and military—for

[25] Ibid., vol. xvii, 3905, 3906.
[26] *Annual Cyclopaedia*, 1862, p. 765.
[27] O. R., series iii, vol. iii p. 77.

in a country militarily occupied, or in which war is actually waged, this line may vary according to the peculiar circumstances of the case. Thus, robbery, theft, arson, murder, etc, are ordinarily offenses cognizable by military tribunals. It is a well-established principle that a non-combatant inhabitant of a country militarily occupied, who robs military stores and munitions, burns store-houses, bridges, etc., used for military purposes, or, as military insurgent, bears arms and takes life, may be tried and punished by a military court." Again, where there are no civil courts in operation, the military must take cognizance of all classes of cases. Courts-martial, it is true, are restricted to cases arising under the *Rules and Articles of War,* but military commissions—"courts of general military jurisdiction under the common law of war"—may be created to deal with other offenses.

This letter, the most explicit the government could give its agents, has been considered at length for the purpose of suggesting how much remained, after everything possible had been said, to perplex a conscientious official. As the writer says, the line between the two jurisdictions might vary according to circumstances, and in Tennessee new circumstances were developed almost daily. The military commanders were determined to maintain the prestige of their authority and, should a case arise cognizable apparently under either civil or martial law, though the moral and political advantage of exalting the civil jurisdiction might be apparent, the general would be loth to let the offender out of his clutches. Halleck's letter did not unravel the legal snarl at Nashville. Elsewhere, until 1864, there were few courts and these intermittent and of little value to citizens. In Memphis, from the spring of 1863, the civil and criminal law was administered by commissions of citizens, created by the commanding general.

At Shiloh, on the 7th of April, 1862, Grant drove Beauregard's army across the Tennessee river, and the entire state, except East Tennessee, was freed from any considerable Confederate force. This victory gave a tremendous impetus to Union sentiment and severely shook the faith of the secessionists. By the 1st of May, the disorder caused by the advance of the Federal

army and the panic in Nashville had largely subsided. The circuit, chancery, and magistrates' courts were in daily session at the capital. Business had been brought to a standstill by the military operations, the closing of regular channels of trade, the carrying off of the bank funds, the depreciation of the Tennessee bank bills, and the collapse of public confidence; but here also conditions were improving. Northern cotton-buyers and speculators followed the army and United States money soon became plentiful. Cotton rose from sixteen and seventeen cents in specie or United States treasury notes in April to from nineteen to twenty-one cents before the middle of May, and, as the price of necessaries was high and the cotton-growers needed money, their reluctance to sell was soon overcome. The shipment of cotton from Tennessee from the opening of trade on the 11th of March until the 10th of May was roughly estimated at over 3,600 bales; 700 bales during the first ten days of May. The Nashville *Union* figured that the season's shipment would reach 18,000 bales, and that the figures would have been larger but for the burning of several thousand bales by Confederate troops and marauding parties with the design of breaking up the trade. The trains on the Louisville-Nashville railroad made daily trips. The houses and stores deserted in the panic-stricken evacuation of February rapidly filled; real estate commanded good prices; state currency and bank notes began to appreciate in value. In a word, the uninterrupted success of the Federal arms and the probability that the expulsion of the Confederates was final contributed to secure acquiescence in an accomplished fact and a return to normal conditions.[28]

Politically, the prevalence of this feeling was evinced by a series of mass meetings arranged by Union sympathizers throughout Middle Tennessee, with the support of the government. The most important of these[29] assembled at Nashville on the 12th of May, pursuant to a call issued by prominent Union men of the city to their fellow-citizens of the state who favored "the restoration of the former relations of this state to the Federal Union." Ex-Governor William B. Campbell, the chairman of the meet-

[28] Nashville *Union*, May 1, May 10, 1862.

[29] Ibid., May 13; Moore, *Rebellion Record*, vol. v, doc. 335.

ing, made an earnest, conciliatory speech, appealing to all to return to their old allegiance. "We wish," he said, "to welcome back all our deluded fellow-citizens cordially. The government intends no sweeping confiscation, nor wild turning loose of slaves against the revolted states. It designs no infringement on the rights of property. . . . We bear no malice toward any one, but deep sympathy for the deluded. . . . The Federal government will pursue a kind, liberal, and benevolent policy toward the people of the South, to bring them to the Union." The meeting authorized the chairman to appoint a "state central Union committee" to communicate with the friends of the Union in various parts of the state, and a committee to consider the condition of Tennessee prisoners and arrange terms for their release and return to their allegiance; resolved that "the social, political, and material interests of the people of Tennessee and the safety and welfare of our friends and relatives now in the Confederate army imperiously demand the restoration of the state to her former relations with the Federal Union"; and approved Governor Johnson's proclamation of the 18th of March and his subsequent policy. Johnson himself addressed the meeting. There can be no doubt that it was inspired by him and that Campbell's speech was a statement of his official policy at that time. Other meetings revealed the same guiding spirit and indorsed the Nashville resolutions.

These popular expressions of generous and active loyalty were, in part, spontaneous, but in part, also, they may have been artfully contrived to set the stage for the first act of the governor's reconstruction drama. As a test of public opinion, an election was held on the 22d of May for judge of the state circuit court in the district containing Nashville. The experiment ended disastrously in the election of the anti-administration candidate, Turner S. Foster, a man with a record of open disloyalty, by a majority of nearly 200 votes, though the Union vote of 1,000 compared favorably with the 300 recorded against separation in 1861. The postlude was farcical. The governor, assuming to comply with the forms of law, gave Foster his commission, and the same day had him arrested and imprisoned as disloyal and delegated his defeated opponent to perform the

duties of the office.[30] The administration had miscalculated the temper of the people and had sustained a decided check, and all reconstruction measures were, for the time, abandoned. This was the more necessary as the attention of the governor was now fully occupied with military matters. His labors during these first three months had resulted only in restoring order and intimidating disloyalists in Nashville by force.

[30] Nashville *Union*, September 20, 1863.

## CHAPTER IV

### The Defense of Nashville

The concentration of the Union and Confederate armies on the Tennessee river for the great battle at Shiloh early in April stripped Middle Tennessee of any considerable bodies of troops. Only small garrisons remained to hold the principal towns for the Union.

No sooner had General Buell's army moved westward to join Grant, than a new phase of warfare, of the utmost importance in the military history of the state, developed. Detached bodies of horsemen, splendidly mounted, suddenly infested the country, spreading terror and ruin everywhere, burning houses, barns and cotton, appropriating stores, cutting off supplies, tearing up railroad tracks, destroying telegraph wires, conscripting men and horses, and visiting summary punishment upon Union adherents. The success of their operations and the enforcement by them of the conscription law brought them plenty of recruits, and, as the possibilities of this kind of warfare for holding the border states for the Confederacy became apparent, the various bands, at first acting independently, were combined and directed harmoniously under brilliant, capable leaders like Forrest and Morgan. So utilized, they became in the highest degree formidable. They descended suddenly upon Federal garrisons, captured them, and dashed away before the pursuit could be organized. The Union cavalry was fully occupied in covering the army and protecting the supply trains in a hostile country, and could not be spared for operations of this sort, and the active Confederates eluded with ridiculous ease the slow-moving infantry sent after them. Whole regiments were cut off and captured and immense quantities of property destroyed.

Much warmth of denunciation and defense has been expended on the "guerillas" and their leaders. Without attempting to treat the subject here, it may be said that they constituted the most effective weapon the South could possibly have contrived for use in the border states, and a legitimate one, so long as

they operated in accordance with the laws of war. The Federal government was forced, in opposition to its original theory, to treat the Confederate armies as belligerents, and, upon the same necessity, a regularly organized force like that of Forrest, though acting independently, would seem entitled to similar recognition; for both Forrest and Morgan held commissions from the Confederate war department and, generally speaking, kept their men well in hand. The worst outrages—and there appear to have been many—may be charged to the small irregular bands of undisciplined freebooters, of intermittent existence, that assembled to rob and maltreat peaceable citizens and destroy property from motives of revenge, and dissolved at the approach of danger. For these, the real guerillas, in the strict sense of the term, little excuse can be offered. Whatever their merits and crimes, the "guerillas" were by far the greatest obstacle to Johnson's success in Tennessee.[1]

Buell's departure left only a few scattered Union regiments in Middle Tennessee. The garrison at Nashville was small. Only the strategic points could be held; everywhere else the "guerillas" ran riot. The capital was exposed to attack from the south and east, and Johnson felt grave apprehension for its safety. He telegraphed Stanton that it had been left almost defenseless. At least one more complete brigade was needed. The regiments stationed at Camp Chase, Ohio, and Lexington, Kentucky, should be sent to Nashville immediately. This, too, was the opinion of General Dumont, the commander of the garrison.[2] The force of this appeal impressed Stanton. "You can appreciate," he wired Halleck at St. Louis, "the consequence of any disaster at Nashville, and are requested to take immediate measures to secure it against all danger."[3] Buell, replying to Halleck's inquiries, scouted the idea that the enemy would attack Nashville in great force; but a dash with fifteen thousand men he thought it well to guard against.[4]

[1] There are many accounts of the exploits of the Confederate cavalry in Tennessee—*e.g.* Wyeth, *Life of Forest;* Duke, *History of Morgan's Cavalry;* Bennett H. Young, *Confederate Wizards of the Saddle.* See also *Annual Cyclopedia*, 1862, pp. 767 et seq.

[2] O. R., series i, vol. x, part ii, p. 76.

[3] Ibid., p. 79; J. P., vol. xvii, 3846.

[4] O. R., series i, vol. x, part ii, p. 79.

The months of April and May, after the battle of Shiloh, were consumed by a slow and cautious advance of Halleck's entire army on Corinth.[5] The capture of that post meant the control of the railroad connecting Memphis and the west with Richmond and Charleston. A division of Buell's army, under General Mitchel, had previously been detached to operate in southern Middle Tennessee, and, instead of accompanying the main force to Shiloh, had moved by way of Murfreesboro and Shelbyville into northern Alabama and struck the Memphis-Charleston railroad at Tuscumbia. The plan was for Buell, after the fall of Corinth, to follow the railroad eastward from that point, join Mitchel at Tuscumbia, and thus clear Middle Tennessee of Confederates. Long before this could be accomplished, however, the Confederate pressure upon Mitchel became insupportable. He was in an advanced and exposed position, his communications were threatened, and, to enable him to maintain his ground, every available regiment left in Tennessee had to be sent forward to him. One went from Nashville, and Lebanon and Murfreesboro were also stripped.

This threw Johnson into an agony of alarm. Not only did Nashville seem exposed a prey to any chance attack, but, politically, the withdrawal of the troops reacted disastrously upon the Union movement which had promised so well. It amounted, Johnson wrote to Maynard at Washington, substantially to surrendering the country to the rebels. "My understanding was that I was sent here to accomplish a certain purpose. If the means are withheld, it is better to desist from any further efforts. . . . The effect of removing the troops is visible in the face of every secessionist."[6] On the same day, he sent vehement dispatches to Stanton and Buell, expressing his fears and begging for soldiers.[7] Buell replied reassuringly that his intention was only to defend Nashville and Middle Tennessee in a more advanced position and that the regiments withdrawn would be replaced by new ones.[8]

[5] For Halleck's original plan of campaign, see letter of Assistant Secretary of War Thomas A. Scott to Stanton, Stanton Papers, February 17, 1862. (Library of Congress).

[6] O. R., series i, vol x, part ii, pp. 126 180; J. P., vol. xix, 4346.

[7] J. P., vol. xviii, 4110.

[8] Ibid., 4112.

The promise, however, could not be kept. Mitchel was in dire straits at Tuscumbia. A constantly augmenting Confederate force at Chattanooga was preparing to turn his left and strike at Nashville. Nearly half the rations sent him by Halleck had been destroyed to save them from the enemy. On the 24th, he began his retreat, and the relief regiment at Nashville was hurried to his aid. On the 26th, Johnson telegraphed a bitter protest directly to the president, complaining of "petty jealousies and contests between generals wholly incompetent to discharge the duties assigned them." He insinuated that Buell's military dispositions were unnecessary.[9] His strictures were communicated by Stanton through Halleck to Buell, who became incensed in his turn. "The disposition I have made of troops in Middle Tennessee," he replied to Halleck, "is absolutely necessary for its defense and to support Mitchel. I consider this a matter of far greater moment than the gratification of Governor Johnson, whose views upon the matter are absurd."[10]

On the whole, the facts seem to vindicate the judgment of Halleck and Buell. The failure of his political designs was a bitter disappointment to Johnson and his imperious will chafed at any interference with his plans and closed his eyes to the considerations which animated the generals. That the embarrassments of the government impeded reconstruction is certain, but it is unlikely that much could have been accomplished at this time, under even the most favorable circumstances. However that may be, Mitchel's necessities were imperative, and the army in the west was facing the crucial Corinth campaign, the issue of which was considered dubious. "Troops cannot be detached from here on the eve of a great battle," Halleck apprised Stanton. "We are now at the enemy's throat, and cannot release our great grasp to pare his toe-nails."[11] When his two generals agreed as to the course to be pursued, Lincoln was not disposed to interfere. "General Halleck understands better than we can here, and he must be allowed to control in that quarter," he answered Johnson, at the same

[9] O. R., series i, vol. x, part ii, p. 129; J. P., vol. xviii, 4131.

[10] O. R., series i, vol. x, part ii, p. 129.

[11] Ibid., p. 128.

time urging him to communicate fully and freely with Halleck.[12] That Lincoln and Stanton should have devoted so much attention to the views of a civil official and should have troubled the generals to justify their contrary policy is striking evidence of their respect for Johnson's opinion and of the president's longing for the political restoration of the border states.

The Confederates abandoned Corinth on the 29th of May. On the 10th of June, Buell began his long delayed advance along the line of the Memphis-Charleston railroad, with Chattanooga, the junction of that line with the roads from Louisville by way of Nashville to Montgomery, Charleston, and Savannah, as his objective point. Halleck's plan probably contemplated driving the Confederates from East Tennessee by the simultaneous movements of Buell northward from Chattanooga and of General George Morgan southward from Cumberland Gap. Johnson had urged this in a letter to Halleck on the 5th of June, and the latter had replied: "East Tennessee will very soon be attended to. We drive off the main body of the enemy before we can attack his other corps. . . . Everything is working well and in a few weeks I hope there will be no armed rebel in Tennessee.[13]

The plan was thwarted by the prompt action of the Confederate General Bragg, who hastened northward with an army that had been forming in Mississippi, seized Chattanooga before Buell could establish himself there, and developed a strong line of defense extending to Knoxville. Buell faced him at Battle Creek, Huntsville, and McMinnville.

The advance of the Union army had been impeded at every turn by the enemy's cavalry and, during the remainder of the summer, they distracted the Federal authorities in the state and disheartened all friends of the Union by a constant succession of the most daring and successful operations, directed particularly at the lines of communication and railroad depots of the Union army. On the 5th of July, Lebanon was taken; on the 13th, Forrest captured Murfreesboro with its entire garrison. John Morgan swept the whole interior of the state

[12] J. P., vol. xviii, 4151; *Lincoln's Complete Works*, vol. vii, p. 150.
[13] J. P., vol. xx, 4615, 4622.

and surrounded Nashville. Toward the end of the month, the communication of the capital with the North by railroad and telegraph was completely cut off. The citizens were almost in a panic. Some of the streets were barricaded on the night of the 21st, at the rumor of an immediate attack by Forrest. The fortifying of the city was pushed with the utmost vigor. A thousand slaves of secessionist owners were impressed for the work, and their masters were required to provide them with tools. The arrival of reinforcements temporarily relieved the situation, but, by the middle of August, the Confederate net was again drawn around the city. Supplies could not be secured and the price of necessaries rose to an unprecedented degree.[14] On the 22d, Morgan swooped down on Gallatin, an important post on the Louisville-Nashville railroad, the capital's channel of communication with the North, captured General R. W. Johnson, in command there, killed or captured more than half his eight hundred soldiers, and tore up the rails. The whole line of the Memphis-Chattanooga railroad in Buell's rear was threatened. In the west, guerillas swarmed along the banks of the Mississippi river and attacked the shipping, firing from the shore with musketry and light field artillery. On the 25th of September, General Sherman, commanding at Memphis, burned the town of Randolph in retaliation for an attack on a steamer at that point, and ordered that, whenever a boat was fired on, ten disloyal families should be expelled from Memphis.[15]

In this crisis of affairs, Governor Johnson's personality loomed large. All his native vigor, courage, and pugnacity were aroused. The fate of his state, he believed, was now in the balance, and every nerve must be strained to save her. Convinced of the proper course to be followed and intolerant of opposition or delay, he speedily involved himself in a succession of violent controversies with Halleck, Buell, the post commanders at Nashville, and their subordinates. While Nashville was not immediately beleaguered, tolerable harmony had been maintained between the civil and military authorities, but

[14] O. R., series i, vol. x, part ii, p. 147.

[15] *Annual Cyclopedia*, 1862, p. 767.

the actual rubbing of elbows in cramped quarters revealed all the defects of divided responsibility. The generals regarded the governor's meddling with ill-concealed anger, in which an element of contempt was mingled, and had no thought of yielding an inch to his imperious will. He, in turn, did not hesitate to assert their incompetence, question their bravery, impugn their motives, and hint at secret collusion with the enemy.

As early as the 17th of June, Johnson had addressed a complaining letter to Halleck.[16] He had been assured by the president and secretary of war, he said, that he would be sustained in his efforts to restore Tennessee to its former position in the Union, and had been authorized to call on General Halleck for an adequate force to carry out all measures he might devise to that end. So far, he had not done so, for fear of appearing importunate or unduly disposed to exercise power. Now, however, he felt bound to say that the military policy pursued in the state had kept alive a rebellious spirit that might otherwise have been crushed. All efforts to secure a sound reaction of public sentiment had been thwarted by the constant disputes of military officials. Buell's assistant adjutant-general, for example, had assumed more power than Buell himself would pretend to, and the provost-marshal at Nashville was "in direct complicity with the secessionists of this city and a sympathizer with the master-spirits engaged in this rebellion." "The demontrations which have been made upon lower East Tennessee, causing the people to manifest their Union feelings and sentiments and then to be abandoned, have been crushing, ruinous to thousands. I trust in God that when another advance is made upon that section of the state, our position may be maintained, at least until arms can be placed in the hands of the people to defend themselves against their relentless oppressors."

The marauding of the guerillas enraged and alarmed Johnson, and he besought Stanton for cavalry to disperse them. Stanton had none to spare, but he authorized the governor to raise two regiments and he set about it with vigor.[17] Early in

[16] O. R., series i, vol, xvi, part i, p. 36; J. P., vol. xxi, 4753.

[17] O. R., series i, vol. xvi, part ii, p. 47.

July, he received word from General Boyle at Louisville that two thousand Confederate cavalry had entered Kentucky to strike the Louisville-Nashville railroad, and that help must come from Tennessee.[18] The safety of Nashville and Middle Tennessee was involved in the maintenance of this line. Johnson bent every energy to reinforce Boyle, but his demands upon Captain Greene, the assistant adjutant-general, met with a repulse. His anger blazed in a letter to the president, demanding that he be sustained. Greene, he said, had not only refused to coöperate with him, but, despite the dispatches from Louisville, had ordered some troops elsewhere and located others contrary to his wishes. He was probably in connivance with the traders, and Johnson proposed to arrest him and send him out of the reach of bad influences.[19] The never-failing tact and consideration with which Lincoln treated his subordinates in delicate situations graces his reply. "Do you not, my good friend, perceive that what you ask is simply to put you in command in the West? I do not suppose you desire this. You only wish to control in your own localities; but this you must know may derange all other posts."[20] He urged upon both Johnson and Halleck a free exchange of views. "The governor is a true and valuable man—indispensable to us in Tennessee," he wrote to Halleck.[21]

The fall of Murfreesboro on the 13th of July brought the danger to the doors of Nashville. An attack was expected at any hour. If one is made, Johnson wired Halleck, "we will give them as warm a reception as we know how, and, if forced to yield, will leave them a site."[22] The garrison was considerably depleted and rations were low. On the 21st, Forrest penetrated to within six miles of the city. General Nelson, in charge of the defense, had no cavalry and could only remain behind his fortifications while the enemy overran the surrounding country. With cavalry, he reported to Buell on the 29th, he could have

[18] Ibid., p. 118.
[19] Ibid.
[20] Ibid., p. 122.
[21] Ibid.
[22] Ibid. p. 142.

attacked and destroyed Morgan and Forrest separately at any time within the past five days, but their junction would give them a picked army of four thousand. The disorder and conflict of authority had produced chaos. "You ordered me to assume the command. I desire to know of whom, of what, for nobody obeys. The result will be the utter destruction of our commands."[23] Brownlow wrote from Philadelphia: "The indications are that the rebels will have Tennessee and Kentucky. I told a crowd of gentlemen here that, if I were Governor Johnson, I would resign on the ground of not being backed up by the government. The administration seems to look only to Richmond, and neglects every other point. I am out of patience, and feel like breaking out upon the government."[24] The feeling was general that Buell had lost his grip on the situation. He seemed bewildered by the overthrow of his original plans and the activity of the enemy. The slowness of his movements and the inefficiency of his dispositions to check Morgan and Forrest were cited against him at Washington, and Halleck was asked (August) to suggest some one to succeed him.[25] Johnson himself denounced Buell as incompetent and urged that General George H. Thomas be appointed in his place to undertake the redemption of East Tennessee.[26] Thomas, however, begged that his name be not considered, and assigned reasons for his reluctance to assume the command which, whether intentionally or not, contained a covert reproof for the governor. "We have never yet had a commander of any expedition," he wrote to Johnson, "who has been allowed to work out his own policy, and it is utterly impossible for the most able general in the world to conduct a campaign with success, when his hands are tied, as it were, by the constant apprehension that his plans may be interfered with at any moment either by higher authority directly or through the influence of others who may have other plans and other motives of policy."[27]

[23] Ibid., p. 226.
[24] J. P., vol. xxii, 5048.
[25] O. R., series i, vol. xvi, part ii, p. 314.
[26] J. P., vol. xxiv, 5448.
[27] Ibid.

Major W. H. Sidell, who succeeded Greene as assistant adjutant-general at Nashville, gives the substance of a conversation with Johnson at about this time, which is the best of evidence of the governor's keenness of insight in accurately gauging the political and military situation.[28] He expressed himself as convinced that the Confederates would soon make an attempt to regain Tennessee and that, in their project, the possession of the capital was a necessary incident. Their success would injure the Union cause both materially and morally. They could count on the support not only of avowed adherents, but also of many secret sympathizers in the state, particularly if such support entailed no very considerable risks; but the probability of sacrifices would deter most of these lukewarm friends. The best policy for the government, then, was to convince them that there was to be no easy Confederate triumph. This could be done by manifesting a determination to resist to the last extremity. During the last siege of Nashville, a secret committee of citizens had sent an appeal to their friends in the attacking army to abandon the assault, as the defenders had resolved to destroy the city rather than surrender. Therefore, the governor urged, let the fortifications be completed and extended by contraband labor, and the enemy would shrink before the magnitude of the task confronting them.

Finally, on the 21st of August, Bragg sprang the surprise he had been preparing for Buell. Issuing suddenly from Chattanooga, he marched around the left flank of his adversary into Kentucky, and, amusing Buell with a powerful demonstration in the direction of McMinnville to deceive the latter into thinking that his objective was Nashville, he struck the Louisville-Nashville railroad, Buell's line of communication and supply, at Munfordsville, the principal station between those two cities, and captured it with its entire defending force of about forty-five hundred men (September 14).[29] At the same time, General

[28] Ibid., vol. xxv, 5475; O. R., series i, vol. xvi, part ii, p. 242.

[29] "Thus sacrificing precious time which should have been devoted to more important ends." Nathaniel S. Shaler, *The Kentucky Campaign of 1862*, in *Campaigns in Kentucky and Tennessee, 1862-1864. Papers of the Military Historical Society of Massachusetts*, vol. vii, p. 212. "General

Kirby Smith, from Knoxville, flanked General G. H. Morgan by a similar manoeuvre and marched westward to join Bragg for a joint attack on Louisville.[30] At first Buell was perplexed as to the purpose of the enemy. He moved his army in an arc, attempting to cover Nashville and the railroad. Convinced, at last, that Bragg's destination was Louisville, he followed hotly in pursuit along the line of the railroad, and when Bragg, apparently wishing to avoid a battle until his junction with Smith, turned off eastward, threw himself into the city.[31]

The apparent failure of Buell's strategy and the consequent retrograde movement of his army from Huntsville to Louisville precipitated the long impending rupture between him and Johnson. On the 30th of August, he had sent the governor a dispatch, explaining and defending his course. His army, he said, was reduced by detailing garrisons and forces to protect his communications and by other causes to twenty or thirty thousand men. Bragg had from forty to sixty thousand. By falling back along his line of communications, the conditions would be exactly reversed: he would pick up additional troops, which, with reinforcements coming from Corinth, would swell his force to fifty thousand, while Bragg must constantly lose strength as he

Buell's command was in Southern Tennessee, and he had to apprehend that it might move to the northeast into Central Kentucky. By moving towards Nashville he probably thought to secure a chance to beat Buell's force in detail before that general had concentrated his army. Moreover, by moving in that direction, he could the more quickly obtain possession of the Louisville-Nashville railway which was Buell's most valuable line of communication with the north. He appears to have had some hopes of capturing Nashville, a success which would have enabled him at once to replace the Confederate government of Tennessee in its capital and to secure a strongly fortified post which would serve to protect his rear during his efforts in Kentucky." Ibid., p. 211.

[30] Kirby Smith designed, perhaps, to guard the main column of Bragg's army. Ibid.

[31] "He conceived his errand in Kentucky to be partly of a political nature . . . to place the long wandering Confederate government of the state in office at Frankfort. He expected also a support from the people of the commonwealth and waited for them to flock to his standard." Ibid., p. 214. Colonel Henry Stone, in an article on *The Operations of Buell in Kentucky and Tennessee, 1862-1864*, in the same publication, also holds this view.

ventured further from his base.[32] Johnson's reply made little effort to conceal the contempt he felt for Buell and his defensive policy. Bragg's force could not exceed twenty-five thousand men, he declared. Fifty thousand could not subsist in the country through which the Confederates were moving. His own opinion was that Bragg had not half of twenty-five thousand. He would not attack Nashville unless Buell retreated.[33]

The next day, overwrought by disappointment, the governor sent a long, bitter, almost despairing letter to Lincoln.[34] "On two occasions," he said, "I have stated to the president that General Buell would never enter and redeem the eastern portion of this state. I do not believe he ever intended to, notwithstanding his fair promises to the president and others that he would. . . . In my opinion," he "could meet Bragg and whip him with the greatest ease,—entering lower Tennessee, and turn the rear of the force said to be now before General Morgan at Cumberland Gap, leaving Morgan to march into East Tennessee and take possession of the railroad, at once segregating and destroying the unity of their territory, and that too, in the midst of a population that is loyal and will stand by the government. . . . Instead of meeting and whipping Bragg where he is, it is his intention to occupy a defensive position, and (he) is now, according to the best evidence I can obtain, concentrating all his forces upon Nashville, giving up all the country which we have had possession of south and east of this place, leaving the Union sentiment and Union men who took a stand for the government to be crushed out and utterly ruined by the rebels, who will all be in arms upon the retreat of our army. It seems to me that General Buell fears his own personal safety, and has concluded to gather the whole army at this point as a kind of body-guard to protect and defend him, without reference to the Union men who have been induced to speak out, believing that the government will defend them. General Buell is very popular with the rebels, and the impression is that he is more partial to them than to Union men, and that he favors the establishment of a

[32] O. R., series i, vol. xvi, part ii, p. 451; J. P., vol. xxv, 5579.

[33] O. R., series i, vol. xvi, part ii, p. 461; J. P., vol. xxv, 5581.

[34] New York *Tribune*, November 18, 1862.

Southern confederacy." Without going as far as that, the governor's opinion is "that if he had designed to do so, he could not have laid down or pursued a policy that would have been more successful in the accomplishment of both these objects. . . . East Tennessee seems doomed. There is scarcely a hope left of her redemption; if ever, no one now can tell. May God save my country from some of the generals that have been conducting this war."

As Buell moved northward in pursuit of Bragg, he furnished the governor a fresh cause for distraction. He continued to overestimate the force of the enemy and, believing himself outnumbered and desiring to get every available soldier into the field, he considered the expediency of abandoning Nashville. No sooner had his army left the vicinity of that city than Forrest and Morgan closed in upon it. Between the middle of September and the middle of November, it was cut off from the outside world. A large garrison, which Buell was anxious to have at the front, was required for its defense. The Confederates constantly intercepted foraging parties and immense quantities of supplies fell into their hands. The defense of the line of the railroad on which the city depended required more men than Buell could spare, intent as he was upon devoting every resource to the defeat and capture of Bragg's army. To Johnson, on the other hand, the retention of the capital seemed of the utmost importance for the mission on which he had been sent. Politically, its loss would be a catastrophe. The ridicule which, since February, the Unionists had heaped on the homeless, itinerant government of Harris, would return to mock them. All the governor's prestige would fly northward with him, all the ground so painfully won would be lost. Believing, too, as he did, that Buell was already far stronger than Bragg, so tremendous a sacrifice for no sound reason whatever seemed to him criminally absurd. Buell appeared in his eyes an imbecile or worse. Rather than see the Confederates exulting in the possession of Nashville, he declared, it should be destroyed. Buell retorted that it should be left as he found it. Despite Johnson's demand that Thomas be left at the capital, Buell ordered him to join the army, but a force under General John M. Palmer was sent to take his place.

In fact, the city was well garrisoned and, though closely beleaguered for two months, seems never to have been in serious danger of capture.[35]

Buell's real designs regarding Nashville have been a permanent source of controversy between his friends and opponents, and, with all his operations in the campaign of 1862, were made the subject of a court of inquiry into his conduct which sat from November of that year until the following April. Johnson deposed for this investigation that the rumor that Nashville would be surrendered was current among Unionists and Confederates, and many prominent secessionists, former residents of the city, returned with Bragg's army in the confident expectation of regaining their homes. He had obtained an interview with Buell and earnestly urged the political considerations involved, begging that the city be held at all hazards, or, if absolutely necessary, destroyed, but never surrendered. The general had replied impatiently that he should conduct his campaign in accordance with his own judgment, regardless of criticism. Upon military principles, he was convinced, Nashville should have been abandoned three months before. But Johnson's representations finally opened his eyes to the broader aspects of the situation and, in a later interview, he informed him that he had concluded to defend the capital "not so much from military as from political considerations which had been pressed with so much earnestness upon him."[36]

Buell, in his own statement before the commission, tells a different story and openly denounces Johnson's testimony as false. He declares that he himself was fully alive to the political advantages of holding the capital and that he made his own decision. No interviews on the subject were held with the governor. "I had not," he remarks pithily, "that confidence in his judgment or that distrust of my own which would have induced me to seek his counsel."[37]

The commission, in its finding, accepted Johnson's account rather than Buell's. "He takes and uses up Governor Johnson's opinion," it declared, "when he says that the place should

[35] O. R., series i, vol. xvi, part ii, p. 490; part i, p. 713.

[36] Ibid., part i, p. 697.

[37] Ibid., p. 59.

be preserved on account of its political importance. . . . He was hesitating . . . when Governor Johnson . . . pressed this political view on him." Even so, his action was half-hearted and inefficient; in falling back, he still failed to close the road by which Nashville could be attacked. The credit for the saving of the capital is accorded to Johnson.[38]

Whatever doubts as to his proper course may have clouded the judgment of the general, the governor was disturbed by none. He was possessed by an unshakable resolve to hold Nashville to the last gasp. He became the soul of the defense. During the last two weeks of September, Buell was far away in Kentucky and the enemy was at the gates. The commander of the post, General Negley, did not act with sufficient energy to suit Johnson and the latter lost no time in demanding his removal.[39] An order putting him personally in command would, one surmises, have been grateful to him. "I am no military man," he is reported to have said, "but any one who talks of surrendering I will shoot."[40]

To this time belongs Lincoln's story, which merits reproduction as affording one of the very few intimate personal views of Johnson in these early days. Lincoln had it from Colonel Moody, the fighting Methodist parson, a character in the army, who was in Nashville the day it was rumored that Buell would evacuate the city. In Moody's words, as Lincoln reports them:

"'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 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

[38] Ibid., pp. 17-18.

[39] Ibid., p. 583.

[40] Peterson & Brothers, *Life, Speeches, and Services of Andrew Johnson.*

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 in the Bible, and I say I'll be *damned* if Nashville shall be surrendered!' And Nashville was not surrendered."[41]

Buell's pursuit of Bragg from Louisville, the battle of Perryville, and the retirement of the Confederate army into East Tennessee during the month of October are important for this sketch only from the fact that they relieved the pressure on Nashville. Dissatisfaction with Buell had constantly increased at Washington. It was felt that he had been outgeneralled in August and that he should have crushed or seriously crippled Bragg in Kentucky in October.[42] As early as the 29th of Sep-

[41] Savage, *The Life and Public Services of Andrew Johnson*, p. 272.

[42] The campaign of Buell against Bragg is one of the persistent polemical heritages of the war. Buell himself, a pathetic figure, devoted bitter years to a disheartening attempt to secure the vindication which has now been accorded him in the highly eulogistic tributes of the principal authorities on military history. General Grant said: "I think Buell had genius enough for the highest commands." J. R. Young, *Around the World with General Grant*, vol. ii, p. 289, quoted by Rhodes, *History of the United States*, vol. iv, p. 184, note. See also the estimates of Ropes, *Story of the Civil War;* Fry, *The Army under Buell;* and J. D. Cox in *The Nation*, October 2, 1884. Citations in Rhodes, *History of the United States*, vol.

tember, an order relieving him from command in favor of Thomas had been delivered to him,[43] but withdrawn five days later, owing to his successful arrival in Louisville and the generous representations of Thomas that Buell's obstacles had been great and that his preparations to move against the enemy were then completed, while Thomas himself had not the in-

iv pp. 173-184. Colonel Henry Stone, in *Papers of the Military Historical Society of Massachusetts,* vol. vii (1908), pp. 257 et seq., completely exonerates Buell, ascribes the misfortunes of the Union army to the weakness and dilatoriness of Halleck, and characterizes the proceedings of the Buell commission as without "regard for law or justice" and "founded on misconception and ignorance." He quotes the Confederate general Basil Duke as saying: "It can be demonstrated, I think, that upon no effort which the Confederacy made . . . did more depend than on the success or failure of Bragg's well-considered but futile attempt to transfer the combat to fields where victories might be of some value and give hope of final triumph. . . . The promise of substantial and permanent benefit to the Southern cause which a successful consummation of this campaign in Kentucky offered was larger and more certain, I am persuaded, than at Manassas or Gettysburg." Colonel Stone concludes: "Buell's pursuit of his enemy into and out of Kentucky in September and October, 1862, evinced far greater courage, energy, skill, and all the higher military virtues than were shown by the commander of the Potomac army in June and July, 1863." "In reviewing the operations of Buell from the beginning of his retreat to the battle of Perryville there appears to be nothing to be criticized. His concentration was skilfully and speedily effected and his northward march so ordered as to bring his army in good condition into Louisville. It was there reorganized with admirable celerity, the plan of campaign was well contrived, and but for the curious accident at Perryville might have led to a very successful issue. . . . The failure properly to explore the country in his front is the only serious omission which can be charged to General Buell's account. It was the common blunder of our Federal commanders during the first two years of our Civil War. At no time in this conflict was our cavalry service adequate to the needs. . . . When Buell marched from Louisville to try the issue of battle with Bragg every reasonable critic would have been willing to compromise for the results which were won by the Perryville engagement. . . . We cannot resist the conclusion that, so far as Buell's work is concerned, the campaign was one of the best conducted of our Civil War." N. S. Shaler, *The Kentucky Campaign of 1862, Papers of the Military Historical Society of Massachusetts,* vol. vii, pp. 205 et seq. Captain Ephraim A. Otis' article in the same publication, p. 277, is unfavorable to Buell, but unconvincing.

[43] O. R. series i, vol. xvi, part ii. pp. 538, 554.

formation necessary for such a crisis.[44] The fine honor of Thomas' character held him always scrupulously loyal to his chief. To Johnson, who was urging him for Buell's place, he had written in August: "I believe that the relief of East Tennessee has been entrusted to an able commander, and that he will eventually give it sure and permanent relief." [45] Senator Crittenden and others protested against Buell's removal, asserting that the army confided in and loved him.[46] But his enemies, chief among whom was Johnson, were implacable.[47] The successful escape of Bragg sealed his doom. Johnson was importuning the war department to embrace the opportunity to redeem East Tennessee and Halleck himself sent Buell an urgent order to occupy that district during the fall. Buell hesitated to comply. He declared that Bragg had sixty thousand men to oppose him and that Nashville should first be cleared of the enemy and made a safe base of supplies.[48] In fact, his position was intolerable. Realizing that he had lost the confidence of the president and Stanton, his own confidence was also gone, and he must have welcomed the order (October 24) relieving him and placing General Rosecrans in command. As the latter, with reinforcements, advanced to Nashville, the Confederates abandoned hope of capturing the city and withdrew. By November the peril had passed.

Although Johnson's authority extended nominally over the whole of Tennessee, the field of its practical exercise was restricted, during the year 1862, to the immediate vicinity of Nashville. The rest of the state was the scene of the marching and

[44] Ibid., p. 555.

[45] J. P., vol. xxiv, 5448.

[46] O. R., series i, vol. xvi, part ii, p. 558.

[47] It seems certain that Buell was sacrificed to the impatience for immediate, decisive victories which was chronic in the North early in the war. His difficulties were not appreciated at Washington and he seems to have lacked the art of making friends and to have drawn too much into himself, even to the point of appearing uncandid. Besides Johnson, Governors Morton of Indiana, Yates of Illinois, and Tod of Ohio urged his removal. Rhodes, *History of the United States*, vol. iv, pp. 182, 183.

[48] O. R., series i, vol. xvi, part ii, pp. 642, 636.

countermarching of armies, great battles, raids, and depredations by the guerillas. Even within the city itself, his freedom of action was almost destroyed by the presence of that immediate military necessity which subjected everything to the arbitrary will of the commanding general. Under such circumstances, there seemed to be no room for the governor. Obviously he could make no progress in his mission of peaceful reconstruction. His only importance lay in the fact that he was a brigadier-general, whose place in the system was doubtful. A man of less self-assertiveness and force of character would have sunk into temporary obscurity, while the army cleared the stage for him to perform his part. But to Johnson no such course was possible. Unable to exercise his civil functions and equally unable to remain passive, he proceeded to make himself felt, often painfully, in a military capacity. The record of his office during this period is one of alternate coöperation and conflict with Buell and his subordinates.

Besides an indomitable will, relentless persistence, and unscrupulousness, Johnson possessed, in the confidence of the president, the greatest possible asset for gaining his ends. Lincoln was promptly drawn by natural sympathy to a personality in many respects resembling his own. He appreciated and admired Johnson's early struggles, his self-reliance, his physical and moral courage, and his impressions were confirmed by his independent loyalty in 1861, his readiness to assume the lead where many hesitated to follow, his quick grasp of the essential issues of the war, and his prophetic insight into conditions in the border states. The assurance and efficiency with which he administered the difficult office of military governor delighted the president. While he had had many troublesome questions to settle from other governors and officers, he told Schuyler Colfax in the summer of 1862, "Andy Johnson had never embarrassed him in the slightest degree."[49] Stanton shared the president's view. Their conviction of his unique value to the Union cause in Tennessee induced them to lend a ready ear to his complaints and to give him his way whenever possible. The military officers who, believing in their superior importance,

[49] J. P., vol. xxi, 4944.

chose to ignore or antagonize him, discovered in the end the unwisdom of such a course.

The quarrel between Johnson and Buell over the general military policy in Tennessee and its outcome have been treated already. The governor's relations with most of the lesser officers with whom he came in contact were no less strained. The fact is, he was self-willed, uncompromising and dictatorial, and, once his mind was made up, intolerant of opposition or even of honest opinion in conflict with his own. Impatient and rough in speech, abrupt and belligerent in manner, his attitude repelled any calm discussion and adjustment of difficulties with officers accustomed to military etiquette and jealous of the dignity of their positions. Controversies with Generals Nelson and Negley, commanders of the post at Nashville, resulted in demands by Johnson for the removal of these officers and, whether or not in consequence of the demand, the desired changes were made. Colonel Matthews, the provost-marshal, also felt the force of the governor's hostility and, even after his departure, Johnson's animosity pursued him and prevented his promotion in the army.[50]

The governor's pet antipathy, perhaps, was Captain Greene, the assistant adjutant-general. He first alienated Johnson by dispatching to the front troops that the latter considered necessary for service in Nashville. A more direct ground of contention was an order issued by Buell that all officers assigned to the command of troops live in camp with their soldiers, and not in houses in Nashville. In Greene's absence, Johnson had taken possession of certain houses by virtue of his authority as military governor and allotted them as residences to officers of his guard and their families. Greene, who seems to have acted always in good faith as a responsible subordinate, reported the facts to Buell's chief-of-staff for instructions and received reply that the order admitted of no exceptions. Thereupon he directed the provost-marshal, Colonel Campbell, to eject one of the families instated by Johnson. Campbell, prompted in advance, refused, and Greene placed him under arrest. The governor was now thoroughly aroused. He brought his influence to bear and,

[50] Ibid., 4758, 4759.

within two days, had secured a disavowal of the order from Buell, the restoration of the house, the release of Campbell, the transfer of Greene from Nashville, and authority himself to appoint a provost-marshal in sympathy with him and under his orders. "The president hopes this will be satisfactory to you," telegraphed Stanton, "and that you will use efforts to prevent any disputes or collision of authority between your subordinates and those of General Buell."[51] This incident, unimportant in itself, illustrates vividly the disposition of the Federal executive to hold up the governor's hands.

Johnson took care that the military commanders should not be in the dark as to the scope of his powers. To every general newly arrived in the department he sent a copy of his commission and instructions, sometimes with his own explanatory comment. General Negley, who gave signs of a disposition to repeat the errors of Buell and Greene, received a pointed note to the effect that, if Buell had formerly appointed provost-marshals, he had done so at the suggestion and by the consent of the governor, to whom the actual authority belonged.[52]

Not military men alone felt Johnson's imperious disfavor. He fell into a violent altercation with John Lellyett, the postmaster of Nashville, a cultured gentleman of high character, to whose appointment, as a sop to the conservative loyal element, he had reluctantly consented. Lellyett clung to a liberal and pacific policy toward the secessionists, demanding that return to the Union "as it was" be the only condition imposed upon them. He positively refused to follow Johnson's lead and probably showed some disdain in his treatment of him. He himself says that the opposition of his friends to Johnson's candidate for postmaster directed the governor's hostility to him. Both communicated their grievances to Washington, Lellyett requesting that his successor be appointed "in case it is esteemed, as it seems to be assumed by Governor Johnson, that I hold my office merely at his pleasure." Such apparently was the fact, for the postmaster was soon numbered among the victims of Johnson's animosity.[53]

[51] O. R., series i. vol. x, part ii, pp. 629, 631; vol. xvi, part i, pp. 119, 122, 135, 175; J. P., vol. xxi, 4990, 5024, 5026.

[52] J. P., vol. xxvi, 5776.

[53] Ibid., vol. xix, 4438, 4451, 4453.

## CHAPTER V

### Repression Under Rosecrans

In his initial proclamation, Johnson had announced a mild and liberal policy of pacification, for the purpose of winning back the state to its allegiance with the least possible friction and avoiding all unnecessary hardship to the citizens. Buell devoted himself to the same end. In fact, his known border-state connections and sympathies were regarded as peculiarly fitting him for the work in hand. The belief was general at Washington that Tennessee was only half-hearted in the rebellion and could be converted by kindness. Citizens not actively in opposition to the government received the protection of the army and every effort was made to keep all property *in statu quo* in the hope that gratitude would draw the owners towards the Union.[1]

Before long, however, it became difficult to avoid the conclusion that the hearts of the Southern sympathizers were hardened and that no appreciable number would declare loyal sentiments while reasonable prospects of Confederate success remained. Fear stopped the mouths of many. The secessionists fully understood the importance of Tennessee to the Confederacy; they instituted a systematic persecution of Union men, and any avowal of loyalty to the Federal government invited prompt retribution, as agents of which the guerillas were unsurpassed. Everywhere, except in portions of East Tennessee, a Unionist was boycotted by his neighbors and his life was in danger. "I passed a squad of my used-to-be friends," wrote a Davidson county man to Johnson, "and one of them asked me how I liked the Federals. I told him I liked them pretty well. He said, 'You don't, do you?' and I said, 'Yes.' He then said, 'Very well, old fellow, we will jerk you off the ground when they go away from here.' And there are men going to and returning from the rebel army all the time,—at least, they say they have been there and seen the boys—and they tell the people to keep in good spirits,

[1] Nashville *Union*, August 3, 1862.

that the rebel army will be back here by the first of June next."[2] The policy of conciliation was generally regarded as not only futile, but positively disastrous. The rebels, testified Parson Brownlow before the Buell commission, "attribute our forbearance toward them to cowardice and think that we are afraid of them. It disheartens and discourages the Unionists. I heard them complain at Nashville even of Governor Johnson's forbearing and conciliatory policy toward the rebels." The latter, he affirmed, gained by pursuing the opposite course.[3]

Under such circumstances, Johnson, in whose nature charity was not an essential element, did not long hesitate to adapt himself to actualities. His first step in the direction of greater stringency was a proclamation,[4] on the 9th of May, aimed to prevent the maltreating and plundering of Union citizens. Whenever a Union man was misused, five or more of the most prominent "rebels" of the immediate neighborhood should be "arrested, imprisoned, and otherwise dealt with as the nature of the case may require," and whenever the property of loyalists was taken or destroyed, remuneration should be made to them out of the property of those in the vicinity who had given "aid, comfort, information or encouragement" to the offenders. "This order," concludes the proclamation, "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." That this was no idle threat was shown the following month, when the mayor and aldermen of Pulaski, despite

[2] J. P., vol. xviii, 4156.

[3] O. R., series i, vol. xvi, part i, p. 674. Testimony to the contrary is, however, not lacking. Lieutenant Holloway, a cavalry officer, captured by the Confederates and later paroled declared: "I talked with many of Breckenridge's staff. . . . I think a lenient course would soon win Tennessee back. General Buell's course was productive of much good. He has made a number of good Union men all through the South. General Breckenridge told me that General Buell hurt the South more than the armies of the United States by his lenient policy. The people in Tennessee had written to their sons to desert and come home; that General Buell would not incarcerate them in prison, as they supposed." O. R., series i, vol. xx, part ii, p. 25.

[4] Nashville *Union*, July 5; Moore, *Rebellion Record*, vol. v, doc. 123.

their vigorous protests, were forced to provide compensation to Union men for their property seized or damaged by Morgan's raiders, who, according to the testimony before a board of inquiry, entered the town with the welcome of many of its citizens and were permitted to plunder without protest by the municipal officers."[5] "It is well known," commented the governor tartly, in affirming the judgment of the board, "that such bands only go and remain in places where they have sympathizers. . . . Such disloyal citizens have brought about and are now, by acts of disloyalty, contributing to the organization and support of these bands."[6]

Secession sympathizers who, by open or covert threats, falling short of actual violence, intimidated Union men and prevented the free expression of loyalty, next occupied the governor's attention. Early in June, he ordered that all persons guilty of uttering disloyal sentiments, who refused to take the oath and give bonds for their future good behavior, be sent south and treated as spies if they ventured back during the war.[7] The application of this order in specific instances has already been described. To Colonel Mundy, who executed it at Pulaski, he wrote that a few of the most important cases should be selected first, and subsequent action taken according to the effect produced on the public mind.[8] At the same time, he asked and obtained the consent of Lincoln to arrest seventy "vile secessionists" and offer them in exchange for an equal number of prominent loyal East Tennesseeans imprisoned at Mobile. If exchange was refused, he proposed to send his prisoners south at their own expense and forbid their return.[9]

The operations of the Union army, too, were seriously handicapped by the disloyalty of the Tennesseeans. Buell declared that he could learn nothing from the people, while every detail of his movements was immediately communicated to the enemy. Almost no supplies could be obtained and the army was com-

[5] J. P., vol. xix, 4424, 4460; vol. xx, 4523.
[6] Ibid., vol. xx, 4525.
[7] *Annual Cyclopedia*, 1862, p. 766.
[8] J. P., vol. xx, 4646; vol. xxi, 4693.
[9] Ibid., vol. xx, 4609, 4638; *Lincoln's Complete Works*, vol. vii, p. 215.

pelled to move slowly and protect its long line of communications, but "wherever Forrest stopped he found prepared food and forage in ample quantities."[10] In August, General William Sooy Smith, guarding the railroad between Nashville and Stevenson, complained to Johnson that the enemy were able to capture his detachments through information furnished them by citizens and that all Union families were being driven into camps of refuge. Either the government should change its mild policy or he should be released from a service so intolerable. "Let all disloyal persons," he urged, "be driven at once across the lines to the rebels where they belong" and "let the loyal patriotic citizens of the land be organized, armed and equipped for their own home defense and the protection of our lines of communication."[11]

Johnson was by this time thoroughly committed to the doctrine that the foes of the government "must be made to feel the burden of their own deeds and to bear everything which the necessities of the situation require should be imposed on them."[12] On the 26th of June, he urged upon Stanton that the army be subsisted on the enemy. This, he maintained, would bring rebels to their senses. They "must be made to feel the weight and ravages of the war they have brought upon the country. Treason must be made odious and traitors impoverished. We are raising forces here—infantry and cavalry—and in obtaining horses and supplies the secretary of war need not be surprised if we make rebels meet the demand.[13] He instructed General Negley, at Columbia, fully to compensate plundered Union men out of the property of disloyalists and to make all arrests required by the public interests, "let them be many or few."[14] Only the fear of the army and relentless repression by Johnson kept the secessionists subdued, wrote the correspondent of the New York *Tribune*. "Should he loosen his hold in the least, they would at once resume their treason-

[10] O. R., series i, vol. x, part ii, p. 85.
[11] J. P., vol. xxiii, 5249.
[12] O. R., series i, vol. xvi, part ii, p. 242; J. P., vol. xxv, 5475.
[13] O. R., series i, vol. xvi, part ii, p. 216.
[14] J. P., vol. xxiv, 5337.

able practices, and so he keeps the screws tight down upon their thumbs."[15]

The appointment of Rosecrans to the command of the department of the Cumberland in November gave the governor an ally heartily disposed to lend the full support of the army to the program of repression. Establishing his headquarters at Nashville, he promulgated orders indicative of the course he proposed to follow. All peaceable inhabitants were promised immunity from interference, other than necessary surveillance, but outspoken rebels need expect no other protection than that dictated by the laws of war and humanity. Citizens guilty of acts of hostility or belonging to partisan corps not under proper military control were to be treated as pirates and robbers. Soldiers were forbidden to enter private grounds or houses without written permission or order from a commissioned officer, who was held responsible for their acts. Provost-marshals were to avoid unjust and unnecessary arrests of private persons. Trade in necessaries in towns and cities within the lines of the army was restricted to resident traders.[16]

The policy of the government, henceforth to be enforced by both the civil and the military arms was, as the Nashville *Union* concisely stated it, "to draw a line between its friends and its enemies, and give protection where it finds allegiance."[17] To establish this distinction, Rosecrans and Johnson introduced a certificate or guarantee of protection, which was issued to persons of well-known loyalty, and to such other persons as gave bond to "keep the peace, and afford neither aid nor comfort to the enemies of the government of the United States," to be "true and steadfast" citizens of the United States, and not to "go beyond the lines of the Federal armies, nor into any section of the country in possession of the enemy, without permission of the authorities of the United States." This was called the non-combatant parole. The certificate pledged to its holder the protection of the United States, commanded all persons, military and civil, to respect him in the enjoyment of his property,

[15] New York *Tribune*, September 1, 1862.

[16] *Annual Cyclopaedia*, 1862, p. 598.

[17] Nashville *Union*, November 30.

and forbade foraging upon his premises except for the actual necessities of the army, and then only with the utmost care and in return for a receipt entitling the owner to compensation from the government. At Rosecrans' request and to relieve the regular army officers of the task of administering the oath of allegiance and taking the bonds with the non-combatant parole, Johnson appointed commissioners in the various counties, so far as practicable, and also one to accompany Rosecrans' army for the same purpose.[18]

The ousting of Buell in favor of Rosecrans had highly gratified Johnson. "I feel in strong hopes," he wrote to Lincoln, "that things will go well in a few days, as we have a man at the head of this army who will fight."[19] It soon appeared, however, that the harmony would be short-lived. The fact was that the dual system of government devised by Lincoln and Stanton could not run smoothly under the unfavorable conditions with which it had to contend. Had the Union army succeeded in promptly driving the Confederate forces out of the state and in handing over to the governor a territory cleared of enemies for political reconstruction, while the army operated on the borders of the state or beyond them, it is conceivable, even probable, that the two authorities, with plenty of room for their movements, might have performed their respective parts without disturbing each other. Instead of this, the failure of Buell threw the army back upon the capital, and civil and military officers were crowded together into the northern part of the state, while Nashville, the seat and source of the civil power, became also, as a strategic centre, the military headquarters; and Rosecrans, in whose aggressive qualities Johnson had gloried, proved quite as disposed to overrule a governor who interfered with his plans as to attack an enemy in the field.

A glance at the jumble of offices and authorities in Nashville during the winter of 1862-63 clearly shows the hopelessness of the situation. General Rosecrans had established there his office as commander of the department, and the other department functionaries—the chief quartermaster, chief commissary,

[18] Ibid., November 29; J. P., vol. xxvii, 6070.

[19] O. R., series i, vol. xx, part ii, p. 70.

provost-marshal general, and medical director—had each his separate establishment. There also were the headquarters of the post commander, General Mitchell, and the offices of his five assistant quartermasters. When Rosecrans was not in the city, there was an office for the district, presided over by an assistant adjutant-general, and the provost-marshal general gave place to a provost-marshal responsible both to the district commander and to Governor Johnson. Side by side with the military existed the civil administration of the state (the governor and his council), the officers of Davidson county, and the mayor, aldermen, common council, and minor officers of the city of Nashville. The county, circuit, criminal, and chancery courts held sessions in the city, also the municipal court of the recorder. Military commissions and tribunals administered martial law. There were the county sheriff, the city marshals, and the provost-marshal; the county constables, the municipal police, and the provost-marshal's guard. To these was soon added the secret detective police of the army. The contemplation of such a list gives an impression of confusion worse confounded. That utter chaos did not, in fact, result is a tribute to the good sense and forbearance of both Rosecrans and Johnson.

In such a situation, the general of the army, as the visible source of power, was certain to predominate. Even as resolute a civil officer as Johnson suffered severely in prestige. Every new military commander, said the Nashville *Press,* trespassed upon his province and each had a different system from his predecessor. The *Press* paid a tribute to the governor's moderation and unselfish labors for harmony. Although empowered to countermand any military order touching civil affairs, he refrained from exerting his authority in opposition to the military, which was thus encouraged in its usurpations. So the people were led to think that the general was the real force to be reckoned with.[20] The prevailing view is well expressed by a contemporary writer: "Honorable Andrew Johnson, the military governor of Tennessee, appeared, to the eyes of superficial observers, to be busy enough, but it was difficult to define his functions. His authority could not extend beyond the military

[20] Nashville *Press,* June 8.

lines, which were then rather contracted. The civil and military administration of Tennessee . . . were so intimately blended that it was quite impossible to separate them, so that the responsibility of civil government really devolved on General Rosecrans. Rebels who had business with the government declined generally to hold intercourse witih the governor, and loyal men sought the attention of the military chief. Excepting the issuance of commissions to officers of Tennessee volunteers, and to a magistrate now and then; the collection and distribution of taxes levied upon wealthy rebels for charitable purposes; and correspondence with the state department at Washington, there was really nothing else for the governor to do. Honorable Hugh Smith was mayor of Nashville, but his office was almost a sinecure, the municipal government being reduced to petty police business and the hebdomadal meetings of aldermen."[21]

The principal bone of contention between Johnson and Rosecrans was the new police system introduced by the latter in December for the purpose of maintaining order, ferreting out hidden treason, and detecting violations of the trade regulations in his department. The initial step was the detailing of a provost guard to act in conjunction with the local police, an arrangement which at first worked very successfully. A provost court was also erected for the trial of cases under military law, and this was supplemented by the army detective police under Colonel Truesdail, a capable, but apparently arbitrary, tactless and unscrupulous officer, a confidant of Rosecrans. The wide and secret ramifications of this organization, its assumptions of authority, its interference with the daily life of the people soon aroused both animosity and apprehension in the community. The correspondent of the New York *Times* reported that Truesdail appropriated all the Confederate money

[21] Nashville *Union*, June 17. "He daily thundered incoherent invectives against the 'Hell-hounds of the hell-born and hell-bound Confederacy', when he was capable of articulate utterance, or could find so much as an audience of one to listen. This, and sending false and misleading telegrams to Washington, was the extent to which he exercised the mixed functions of his anomalous position as brigadier-general and military governor." Colonel Henry Stone, *Papers of the Military Historical Society of Massachusetts*, vol. vii (1908), p. 275.

in the banks and exchange offices at Nashville, seized and confiscated property without show of justice or regard for Union interests, made arbitrary arrests on charges of treason, tried the accused in his own court and convicted them on insufficient evidence, and exercised for his own profit the exclusive privileges of granting passes through the lines, carrying the mails, and transporting soldiers, while Rosecrans winked at these outrageous proceedings.[22] "It became a by-word that this person was commander-in-chief." The Nashville *Union,* whose statements are, however, always to be regarded with suspicion, charged that Truesdail had proposed to Rosecrans and Johnson that they establish a "military triumvirate," proclaim martial law throughout the state, and enter upon a career of "indiscriminate confiscation, exile, imprisonment, and execution" as the shortest road to reconstruction. To this was added the accusation that he and his satellites were not beyond the reach of corrupt influences in granting favors and administering the trade regulations.[23]

By the middle of January, the encroachments of Truesdail's police had become so pronounced and public protest so general that Johnson felt constrained to complain to Rosecrans. This he did reluctantly, as the general's satisfaction with his new engine of repression was well known. "A detective police, properly organized and conducted upon correct principles," he conceded, "might do some good in connection with the interests and movements of the army, but I am compelled to say that the provost court and detective police here, by the extensive jurisdiction assumed, and the summary manner in which they undertake to dispose of the persons and property of citizens, have not only excited a feeling of indignation among the more conservative portion of the community, but have greatly impaired the confidence of the loyal men, that class to whom we look for active support, in the correct intentions of the government, it being held responsible for the unjust acts of its reputed agents." He pointed out that, within the district restored to Federal control, already existed all the machinery necessary

[22] Nashville *Union,* October 29.

[23] Ibid., October 31.

for enforcing both civil and military law. If, however, the general was convinced of the necessity of this additional agent, let it, for the sake of the public good, be confined solely to military affairs and the execution of military law.[24] In reply, Rosecrans acknowledged that some complaints had reached him, but he thought they came from smugglers and Jews whose contraband trade had been broken up. He assured the governor that justice should be done in every specific case reported to him.[25]

Meanwhile, Johnson had not failed to lay his grievances before his friends in Washington, on whose decisive support he could, with certainty, rely, as Rosecrans might have learned by contemplating his predecessor's history. Promptly came from Halleck a detailed, unequivocal letter,[26] designed to convince Rosecrans that the authority of the governor was a potent reality and pointedly prescribing the bounds which the military should not pass. The office held by Johnson was created, Halleck explains, to mitigate the evils of a purely military government, and to restore the civil machinery as promptly and thoroughly as possible, and the civil authorities thus restored are entitled to as much respect as those of Kentucky, Missouri, or any other state that happens to be a theatre of war. "In other words, the military forces of the United States will not interfere with the authority and jurisdiction of the loyal officers of the state government, except in case of urgent and pressing necessity." After attempting to distinguish between civil and military jurisdiction, Halleck observes that the provost-marshals must confine their activities to matters purely and indubitably military, leaving everything else to the local police. To insure harmony, it might be well to put Johnson, as a brigadier-general, in command of the troops in Nashville.

Either Rosecrans failed to recognize the veiled warning, or his discretion, clouded by anger, led him into the wrong course. He acknowledged Halleck's letter in a rather abrupt telegram,[27]

[24] J. P., vol. xxix, 6326.
[25] Ibid., 6353.
[26] O. R., series iii, vol. iii, p. 77.
[27] Ibid., series i, vol. xxiii, part ii, p. 174.

denying any knowledge of a conflict of authority. Nashville, he said, was too important a post to entrust to Johnson, but if the latter would report to him, he would place him in command at Gallatin. Respect for Rosecrans' intelligence forces one to the conclusion that he deliberately and wilfully misinterpreted his instructions. If so, he was not long in discovering that he had made a false step. Halleck's stinging reply brought the aspiring officer to heel without ado and showed him plainly that his business was to coöperate with the governor, not to dominate him. Johnson, he was told, was no ordinary brigadier-general, but the governor of a state, with the full powers appertaining to that office, and Rosecrans' suggestion that he should report to him for a command "was in direct opposition to the wishes of the government" as communicated in Halleck's letter, and "was received by the war department with marked dissatisfaction."[28]

Rosecrans learned his lesson. "I assure you," he hastened to answer Halleck, "I have done all I possibly could, consistently with military safety, to build up and sustain the civil authority wherever I have had command, especially in Tennessee. No one appreciates the sacrifice and the delicate and trying position of Governor Johnson more than I do. . . . But Nashville is an enclosed garrison, and my grand depot. It is full of traitors and spies, and to it go all the rascals and speculators that follow an army. I am, therefore, obliged to have it commanded by an able and experienced officer, and to exercise a rigid military policy; but am not aware of, nor do I believe there has been, any material departure from the letter and spirit of your instructions of the 20th, and my reply to it, though brief, was not to treat the suggestion about putting the governor in military command with disrespect, but to say, if done, that, in my opinion, would (not?) be best for the country." He reiterates his utter ignorance of any conflict of authority, and requests that all complaints be forwarded to him. "I will either show they are unfounded, remedy them, or prove that it cannot be done without injury to the country."[29]

[28] Ibid., p. 191.

[29] Ibid., p. 208.

At the same time, he sent to Stanton a similar open letter for Johnson, which elicited from the latter the response: "There has been nothing, there will be nothing desired by me but harmony and concert of action to put down the rebellion and restore to the people of Tennessee all their legal and constitutional rights; of this you know I have given assurance both in action and words."[30]

Good resolutions, however honest, were of slight avail against impossible conditions. Truesdail and his policy still remained a vexation. In the discharge of his duty to prevent infringements of the treasury regulations, he came into contact with the cotton traders and proved susceptible to their blandishments. Soon it was widely rumored that he and those who had his favor were enjoying a practical monopoly of the cotton trade, and suspicion attached even to Rosecrans, whose vigorous support of Truesdail, it was hinted, might be explained by his personal interest in the cotton speculation. Finally it came to the general's ears that Johnson himself had reported the scandal. He at once dispatched him a hotly indignant letter,[31] condemning the rumor as utterly false and calling upon him "as a man of standing and honor and one whom I believe to be my friend" to furnish him with all the information he possessed and to vindicate him in the fullest manner. Only after an ungracious silence of nearly two months did Johnson reply that he had no information affecting Rosecrans' character as a citizen or soldier. His response to the appeal for vindication, though rendered less grateful by the irritating delay, was sufficiently hearty. "You state in your telegram," he wrote, "that you consider me your friend. You are right in this, and no one will go further than I in vindication of your character. I have never believed, and do not now believe, that you have fully understood the character and extent of the proceedings under Truesdail's direction. . . . I fear that some designing persons have been trying to make an impression intended to disturb that good feeling which was understood to exist between us while you were here. If so, it will all be dispersed."[32]

[30] Ibid., p. 220.

[31] J. P., vol. xxx, 6731.

[32] O. R, series i, vol. xxiii, part ii, p. 380.

The gravity of the charges against Truesdail and the publicity given the matter constrained Stanton to order the appointment of a mixed commission of officers and civilians to investigate the entire police administration of Nashville since its occupation by the army and the effect on the public interests and individual rights of the operations of both military and civil police. Truesdail's skirts were generally believed to be smirched, and it was afterwards alleged that Rosecrans' support of him was one of the causes of that general's removal in October.[33] Johnson himself denied any complicity in the matter, but condemned Truesdail unsparingly as "a base and unmitigated Jesuitical parasite,"[34] and declared that he had rejected applications for the release of fifty convicts in the state prison who were better men than he.[35]

Rosecrans' experience had taught him caution, but he could not conceal his displeasure when, on the 3d of May, Johnson obtained the transfer of the first Tennessee infantry regiment from the general service to the governor's personal command, as a nucleus for the guard he was then forming. He would, he said, give the requisite orders, but he could ill spare the regiment, and, what was more important, a force located within the garrison of Nashville, but not subject to the orders of the garrison commander, would do little but breed discord.[36] His observations were only good common-sense, but the transfer was made, notwithstanding.

The utter impossibility of developing any considerable Union sentiment in Tennessee under the conditions then existing was emphasized by the bitterness which the new repressive policy engendered. Buell had been too mild; Rosecrans was too severe. "No wonder the national cause has made such slight headway in Tennessee," remarked the Louisville *Journal*. "Many of those who have it in charge appear especially to study how little they can make it look like the cause of restoration and how much like the cause of subjugation. The restoration of the Union under

[33] Quoted by Nashville *Union*, October 29.

[34] Unscrupulous enemies of Rosecrans made much of the fact that he was a Catholic.

[35] J. P., vol. xxxvi, 7877.

[36] O. R., series i, vol. xxiii, part ii, p. 308.

such auspices is uphill work."[37] On this point, however, Rosecrans and Johnson were in full accord and acted with unhesitating efficiency. Their resolution was strengthened by detailed instructions[38] from Halleck in March, prescribing the correct treatment for the various classes of inhabitants in the state.

The so-called neutrals, said Halleck, have no proper standing in a civil war. Non-combatants must therefore be considered as rebel sympathizers. As such, they must not be molested or deprived of their property, except through military necessity, so long as they attend quietly to their own affairs, but they are subject to forced loans and military requisitions and their houses may be taken for soldiers' quarters or other temporary military uses. With these exceptions, they are to be protected. But should they at any time resort to arms or give aid or information to the enemy, they become "rebels or military traitors," to be punished with death; if captured, they will not be regarded as prisoners of war and their property is subject to confiscation. Hitherto, such persons have been treated altogether too leniently. Another class comprises those who, though not in arms against the United States, are avowedly hostile to the occupying army. These are under all the disabilities of non-combatants and, in addition, are liable to be arrested and confined as prisoners of war or expelled from the country as enemies. Halleck's opinion is that they should not be permitted to go at large within the Federal lines. There are also obvious disadvantages in sending them south to swell the force of the enemy and in imprisoning them and weakening the army by detailing guards for them. The course to be followed in each case is left to the discretion of the general, with the injunction that the laws of war must be more strictly enforced than heretofore against all open and secret foes of the government. The people of Tennessee were to be brought by sad experience to appreciate the importance of reestablishing the exclusive sway of the civil law, which alone is no respecter of persons. To this end the army was to provide the propulsive force and the governor the machinery.

[37] Nashville *Union*, February 28, 1863.

[38] Ibid., March 21.

A beginning had already been made, as we have seen. In February, the military arm had fallen upon the defiant Nashville Gas Light Company, which had refused to transfer shares sold to Northern purchasers on the ground that the rights of Northern persons to Southern property were forfeited under the Confederate sequestration act. Post-commander Mitchell immediately ordered that any attempt of individuals or corporations to avail themselves of or obey any law of the Confederate Congress or any disloyal state legislature should work forfeiture of all their property under the Federal confiscation act, and that individuals so acting for themselves or for corporations should be sent south of the lines of the United States army.[39] On the 20th, Johnson, in accordance with the confiscation act, had warned all persons not to pay profits or rents to secessionists or their agents, but to retain them until a United States officer should be appointed to receive them;[40] and, at the governor's request, General Mitchell ordered the seizure of the goods of delinquents in the contribution assessed for the support of destitute women and children.[41] On the 16th of March, a commission composed of three citizens and two officers of the army was established by Rosecrans to pass on claims for damages sustained by the citizens of Nashville and vicinity from the occupation by the army;[42] and a month later (April 14), a board of claims was constituted which, in its hearings, was to accord preference to those who declared themselves true and faithful citizens of the United States.[43] This last measure was a shrewdly practical inducement for avowed Unionism, and many whom benevolence had failed to win now consulted their material interests and openly renewed their allegiance. While every favor was extended to confessed penitents, the lot of the recalcitrants became constantly harder. As if to point the contrast, Rosecrans, on the very day the board of claims was established, directed the arrest of a large

[39] Ibid., February 28.
[40] Ibid., February 21.
[41] Ibid., February 27.
[42] Ibid., March 18.
[43] Ibid., August 14.

number of citizens of Nashville whose secessionist propensities were well known.[44] The last loophole for Nashville secessionists was closed on the 21st by General Mitchell's uncompromising order that all white persons over eighteen years of age residing within the lines of his command, who had not already taken the oath of allegiance and the non-combatants' parole and afterwards faithfully observed them, do so and give the required bond within ten days, or go south of the lines of the army.[45] Disability, in whatever form, was no longer to be coddled. On the 3d of May, a number of persons who had acted or spoken in hostility to the government were directed to remove north of the Ohio river, where their influence would be innocuous, and to remain there until the close of the war, under penalty of arrest and trial as spies, if they returned to Tennessee.[46] On the 23d of June, the confiscation act went into full effect in Nashville and Davidson county through the appointment of a commissioner (Charles Davis) to take possession of and collect the rents on the property of Confederates, rent or lease it at his discretion, subject to Johnson's approval, and hold the receipts to the order of the United States government, as represented by the governor.[47] No longer could it be said, as in Buell's day, that rebels were protected and loyal men left to suffer without redress.

[44] Ibid., April 15.
[45] Ibid., April 22.
[46] J. P., vol. lv,—1906.
[47] Ibid., vol. xxxii, 7039.

## CHAPTER VI

### Military and Political Reverses of 1863

In the history of the restoration of civil institutions in Tennessee, the exciting summer months of 1862 are only an uneventful interlude. No progress was possible while the rival armies wrestled desperately on her soil, her cities were turned into military camps or beleaguered strongholds, and raiding cavalry scoured the country. On only one section of the state, the west, was the hold of the Union army secure, as the result of Grant's victories in the spring, and that section, unfortunately for the progress of the Union cause, was overwhelmingly for the Confederacy.

Despite the hostile public sentiment, an attempt was made to hold an election for municipal officers in Memphis on the 26th of June, under the protection of the military. The Union ticket was the only one in the field, and only about seven hundred votes were cast. Fear kept many from the polls. The voters were required to take the oath of allegiance to the United States, which excluded many more. At a liberal estimate, not more than a third of the citizens then in the city voted.[1] John Park was re-elected mayor. The result could not be considered encouraging from a Union standpoint. The mass of the people declined actively to participate in the restoration of a civil government bearing the stamp of loyalty, heavily as they felt the burden of military rule.[2]

The Union men of the western counties, however, whose yearning for a government of laws did no violence to their political convictions, urged the governor to new efforts. He was deluged with petitions importuning him to hold the regular elections for members of the Federal Congress in the 9th and 10th districts. County meetings pressed this course on him in resolutions.[3]

[1] Memphis' vote in peace times was nearly 5,000.

[2] New York *Tribune*, July 4, 1862.

[3] J. P., vol. xxvi passim.

Lincoln's anxiety for signs of political regeneration in the border states was almost painful in its intensity. He watched eagerly for an excuse to push forward the boundaries within which the people themselves acknowledged the sovereignty of the United States. To this end, notwithstanding the precarious situation of the army, he sent, in October, commissioners to Tennessee, Louisiana, and Arkansas, states in which the Union army had established itself, to stimulate popular sentiment favorable to holding congressional and state elections and securing representation of the state in the Federal Senate. The governors were requested to lend their heartiest coöperation to this movement. "In all available ways," ran the instructions, "give the people a chance to express their wishes at these elections. Follow forms of law as far as convenient, but at all events get the expression of the largest number of the people possible. All see how such action will connect with and affect the proclamation of September 22. Of course the men elected should be gentlemen of character, willing to swear support to the Constitution, as of old, and known to be above reasonable suspicion of duplicity."[4]

The proclamation of the 22d of September (1862) referred to by the president, was, of course, the famous one declaring the purpose of the war to be the restoration of the constitutional relations between the United States and the seceded states, asserting the purpose of the president to recommend compensation for the slaves in all states not in rebellion that should voluntarily free their bondmen, and announcing emancipation by the executive, on the 1st of January, 1863, of all slaves in the states still in arms against the government.[5] By promptly taking steps to reinstate herself as a member of the Union, Tennessee would therefore share in any financial relief afforded by Congress to loyal slave states and her own congressmen would have a hand in the measures adopted. The effect of the proclamation upon the slaveholders was immediate, but hardly such as to please or encourage Lincoln. Slaves

[4] O. R., series iii, vol. ii, p. 675.

[5] Richardson, *Messages and Papers of the Presidents*, vol. vi, p. 96.

were gathered up and carried south as expeditiously as possible. Whole plantations were depopulated.[6]

Although but cold comfort had been derived from his previous experiments with popular sentiment, Johnson resolved on one more attempt to gratify the president. On the 8th of December, he issued a proclamation[7] for elections on the 29th for members of Congress in the 9th and 10th districts, where the activity and the petitions of the Unionists encouraged some faint hopes of success. Pursuant to the policy of committing the restoration of the state to its conspicuously loyal citizens, the governor added to the legal requirements for electors that of loyalty established to the satisfaction of the judges of elections, who, on their part, were to take oath to exclude all persons whose devotion to the Union they suspected.

The proclamation had announced the belief that a majority of the voters of these districts had given evidence of their allegiance to the Constitution and laws of the United States. The grounds for any such inference are not apparent. The districts, which lay along the Mississippi boundary and included Memphis, were in the cotton-growing section, devoted to slavery, and had been secessionist from the start. The citizens had acquiesced, perforce, in the military occupation, but, with few exceptions, expressions in favor of the Union were of the perfunctory, time-serving variety. The comment of a correspondent of the Indianapolis *Sentinel* regarding the "Unionism" of Nashville at this time, applies with even greater force to West Tennessee. A citizen with whom he has conversed, he says, is in favor of the Union "provided the government will agree to redeem the Confederate bonds with Lincoln greens. He thinks that all rebels should be pardoned in full, and Southern war expenses, including the cotton burnt, farms, railroads and bridges destroyed by both parties, and the general expenses should be assumed by the Washington government, and then the Constitution should be amended so as to guarantee a veto power at least to the Southern states. . . . He assured me there was no other 'kind of Unionism' in this country,

[6] Nashville *Union*, November 27.

[7] Ibid., December 9.

except a few fanatics of the Andy Johnson school, who could not muster a corporal's guard in all Tennessee. I guess the man is more than half right."[8]

That this hardly overstated the attitude of the people, the governor must have appreciated after reading the resolutions[9] adopted by a mass meeting of representatives of Hardeman, Haywood, and Fayette counties on the 15th of December to nominate a candidate for the 10th district. Starting with the observation that the time had come when Tennessee should be represented in Congress, on the principle that participation in governing one's self is preferable to being governed by others, and declaring for "an honorable and speedy peace and a reconstruction of the Union on the old terms of the Constitution," the paper closed with instructions to the prospective representative of the district "to oppose the emancipation proclamation of President Lincoln and to endeavor to procure the passage of some law which will enable masters to recover their fugitive slaves and which will enable loyal citizens to receive full payment for all losses inflicted on them by the Federal army, including the loss of slaves." This was arrant copperheadism. General Brayman, who commanded the post at Bolivar, reported the proceedings of the meeting to Johnson with the remark that resolutions so lacking in the patriotism demanded by the occasion could hardly aid the purpose of the government.[10] Perhaps it was as well for the prestige of the president and the governor that a well-timed raid by Forrest on the day set for the elections prevented the opening of the polls and the registering of an insignificant vote or the choice of anti-administration congressmen.[11]

Indeed, the political situation depended entirely upon the success or failure of the army, and so far the army had done nothing decisive. Bragg and the guerillas remained in full force in the state. To eject them was now a part of the great

[8] Ibid., December 14.

[9] J. P., vol. xxviii, 6149.

[10] Ibid., 6148.

[11] *Contested Election Cases, House of Representatives, 37th Congress, 3d session, no. 46.*

project conceived by the war department, involving the conquest of the southwestern states by a simultaneous eastward advance of all the Federal forces from Tennessee on the north to Louisiana and Texas on the south, and the crowding back of the rebellion upon the Atlantic seaboard. In pursuance of this plan, Rosecrans took the offensive against Bragg, and, on the 2d of January, 1863, defeated him at Stone River[12] and pushed him south to Tullahoma, thus almost recovering the position out of which Buell had been manoeuvred in August. The victory, so Johnson wrote to Lincoln, greatly rejoiced the friends of the Union and discouraged the Confederates, but increased their bitterness; still, not enough had been done. Nothing could accomplish so much to win back Tennessee as the eviction of the enemy from East Tennessee and the resulting conviction of the people that the government was succeeding in reestablishing its sway throughout the state.[13]

At this most critical juncture, the president's emancipation proclamation appeared. From its operation Tennessee, alone of the seceding states, was excepted, and thus placed in a conspicuous and unique relation to the Federal government. The exception was made at Johnson's request.[14] Tenacious of his pet theory that the states had never been out of the Union and that the loyal citizens of Tennessee retained in full vigor all their personal and property rights, he most earnestly desired them, in their sovereign capacity, to do away with the institution of slavery by their own voluntary act. Originally a slave-holder and a defender of slavery as based upon vested rights which the government was bound to respect, he had been impelled by the logic of events to the view that the institution was incompatible with a free government and that one or the other must fall. This idea once grasped, his choice was made. The preservation of the "best government under Heaven" was his consuming passion. His stand was already taken early in 1862.

[12] Popularly known as the Battle of Murfreesboro. The battle itself was hardly more than a draw, but the results favored the Union army.

[13] O. R., series i, vol. xx, part ii, p. 317.

[14] J. G. Blaine, *Twenty Years of Congress*, vol. i, p. 446. I can find no categorical confirmation of this statement, but it seems to have been generally believed that Johnson was behind the measure.

At a gathering in Nashville on the 4th of July, he had said: "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!"[15] His devotion to the poor white laborers from whom he sprang and whose representative he was, and his enthusiasm for democracy and equality of opportunity made it easy for him to break with slavery as the source of privilege. "I am for a government based on and ruled by industrious, free white citizens, and conducted in conformity with their wants, and not a slave aristocracy," he asserted.[16] The exception of Tennessee from the proclamation, he told the president, had disappointed and disarmed many enemies of the government in the state. The important thing was to have the people understand it.[17]

Already in December, the Nashville *Union,* in close sympathy with Johnson, had come out definitely in favor of emancipation. Slavery, it mantained, had fallen as the direct result of the war. It could not exist under current conditions. The slave-owners were ruined. Their slaves were of no value to them, but rather a source of expense and further impoverishment. "Instead of adding their former reputed value to the wealth of the South, we have better reason to double the sum of their estimated value, and subtract it from our aggregate wealth."[18] R. J. Meigs, a former attorney-general of the state and a lawyer of distinction, urged not only that the slaves of rebels be seized as constituting part of their resources for continuing the war, but also that the right to hold them be annulled in order "to obtain security against a repetition of the wrong in the future."[19] Late in February, Johnson himself

[15] Savage, *The Life and Public Services of Andrew Johnson,* p. 269.

[16] Nashville *Union,* August 25.

[17] O. R., series i, vol. xx, part ii, p. 317.

[18] Nashville *Union,* December 3

[19] Ibid., June 27.

started on a speech-making tour through Ohio, Pennsylvania, New Jersey and New York, and at Nashville, his point of departure, he delivered, on the 26th, an address,[20] the substance of which he repeated to the audiences all along his route. As always, his great theme was the preservation of the Union. "The time has come and is now open us," he reiterated, "to teach the South and North that institutions are not to exist here that are more powerful than the government itself. If it is banks, put it down; if it is aristocracy, put it down; if it is slavery, put it down. . . . Has slavery a right to agitate the government and shake it to its center, and then deny to the government the privilege to agitate slavery? . . . Never ground your arms until the Constitution is enforced and the enemies put down. . . . I say you dishonor yourselves and the graves of your offspring, if you let them sleep there upon the confines of a Confederacy established upon the remains of this government."

On the 23d of April, great interest and excitement were aroused by the publication of a declaration of principles[21] by the Nashville Union Club, "one of the largest and most intelligent associations which were ever organized in Tennessee."[22] The members proclaimed their loyalty to the Constitution and the Union. Union leagues were to be formed throughout the state to assist in the work of restoration and to furnish the civil and military authorities with reliable information. The war must be continued until the rebellion was crushed, and all disloyal men must be deprived of their property and excluded from participation in the government and enjoyment of the franchise during a period of probation at least as long as that required of "unbiased and unprejudiced foreigners." The lovers of freedom of every land were invited to settle in Tennessee in place of the traitorous aristocrats. Finally, an impressive and radical position was taken on the question of slavery. "We do most solemnly affirm, as the result of our life-long acquaintance, and of our intimate familiarity with all

[20] Ibid., March 3, 1863.
[21] Ibid., April 23.
[22] Ibid.

its workings, that the institution of slavery tends to dishonor labor and smother enterprise; is incompatible with an intelligent public policy, sound morality, the safety and permanency of the Republic, the development of the resources of the state; that it roots out the industrious, and has the effect of lessening the free population of the country." On these grounds its abolition was demanded at the earliest practicable time consistent with "safety to the slaves and justice to loyal masters."

The considerate treatment of Tennessee by the president on the slavery issue clearly helped the Union cause; but a far more invigorating tonic was the success of the Northern armies. Their hold on the western part of the state constantly strengthened, while Bragg had been driven almost off its soil. Were he again defeated by Rosecrans, only a precipitate retreat would save Buckner in East Tennessee. The Confederates were discouraged. The magnitude to which the war had grown utterly surpassed anything they had dreamed of a year before. Their state was almost destroyed already. "They have," said the *Union,* "awakened at last to a realization of the fact that the civil war is involving them in a ruin which if prolonged a few months, will be remediless, so far as they personally are concerned, while a future of unknown horrors will await their innocent children."[23] Real love for the Union had made no perceptible progress. The great majority would doubtless still have rejoiced at the expulsion of the Union army from the state, but this, it became more and more apparent, was impossible. Their slaves ran away or were carried off and the owners left destitute. Foraging parties stripped the farms. The citizens themselves were conscripted by the Confederates, particularly the poorer classes, who began to realize that they were fighting and suffering for a cause the success of which would bring them nothing better than they had had in peace under the old government. Abstract theories of states' rights and sovereignty had little place in hearts torn with anguish for the death of loved ones and the loss of all earthly possessions. Many who had sought the dissolution of the Union

[23] Ibid., January 27.

were now eager, from utter exhaustion and misery, to give up the struggle and accept any settlement that would bring peace.

The month of June witnessed the final episode in the political history of the Confederacy in Tennessee. According to the state constitution, the regular congressional elections fell in August of the current year, and the Union party hoped for a victory by Rosecrans in time to stimulate the movement for peace and restoration and afford assurances against a repetition of the fiasco of the previous December. That the secessionists, whose hold in the state was restricted practically to East Tennessee, indubitably hostile to them, would also attempt an election, could hardly have been anticipated. However, in May, a proclamation by Governor Harris and an unsigned call published in the Chattanooga *Rebel* of May 23d announced a convention to be held at Winchester, in Franklin county, on the 17th of June, to select candidates for governor and a general congressional ticket. "It is more important," declared the call, "that this duty should be performed now than at any other previous period in our history. We must exhibit to the enemy our unalterable firmness of purpose and determination to preserve and perpetuate our free institutions." As the Union armies dominated the state, no regular method of naming the delegates was possible. Both the citizens and the Tennessee regiments in the Confederate service were requested to send representatives chosen by public meetings "or such other mode as they may deem best," and exiles and representatives from counties within the enemy's lines were invited to attend for their counties.

The convention which assembled in response to this call was, of course, in no legal sense representative. It decided to regard "all loyal citizens of the state" present as delegates for their respective counties, many of which were within the lines of the Union army. Resolutions of endorsement and thanks to Governor Harris were adopted and Harris himself addressed the meeting. Judge Robert L. Caruthers was nominated for governor on the third ballot and a full congressional ticket was also drawn up.[24]

[24] Ibid., May 30, June 28; Nashville *Dispatch*, June 27.

Meanwhile, the Union leaders had not been blind to the advantages of an election in August under the sanction of the state constitution and the control of the army. Their call, signed by Maynard, Brownlow and others, appeared on the 20th of June and, in purposely vague terms, summoned "those who desire to maintain the state government in connection with the Federal Union as it stood prior to the rebellion and the war" to meet at the capitol in Nashville on the 1st of July.[25] Irregularities characterized this convention[26] as well as its Confederate predecessor at Winchester. Refugees from East Tennessee and other sections, where no delegates could be chosen, and soldiers from Tennessee regiments were admitted to seats. Forty counties were represented and each county was, by resolution of the convention, allowed one vote for every five thousand white inhabitants.

Those who hoped for a complete harmony of thought and action among the Unionists were promptly disappointed by the appearance of dissension on several points of high importance. First, the delegates disagreed vigorously as to the purpose and powers of the convention. The radicals wished it to nominate candidates for Congress and the state legislature. Many favored the nomination of a civil governor and all the other state officers, to be elected at the same time as the legislature. To omit these from the ticket, they held, was to depart unnecessarily from the constitution, which required the election of all the officers in August. Moreover, to have a military governor, who was not responsible to the people of the state, to deal with an elected legislature, would produce a hopeless jumble of authority. A resolution, championed by J. B. Bingham of Memphis, proposed that the convention itself constitute Governor Johnson provisional governor of the state—thus, in the view of its projectors, fortifying him with the sanction of the people whom the delegates professed to represent—and request him to issue writs of election and appoint the necessary agents to enable the people to elect all the state officers provided for in the constitution on the day fixed by that instrument. Another resolu-

[25] Nashville *Union*, June 23.

[26] Ibid., July 2-8, July 18; Nashville *Dispatch*, July 3.

tion contemplated the election by the convention of a governor's council of three members, to consult with and advise Johnson in the interests of the people until the full civil government could be restored.

On the other hand, it was pointed out that the convention was in no proper sense a representative body, but at best only an irregular assembly of loyal citizens, for the purpose of taking counsel with and advising the governor. It was ridiculous to assume that such a body could do what the president of the United States himself could not do—make Johnson a provisional governor. The president could only make him military governor by virtue of the war power. No civil functions could be exercised in Tennessee except in accordance with the state constitution or through the action of the sovereign people. Since the constitution had been thrown out of gear by the rebellion, the people must act, and their first action could not be along the lines prescribed by the constitution, but must be an irregular action to restore regularity, and the military governor was in Tennessee for the express purpose of starting and directing the movement of the people. His power was not derived from the disordered state constitution nor from the people of Tennessee at all, but from the president. Power so derived was plenary for the purpose contemplated. A civil governor and other state executive officers represented the people of the state *as a whole*. They could not properly be chosen until the state was entirely clear of the enemy. This position was stoutly maintained by the East Tennesseeans. Their section, they said, was the most loyal part of the state, but it was at present in the grip of the Confederacy, and to elect a governor now would be to commit his choice to the less loyal districts of Middle and West Tennessee. To "carry the ballot-box" to the East Tennesseeans in the army, as had been proposed, was no adequate remedy for this grievance. Thousands of East Tennessee loyalists were refugees or held down by terrorism and were not in the army at all. The legislature, on the contrary, was chosen not for the state as a whole, but for districts. There was, therefore, no reason why all districts protected by the Union army should not elect legislators in August. The legis-

lature could assemble on the day fixed by law and adjourn from day to day until, by the freeing of more districts and the election of members from them, a quorum should be obtained. It could then proceed to redistrict the state and make provision for future congressional and legislative elections, the machinery for which could be put in motion by the military governor, who had full power to appoint sheriffs, judges of elections, and other necessary officials, while, at the same time, his military resources would protect the ballot-box from attack.

The latter view finally prevailed. The resolutions adopted declared all laws, resolutions, and ordinances passed by the legislature of Tennessee since April 12, 1861, the work of usurpation and void, approved the action of the president in appointing a military governor, indorsed Governor Johnson's administration, emphasized the importance of electing a state legislature, and requested the military governor to issue writs and appoint agents for such an election, to be held on the first Thursday in August, or as soon thereafter as might be expedient. The convention also named a Union state executive committee, consisting of Horace Maynard, W. G. Brownlow and John A. Campbell for East Tennessee; M. M. Brien, William P. Jones and Horace H. Harrison for Middle Tennessee; and J. B. Bingham, J. M. Tomeny, and J. Leftrick for West Tennessee—a sort of standing committee, to keep an eye on the political situation and call another convention whenever they deemed it desirable.

The convention had been held under cover of the renewed activity of the army. Since his victory at Stone River in January, Rosecrans had remained near Murfreesboro, facing Bragg, who had taken position north of Tullahoma. The Union general's purpose was not to fight a pitched battle at once, but to prevent Bragg from coöperating with Johnston in Mississippi until Grant disposed of the latter, after which the armies of the Tennessee and the Cumberland would be far too strong for any force that could be brought against them, and Bragg would be compelled to flee southward, with the possibility of being demoralized and routed on the way. In June, however, information reached the war department that Bragg, while

amusing Rosecrans, was sending off reinforcements to both Johnston and Lee. To prevent this, an immediate attack was determined upon. While Rosecrans struck directly at Bragg, Burnside, with the army of the Ohio, was to invade East Tennessee, clear that district, and press southward toward Chattanooga to coöperate with Rosecrans, in case Bragg should turn on him. On the 24th, Rosecrans, by a flanking march through Hoover's and Liberty Gaps to Manchester, succeeded in turning Bragg's position at Tullahoma. The Confederates were forced to abandon their whole line and fall back to Chattanooga, which they strongly fortified. This reverse was demoralizing to them, and even more so to their interests in Tennessee. Though Burnside was delayed and did not enter East Tennessee until the end of August, the rest of the state was held by the Federal armies in July.

The regular election day was, nevertheless, allowed to pass without any official action by the governor. He still adhered to his oft expressed conviction, strengthened by sad experience, that no adequate Union strength could be developed in the state while the guerillas remained to menace the inhabitants and East Tennessee was unredeemed. That this was the wise and proper course, anyone who cared to review the history of past failures must have conceded, but insinuations were not lacking that Johnson was neglecting opportunities to perform his clear duty, for the purpose of perpetuating his power, further persecuting the aristocracy, and having his own way.

The Confederates, it seems, held some sort of an election on the 4th of August, for Judge Caruthers was declared governor and Tennessee representatives were admitted to the Richmond Congress. The vote, except by Tennesseeans in the Confederate army, must have been infinitesimal, and the whole proceeding was but an empty formality, so far as any effect in Tennessee was concerned.[27]

Far more annoying to the administration was an election held on the same date by the conservative Union party in the state, opposed to Johnson, for the purpose of ousting him from power. This party was headed by Emerson Etheridge, who had

[27] Miller's *Manual of Tennessee*, p. 46.

been one of the most prominent and outspoken Union leaders in East Tennessee during the secession period. An impressive, bold speaker, of imposing presence and much fascination of manner, he drew after him a considerable personal following. Passionate in his attachment to the Union, he had broken with the radicals on the slavery issue and violently opposed the president's emancipation policy. He also assailed Johnson as half-hearted in his efforts to restore order in the state, and intimated that his devotion was rather to the cause of the negro than to the cause of peace. His enemies retorted with the cry of "Copperhead!" and explained his assaults on Johnson as the bitter fruit of a disappointed ambition for the governor's place.

The scheme devised by Etheridge and his friends was to get out a vote for governor on the day fixed by the state constitution, whether an election was ordered by Johnson or not; indeed, they much preferred that the latter should remain quiescent, for, in that case, their candidate seemed certain of a majority of the vote cast and, under the constitution, would be the legal governor by action of the people. This project was, in part, actually carried out. By whatever means, some sort of an election was held in Shelby, Bedford, and perhaps one other county, and at least 2,500 votes were cast. The only authority for such a proceeding was the clause in the state constitution concerning elections, and all the legally prescribed preliminaries of a regular election were wanting. Nobody had proclaimed one except Governor Harris. Johnson had remained entirely passive. There were no county officers to appoint judges of elections. It was difficult to see how any governor could maintain himself in the state except by the support of the bayonets of the army. Yet the Etheridge party declared that their candidate, General W. B. Campbell, had received all the votes cast and was legally chosen civil governor, and Etheridge himself went to Washington, and urged the president to recognize and instate Campbell. His failure in this mission was a foregone conclusion. Campbell's position was, indeed, ridiculous; and the Nashville *Union* even asserted that another man, friendly to the administration, had actually received several

hundred more votes than Campbell at the abortive election. Probably there was no way of proving or disproving any statement that either party cared to make. For practical purposes, the episode only furnished unfortunate evidence of the division in the ranks of the Unionists and so tended to encourage the "neutral" pro-slavery people and embarrass the government.[28]

By the middle of August, Rosecrans had established a dependable line of communications by repairing the railroad from Nashville, his depot, to Stevenson, Alabama, and was ready to undertake the difficult movement from the latter point against Chattanooga. His army proceeded cautiously over and between the mountain ridges which covered the city and, by the first of September, his right wing had reached Lookout Mountain and threatened to cut Bragg's communications with the South. Simultaneously, Burnside made his way over the mountains from Kentucky into East Tennessee, the Confederates under Buckner retiring before him. The loyal East Tennesseeans, who, since the beginning of the war, had been left to the mercy of the enemy and had paid for their devotion to the Union with their property and frequently with the risk of their lives, received their liberators with transports of joy and lavished upon officers and soldiers food and clothing from their scanty store. On the 1st of September, Burnside occupied Knoxville, and, on the 9th, General Shackelford captured the entire Confederate force at Cumberland Gap, with its artillery and supplies. The army then advanced rapidly southward to coöperate with Rosecrans and attack Chattanooga from the north. Already, on the 8th, however, Bragg had realized his predicament and had fallen back into Georgia, while Rosecrans followed him closely through the dangerous mountain passes.

These successes filled Johnson with joy. At last, it seemed, the nerve-racking alternation of bright hopes and sickening disappointments was to end in the redemption of his state. Bragg had been driven over the border; for the first time East Tennessee was free. The armies of the Confederacy were apparently in full retreat: it remained only to attend to the guerillas; then,

[28] Nashville *Union*, October 1, October 4; Memphis *Argus*, September 4; J. P., vol. xxxiii, 7279.

in security and confidence, the Union men would answer the summons to the polls and restoration would be an accomplished fact. The secessionists were crushed by the disasters that had befallen their arms and the feeling gained ground among them that their only possible course was to make the best of an inevitable situation. Moderate Unionists throughout the state implored the government to take advantage of this reaction to enlist as many Tennesseeans as possible in the work of reconstruction. As early as the 4th of August, the Nashville *Press* had pointed out that, if only invariable loyalists were allowed to participate, probably not one-tenth of the former citizens could qualify, and urged the inclusion of "all who are *now* ready to act with us, regardless of antecedents." Otherwise, it observed, the Union party would remain in a hopeless minority for twenty years.

Johnson himself was disposed to smooth the path for the return of the rank and file of the disaffected to their old allegiance. Weight of numbers, he knew, was of the utmost importance in sustaining the new structure he proposed to erect. Toward the secession leaders, on the contrary, he was implacable. "Many humble men," he said, "the peasantry and yeomanry of the South, who have been decoyed, or perhaps driven into the rebellion, may look forward with reasonable hope for an amnesty. But the intelligent and influential leaders must suffer. The tall poppies must be struck down."[29] To moral reprobation of conscious, deliberate treason was added the fear that the secessionist chiefs, if admitted to pardon and allowed to recover the rights of citizens, would, once the army was withdrawn, regain their ascendency with the people and use it to depose the Union leaders and visit them with retribution. "We wonder," remarked the Nashville *Union,* "how many of the Union men of Nashville would have received an amnesty, and how many sequestrated Northern debts would have been paid, had this plot succeeded. . . . If treason be not a crime, then strike the word *crime* from the lexicon; if a traitor be not the greatest of all criminals, and the southern rebel leaders the greatest of all traitors, then let felons be honored with an apotheosis, and let

[29] Nashville *Union,* August 25.

us canonize the names enrolled on the Newgate calendar."[30]

On the 5th, the *Union* published an "officially authorized" statement of the governor's own policy. "Governor Johnson," it declared, "proposes issuing writs of election for a legislature, at the very earliest practicable day; that is, when the progress of our military operations is such that loyal citizens can go to the polls in safety, and when sympathizers of the rebellion will no longer dare, backed by the presence of Confederate troops and by guerilla terrorism, to control the policy of the state. Regard will also be had to the disposition manifested by the people to resume their former privileges in the Federal Union. They must indicate in some way a desire to vote for their officers, as loyal citizens. Elections will not be forced upon them against their will. . . . The delay in issuing writs of election hitherto has been, as all intelligent observers must have seen, not a matter of choice, but of inexorable and painful necessity. Practically, it has been impossible to hold Union meetings of the people, or go through the form of election in one-fifth of the counties of Tennessee. We doubt whether any one of those who have been most urgent for holding elections and restoring civil government would at any time within the past twelve months have run the risk of making speeches for the Union and against the rebel government at any precinct ten miles from a Federal encampment. Throughout the state at large the loyal people are unorganized, while the ramifications of rebel organization extend everywhere, in the shape of cavalry bands, or guerilla troops, organized for pillage and murder, or such lodges as Knights of the Golden Circle. . . . Why issue a writ of election for a county, when a guerilla band of from twenty to fifty might visit every precinct in the county on the day of election? We must bear in mind that the people, especially all the loyal people, have been disarmed and can't defend themselves. . . . To invite the people to vote for loyal candidates under these circumstances, before the overthrow and complete expulsion of the rebel military power, would be to invite both people and candidates to destruction. . . . It is the ardent desire of the government that Tennessee shall also be

[30] Ibid., August 26.

represented in the national councils, as soon as practicable, and writs of election will be issued for the purpose of electing congressmen. It is the intention also to appoint judges for the county and circuit courts, to hold office *pro tempore,* until their successors can be regularly elected. In brief, it is designed to restore all the branches of the state government, in some cases by temporary appointment, and in all cases by elections so soon as the condition of the state will admit of such a step."

Economic reasons were not lacking to reinforce the political arguments for reconstruction. Save in Nashville, Memphis, and a few other points relieved by the disbursements of the occupying army, the people of Tennessee were in very real distress. The country had been stripped almost bare by the contending forces. Millions of dollars beyond the production of the last two years would, in the opinion of the Nashville *Press,* be required to save the people from starvation and nakedness. Since the products of the state had dwindled into insignificance, purchasers of supplies had been compelled to draw on their reserve of capital and to pay from it at the advanced prices resulting from the inflation of the currency and other conditions brought on by the war. The average advance in prices in two years was estimated at one hundred per cent. The only possible alleviation would come, thought the *Press,* through a return to loyalty. Tennessee would then become the basis of supply for the Union army. As such, her agriculture and industries would be most carefully protected and "instead of being harried and stripped as she has been and still is by Federal armies that won't pay rebels and by Confederates that can't pay anybody," her products would command high prices in good money.[31]

On the 11th of August, General Hurlbut, the Federal commander at Memphis, expressed to Lincoln his belief that Tennessee was prepared to adopt a fair system of gradual emancipation and return to the Union. As soon as East Tennessee should be liberated and able to participate in the work, he advised that a legislature be elected, which, in turn, should call a convention, and restoration could be accomplished in sixty days. "Then," he comments with sober naïveté, "we can use upon the

[31] Nashville *Press,* August 7.

Tennessee troops in Southern service the same tremendous lever of state pride and state authority which forced them into hostile ranks."[32] Hurlbut did not disclose the source of his information as to this remarkable prospective face-about by the West Tennesseeans. He seems to have shut his eyes to the fact that the real levers which forced them into the Southern army—personal conviction and an all but unanimous public sentiment—would not be available to force them out again, even if a handful of citizens should succeed in going through the forms of a loyal election.

Coincidently with the advance of Rosecrans and Burnside, Charles A. Dana, the assistant secretary of war, visited Tennessee to observe the operations of the armies and their effect on political conditions in the border states, and, on the 8th of September, he had a most interesting interview with Johnson.[33] The governor was greatly cheered by the aspect of affairs, and particularly by the realization of his hopes for East Tennessee. There was now, he thought, every prospect of a successful reconstruction, and the work was to be pushed. He proposed promptly to appoint the judges and set the courts in operation, and to follow this up by proclaiming a general election in the first week in December for a governor and other state officers, a legislature, and members of Congress. Care would be taken that only loyal citizens voted or were candidates for office. When the legislature assembled, he would urge on it immediate, unconditional emancipation, both as a moral obligation and as an indispensable inducement to the immigration of the free labor necessary to repeople the state and develop its resources. In his opinion, slavery was, in fact, already dead in Tennessee, but it was desirable to abolish it legally, and he expressed no doubt that the legislature would do so, though immediate emancipation was not certain. The great majority of the people now favored freeing the negro, but were in doubt regarding his status after he was freed. The movements of the army, the governor complained, were much too slow; months of precious time had been wasted in constructing useless fortifications. Rosecrans

[32] O. R., series, i, vol. xxiv, part iii, p. 588.

[33] Ibid., vol. xxx, part i, p. 182.

was a patriot at heart, but he had fallen under bad influences. Truesdail was holding up the whole army while he and his friends fattened on contracts.

For some months, Johnson had been in correspondence with the president regarding the proper time and method for restoring the state. He had visited Washington in the spring and submitted to Lincoln a complete proposition embodying his views and the results of his experience, which the latter had approved.[34] Thus all was in readiness for immediate action as soon as a decisive victory by Rosecrans and Burnside should furnish assurance that the Union occupation of the state was to be permanent. The events of early September were to Lincoln the turning of the tide, so long and painfully awaited. On receiving the news of Bragg's evacuation of Chattanooga, he telegraphed to Johnson: "All Tennessee is now clear of armed insurrectionists. You need not be reminded that it is the nick of time for reinaugurating a loyal state government. Not a moment should be lost. You and the coöperating friends there can better judge of the way and means than can be judged by any here. I only offer a few suggestions. The reinauguration must not be such as to give control of the state and its representation in Congress to the enemies of the Union, driving its friends there into political exile. The whole struggle for Tennessee will have been profitless to both state and nation if it so ends that Governor Johnson is put down and Governor Harris is put up. It must not be so. You must have it otherwise. Let the reconstruction be the work of such men only as can be trusted for the Union. Exclude all others; and trust that your government so organized will be recognized here as being the one of republican form to be guaranteed to the state, and to be protected against invasion and domestic violence. It is something on the question of time to remember that it cannot be known who is next to occupy the position I now hold nor what he will do. I see that you have declared in favor of emancipation in Tennessee, for which may God bless you. Get emancipation into your new state government—constitution—and there will be no such word as fail for your case."[35]

[34] Ibid., series iii, vol. iii, p. 819; J. P. vol. xxxiv, 7447.

[35] O. R., series iii, vol. iii, p. 789; *Lincoln's Complete Works*, vol. ix, p. 116.

These injunctions of Lincoln have been quoted at length, because they are the very best answer to some of the severest criticisms on Johnson's acts in 1864. Johnson was in complete accord with the president, but, appreciating the gravity of the step he was about to take, he requested a delegation of authority directly from Lincoln, under the clause of the Federal Constitution securing to each state a republican form of government, to exercise all powers necessary for that purpose.[36] This he promptly received, substantially in the terms he suggested, but with two modifications which the president designed to remove every impediment to his freedom of action. Instead of being authorized himself to carry out the constitutional guarantee, he was empowered so to act as to require the government to do so; and a clause in his original draft committing him to the *ante-bellum* constitution of Tennessee was dropped by Lincoln, lest it embarrass a movement to frame an entirely new constitution.[37]

The machinery of agitation was at once put in motion to create interest in the coming event. Mass meetings were held in all parts of the state. Johnson himself was a frequent and forceful speaker. His efforts were chiefly directed to showing that the process of reconstruction was a natural and painless one and would bring only good to the people—like the restoration of the human body from sickness to health. "Here lies your state," he said, "a sick man in his bed, emancipated and exhausted, paralyzed in all his powers, and unable to walk alone. The physician comes. . . . The United States sends an agent, or a military governor, whichever you please to call him, to aid you in restoring your government." He outlined the method the administration proposed to adopt, and declared that only the obstinacy of the citizens prevented the immediate and thorough cure of their sick state.[38]

Without warning, all these high hopes were dashed and the Unionists crushed back in despair—for again the army failed. Rosecrans, believing that Bragg's reverses had completely de-

[36] O. R., series iii, vol. iii, p. 823.

[37] Ibid., p. 825.

[38] Frank Moore, *Speeches of Andrew Johnson*, p. xxix.

moralized him, eager, if possible, to destroy his force, and stung, perhaps, by complaints of his former sluggishness, pursued the Confederates hotly through the mountains, dividing his army to expedite his progress. Bragg, however, was in no such straits as Rosecrans supposed. He had his men in hand and, what was far more important, he had received Longstreet's entire corps from Lee's army as a reinforcement. Suddenly he turned upon the pursuing foe before they could emerge from the mountains. Rosecrans was taken aback and his confidence gave place to alarm. By desperate efforts he succeeded in extricating his army from the immediate danger of being destroyed piecemeal and, by a retrograde movement, concentrated it near Chickamauga Creek, but he had been shaken and unnerved, the *élan* of the advance was gone and, when Bragg pressed the attack, he seemed bewildered. A vaguely worded order opened a gap in the Union line, into which the enemy thrust themselves, smashing Rosecrans' whole right and centre and scattering them in confusion. Only the heroic stand of General Thomas with the left averted a rout, and allowed the broken troops to recover and make good their retreat to Chattanooga.[39] This victory enabled Bragg to detach Longstreet to operate against Burnside and, by the middle of November, the army of the Ohio had been driven out of all the southern part of East Tennessee and was shut up in Knoxville, short of supplies and in the gravest danger. Most of what had been gained by the laborious efforts of the summer was lost again, and the president and governor could but resume their weary vigil and abandon any idea of reconstructing Tennessee during the immediate future.

Nothing daunted by these disasters, the Federal government projected a fall and winter campaign on a grander scale than before. Rosecrans was relieved and Thomas succeeded him in the department of the Cumberland. The three departments of Tennessee, Cumberland, and Ohio, were placed under the command of General Grant, and with this splendid army he proceeded to retrieve the Union cause by an uninterrupted

[39] Chickamauga still provides material for debate and recrimination. The latest work on the subject is A. Gracie's *The Truth about Chickamauga.*

series of decisive victories. The battles of Lookout Mountain (November 24) and Missionary Ridge (November 25) at last shattered Bragg and drove him in confusion into Georgia; and Sherman, hastening to the relief of Burnside at Knoxville, compelled Longstreet, after a last desperate attempt to take the city by storm, to retreat precipitately into Virginia (December). The danger of a permanent Confederate occupation of Tennessee had finally disappeared.

## CHAPTER VII

### Progress of Reorganization

From the outbreak of the war until the first of December, 1863, the most important factor in Tennessee history had been the army. Governor Johnson was obliged to accept a subordinate role, defer to the military policy of the generals, and steer his course in accordance with their successes and failures. But, after that date, the positions were reversed. The victories of Grant carried the Union flag forward to other fields; the process of reconstruction holds the centre of the stage and suffers but one serious interruption—from the invasion of Hood in November, 1864.

The campaigns of 1863 had at last brought to the front generals, Grant, Sherman, and Thomas, to whom the president was convinced he could safely entrust the destruction of the now tottering Confederacy, while he devoted himself to the grateful task of restoring the Union and leading a reunited nation to bury in oblivion the bitterness engendered by civil strife. To this he bent his energy "with malice toward none, with charity for all," and his magnanimous nature found a happy relief in turning from the contriving of ruin to a labor of love.

Lincoln's policy is embodied in his proclamation of amnesty and reconstruction[1] of the 8th of December, 1863. This familiar document has been the subject of such detailed examination and discussion that only the barest summary of its provisions need be given here. By virtue of the Constitution and the acts of Congress, the president offered a full pardon to all persons, with the exception of certain specified classes, who had participated in the rebellion, and proposed to restore to them all their property rights, except as to slaves and in cases where rights of third parties had intervened, on condition of their taking a solemn oath henceforth faithfully to "support, protect and defend the Constitution of the United States and the Union of the states thereunder" and all acts of Congress and

[1] *Annual Cyclopedia*, 1863, p. 781.

proclamations of the president relating to slaves passed during the war, so far as these were not modified by the proper legal authorities. Whenever, in any state, a number of persons, qualified as voters in that state under the election laws in force previous to the act of secession and equal to one-tenth of those voting in the state at the presidential election of 1860, should, after taking the amnesty oath, reestablish a state government, republican in character and not in contravention of that oath, such government should be recognized as the true government of the state, entitled to all the guarantees and protection promised by the Constitution.

So far as Tennessee was concerned, there was every reason to expect that a far greater proportion than the required one-tenth would participate in the work of restoration. The manifest weakening of the Confederacy and the inducements to loyalty held out in the conciliatory messages and speeches of Lincoln and Johnson had produced among the despairing, war-weary population a sort of latent Unionism—or rather, perhaps, a disposition to acquiesce in any honorable settlement that would bring peace—which only awaited the absolute assurance that the rebellion was crushed in order to declare itself. The pronounced Unionists were pushing actively for reconstruction, which meant for them political plums as well as personal security. The Nashville council of the Union League—an organization claiming to represent sixty thousand voters, with branches throughout the state, formed to protect Union men and further the Union cause—presented resolutions to Johnson in November, which were indorsed by several of the allied councils.[2] These begged the governor to declare null and void all elections and appointments that had occurred in Tennessee, pronounce all civil offices vacant, and fill them himself with unquestioned, unconditional Union men. The officers of Davidson county, they pointed out, were chosen under the rule of the Confederacy. The common council of Nashville contained former well-known rebel sympathizers, and two-thirds of their appointees were of doubtful loyalty. Such men could not be trusted to protect the property of the government and its adherents. No election

[2] J. P., vol. xxxviii, 8429.

should be held until East Tennessee was free from rebel domination. A final resolution laid down the "broad platform of *Our Country, let Our Country be right or wrong.*" The council of the German members of the league went even further. They indicted slavery as "contrary to reason and repulsive to humanity," "based on compromise and by no means on divine or human right," and degrading to labor, declared that its abolition would bring prosperity and happiness to the South, and favored the continuation of Johnson's government until the people had given ample proof of their loyalty and were ready to incorporate a prohibition of slavery in their constitution.[3]

On the other hand, a mass meeting at Memphis, on the 26th of December, petitioned for the speedy establishment of civil government in accordance with Lincoln's proclamation. On those terms, they believed, two-thirds of the remaining residents of Memphis and half those of the rural sections of the same congressional district would favor restoration. They suggested that the administering of the oath, the registration of those taking it, and the election of delegates to a convention should all occur simultaneously, and if the total vote reached the necessary tenth, the convention could assemble without delay.[4] From Knoxville came requests for the institution of a Federal court to try political offences and violations of the treasury regulations and compensate Unionist creditors out of enemies' property still available for that purpose, but being rapidly destroyed or carried away.[5] Thomas, from Chattanooga, assured the governor that the revival of civil authority would restore confidence and reinforce the Unionists by many who still delayed, uncertain of the intentions of the government.[6] About the middle of January, 1864, Lincoln sent to Tennessee, as he already had to other states, an agent with blanks and instructions to enroll citizens who would take the oath.[7]

Two difficulties in connection with the oath arose to perplex

[3] Ibid., vol. xxxvii, 8160.

[4] Ibid., vol. xxxviii, 8296.

[5] Ibid., 8455, 8499.

[6] O. R., series i, vol. xxxii, part ii, p. 64.

[7] Nicholay and Hay, *Life of Lincoln,* vol. viii, p. 443.

Johnson. The first, as to the proper officers to administer it, was promptly resolved by the president's explanation that this might be done by the military governor, the commander of the department, and "all persons designated by them for that purpose."[8] A second complication was far more serious. A decided objection to taking the oath at all developed among those who had been unswerving Unionists from the beginning, on the ground that such a requirement implied a doubt as to their notorious loyalty and placed them in the same category with repentant rebels.[9] Lincoln, however, was explicit that the oath should be taken by loyal as well as disloyal. "It does not hurt them," he said, "clears all question as to the right to vote, and swells the aggregate number who take it, which is an important object."[10] From this statement it appears that Lincoln originally intended subscription to his oath to carry with it the franchise. Such was certainly the general view at the time, and, on that assumption, General S. P. Carter had suggested that the demands of the "notorious Unionists" for a sharp distinction between them and the disloyalists who had recovered the ballot with amnesty be met by dividing the oath-takers into two separate lists—a loyal men's record and a disloyal men's record—the former to constitute a roll of honor from which the names of those against whom any defection from allegiance could be shown should be excluded.[11]

With Johnson, vindictive by nature and worn out and aggravated by two years of constant futile attempts to make some impression upon the stubborn inertia of a population always disloyal at heart, the magnanimous views of Lincoln found little sympathy. Before the middle of January, in a letter to Horace Maynard intended for the president's eye, he had expressed his opinion that the voters "should be put to the severest test."[12] His contention, as stated by the Nashville *Union,* was that the

[8] O. R., series iii, vol. iv, pp. 31, 46; J. P., vol. xxxix, 8521.

[9] Nicholay and Hay, *Life of Lincoln,* vol. viii, p. 444; Nashville *Union,* January 2, 1864.

[10] O. R., series iii, vol. iv, p. 46.

[11] Nashville *Union,* February 16.

[12] O. R., series iii, vol. iv, p. 31.

amnesty oath should be regarded simply as securing a pardon for traitors who desired it; "one who takes it sets himself right again with lawful authority."[13] By no means all who were admitted to it should, by that act alone, gain the ballot. The clamor of the loyalists against being classed indiscriminately with newly returned prodigals afforded him a chance to advance a new proposition in accord with his own ideas—that a second and more stringent oath be required of voters, which should at once distinguish them from those who, though not wholeheartedly regenerate, had gained amnesty, and should bind them unequivocally and actively to the Union party.

Once determined upon the course to be pursued, he lost no time in setting to work. Presumably at his instigation, a mass meeting assembled at the capitol in Nashville on the 21st of January, to give the initial impulse to the reconstruction movement. It was addressed by the governor in a speech[14] which, though alleged to be extemporaneous, gives every evidence of being most carefully prepared to measure up to a great occasion, of the momentous importance of which the author was fully aware. In any case, it is the ablest, most elaborate, and most impressive effort made by him during his entire term as governor, presenting a complete epitome of his political principles, motives, and projects, and indicating to the people the proper path to be followed for the redemption of the state.

He begins with a reiteration of his favorite theory that Tennessee has never been out of the Union. Its functions "have only been paralyzed—its powers are only remaining inactive." The president, "in the exercise of his constitutional obligations, may appear in the state of Tennessee in the person of an agent" and restore to the people a republican form of government. Since the functions of the government are suspended, the president's agent "supplies the vacuum." "Is there anything outside of the principles of the Constitution in that? Is there any usurpation in it? There must be a beginning

[13] Nashville *Union*, January 2.

[14] *Speech of Governor Andrew Johnson on the Restoration of State Government*, pamphlet, Library of Congress. For the sake of clearness, I have slightly changed the order of sentences.

somewhere. In the absence of government there must be steps taken, though they may be irregular, for the purpose of bringing back order. . . . In turning to the laws and Constitution of the state we find that when vacancies occur by death, resignation, or otherwise, the executive shall make temporary appointments, and these appointees shall hold their places until their successors are elected and qualified. Then we see how easy the process is. Begin at the foundation, elect the lower officers, and, step by step, put the government in motion. . . . If it is done in a half dozen counties, it is so much done, and that much done we can do more."

Turning to the vexed question of the proper persons to participate in the active work of reconstruction, the governor prefaces his discussion with the assumption that every individual engaged in the rebellion "has been, by his own act, expatriated." "Shall we lay down a rule which prohibits all restoration? . . . It is easy to talk that rebels shall not vote and Union men may, but it is difficult to practice this thing. . . . We want some standard by which we can put him that has been a traitor to the test, though he has repented. . . . We are told upon pretty high authority that sinners sometimes repent; and we are told that in this repentance there should be works meet for repentance—there should be some evidence of it. . . . I know it has been said by some Union men that we should not be placed in the attitude of culprits—of men asking for pardon. . . . But in the election of officers who are to take charge of the government we want some test, at least, that the men who vote are loyal and will act with Union men. . . . We want a hard oath—a tight oath—as a qualification for everybody that votes. . . . On the other hand, if there is anybody in this large assembly of voters who needs or desires a pardon or amnesty, whether he seeks it in good faith or for the purpose of saving a little negro or any other property, I would say to him, 'Go over there; there is an altar for you. There is President Lincoln's altar, if you want pardon or amnesty—if petitioning to the president for executive clemency. If you want to escape the penalties you have incurred by violations of law and the Constitution, go over there and get your pardon. We are

not in need of it; we wish not to take that oath; that is the oath for him who has committed crime.' "

After the local machinery in the counties shall have been put in operation, the governor continues, the people have to consider the best means for reestablishing the central government of the state. Here also he has no doubt as to the proper course. "To carry out the spirit and letter of the Constitution, as the people are the rightful source of political power, I should say the executive would have the right to invite the people to have a convention to restore government to the people. . . . We find in the constitution of this state that you can amend the constitution by the legislature, but it takes six years to amend it in that way. But when we recur to the bill of rights, which is a paramount part of our state constitution, we find that the sovereign people have the right to alter, amend, or abolish their form of government whenever they think proper, and in their own way. This is perfectly consonant to the Constitution of the United States, and admits the great principle that all political power is inherent in the people. . . . In other words, let us have the sovereign present in the shape of delegates. . . . Some that have been nominally Union men, and some that have been rebels . . . turn to the constitution as it now stands and say, let us get the legislature back here; let us patch up things and have no fuss. They think of that little clause in our constitution which provides that the legislature shall not emancipate slaves without the consent of their owners. Don't you see? Then if they get the legislature back under the constitution as it is, they think they can hold on to the little remnant of negroes that is left—the disturbing element that has produced all this war. . . . Let us have the people here, and when they assemble in convention, when the sovereign is present, he can do all that the legislature can, and he can do a great deal more. . . . Let the people come forward and speak, and in speaking upon the negro question, my honest convictions are that they will settle it, and settle it finally. . . .

"The rebels commenced the destruction of the government for the preservation of slavery, and the government is putting down the rebellion, and in the preservation of its own existence

has put slavery down, justly and rightfully, and upon correct principles. . . .I have had some come to me and say, 'Governor Johnson, are you in favor of immediate emancipation?' I tell them yes. 'Do you want to turn the negroes all loose upon the country? What will we do with them?' Why, sir, I reply, as far as emancipation is concerned, that has already taken place. Where are your negroes? They answer, 'They are running about somewhere.' I ask, what do you call that? They seem to be already turned loose. The institution of slavery is turned into a traveling institution, and goes just where it pleases. It is said that the negroes are not qualified to be free; because they have been slaves so long, they are unfitted to be freemen, and shall not be permitted to enjoy the privileges of freemen; but by way of making them competent, it is proposed to keep them in slavery nineteen or twenty years longer. In the first place, it would not do to have them free, because they have been slaves, and, in the next place, they should be kept in slavery to qualify them for freemen. . . . In fact, negroes are emancipated in Tennessee to-day, and the only remaining question for us to settle, as prudent and wise men, is in assigning the negro his new relation. Now, what will that be? . . . The negro will be thrown upon society, governed by the same laws that govern communities, and be compelled to fall back upon his own resources, as all other human beings are. . . . Political freedom means liberty to work, and at the same time enjoy the product of one's labor. . . . If he can rise by his own energies, in the name of God let him rise. In saying this, I do not argue that the negro race is equal to the Anglo-Saxon. . . . If the negro is better fitted for the inferior condition of society, the laws of nature will assign him there. . . . If there are any here who have lived in the county of Davidson, you know many men have been afraid and alarmed even to speak upon the negro question when the large slave-holders were about. Some of you have been deprived of your manhood so long upon this question, that when you begin to talk about it now, you look around to see if you are not overheard by some of your old masters. . . .

"There are men owning slaves themselves that will be emanci-

pated by this operation. It is not my devotion to the black man alone, but a greater devotion to the white men and the amelioration of their condition. . . . If you cut up these large cotton farms into small-sized farms, each man with his little family getting hold of part of it, on good land will raise his own hogs, his own sheep, beef-cattle, his own grain, and a few bales of cotton, better handled and a much better article than we have ever had heretofore. With a greater number of individuals, each making a few bales, we will have more bales than ever were made before."

The meeting, completely in the hands of the governor, passed resolutions in full accord with his desires and requested him to call a constitutional convention whenever, in his judgment, the state might be represented from all its parts. Declaring that the rebellion had laid waste the state, prostrated its civil institutions, and brought death, anarchy, crime, and ruin upon the people, and that slavery was the cause of all this evil, "an unmitigated evil in itself," and already "dead by the acts of its own friends," it pledged itself to labor for the election of delegates to the convention who favored "immediate and universal emancipation now and forever."[15] Messages from other parts of the state reached Johnson, praising his speech and the sentiment of the meeting and urging him to act promptly in accord with his opinions.

Thus encouraged, the governor proceeded to inaugurate the process he had outlined. On the 26th of January, he issued a proclamation[16] for an election on the first Saturday in March for county officers—justices of the peace, sheriffs, constables, trustees, circuit and county court clerks, registers and tax-collectors. Inasmuch as this election is to be held in a state of the Union under the Federal Constitution, the proclamation asserts, "it is not expected that the enemies of the United States will propose to vote, nor is it intended that they be permitted to vote, or hold office."[17] Therefore, to be entitled to the franchise,

[15] Moore, *Rebellion Record*, vol. viii, doc. 358.

[16] Ibid., doc. 340; J. P., vol. xxxix, 8655.

[17] "Thus to invoke the Constitution was like Satan quoting Scripture." Jefferson Davis, *Rise and Fall of the Confederate Government*, vol ii, p. 287.

the would-be voter must, besides satisfying the requirements of the constitution and laws of the state in force previous to the act of secession, subscribe to the following stringent oath: "I solemnly swear that I will henceforth support the Constitution of the United States and defend it against the assaults of all its enemies; that I will henceforth be and conduct myself as a true and faithful citizen of the United States, freely and voluntarily claiming to be subject to all the duties and obligations, and entitled to all the rights and privileges of such citizenship; that I ardently desire the suppression of the present insurrection and rebellion against the government of the United States, the success of its armies and the defeat of all those who oppose them, and that the Constitution of the United States, and all laws and proclamations made in pursuance thereof, may be speedily and permanently established and enforced over all the people, states, and territories thereof; and further, that I will hereafter aid and assist all loyal people in the accomplishment of all these results. So help me God."[18]

All judges and officers holding the elections were to take still another oath[19] to permit none to vote who had not satisfied the requirements of the proclamation. The elections were to be conducted under the code of Tennessee, which provided that the inspectors and judges of elections should be appointed by the county court. If the court did not or could not perform that duty, it might be done by the sheriff, with the advice of three justices of the peace; or, failing them, by any justice of the peace; or, failing him, by any three freeholders. Since, in many counties, no loyal county officers existed, the governor affirmed that he would designate citizens to appoint the inspectors and judges in those counties.

The exaction of such an oath served notice on the former secessionists that only by a complete change of heart or by false swearing could they obtain a voice in the counsels of the government. Assurances of future loyalty and acquiescence in the accomplished results of the war—the only conditions in Lincoln's wise and generous offer—were now by no means

[18] Moore, *Rebellion Record,* vol. viii, doc. 340; J. P., vol. xxxix, 8655.
[19] Ibid.

enough. The restored citizen must "ardently desire" and actually assist in the suppression of his former secessionist kinsmen and friends and the reestablishment over them of the Constitution and laws they hated, against which they had taken arms, and for the overthrow of which they were still contending. In February, Maynard, the attorney-general, threw another bomb among the amnestied disloyalists by deciding that since citizenship, forfeited by rebellion, could be regained only by subscribing to the amnesty oath, and the state constitution, under which the election was to be held, restricted the ballot to those who had been citizens for six months, no person who had ever been guilty of a disloyal act could vote until six months after taking the oath.[20]

Subjected to these tests, the ardor for reconstruction cooled. To many judicious Union men it seemed that Johnson was going too far and, by unnecessary severity, was defeating his own purpose. The president was besieged with protests against the new oath, but his confidence in Johnson's ability and understanding of the peculiar conditions to be dealt with in Tennessee decided him, as always, to allow the governor loose rein. He must, Lincoln told Maynard, who had expressed to him apprehensions, be permitted to proceed in accordance with his own judgment, but he need not be expected to deviate to any ruinous extent from the president's plan, and a hasty perusal of his program had revealed no such deviation.[21] Ruinous the deviation, as it proved, was not; but that it was a deviation of the most radical character, the president could hardly have pretended to deny. Obviously, however, those who had hoped that a mortifying rebuke and the overruling of his arbitrary action were in store for Johnson were to be disappointed. To an inquiry as to whether the election officers could dispense with the governor's oath and administer only the amnesty oath to voters,[22] Lincoln replied: "In county elections you had better stand by Governor Johnson's plan; otherwise you will have conflict and confusion."[23] In a later and more detailed commu-

[20] Nashville, *Dispatch*, February 12.

[21] Nicholay and Hay, *Life of Lincoln*, vol. viii, p. 444.

[22] J. P., vol. xl, 8894; *Annual Cyclopedia*, 1864, p. 763.

[23] J. P., vol. xl, 8893.

nication to Secretary East, he declared that no conflict existed between the two oaths, and that no person who had taken one to secure a pardon should object to taking the other as a test of loyalty. "I have seen and examined Governor Johnson's proclamation," he said, "and am entirely satisfied with his plan; which is to restore the state government and place it under the control of citizens truly loyal to the government of the United States."[24]

If Lincoln was not disposed to place obstacles in the governor's way, the people of Tennessee were. His overbearing egotism, inability to conciliate, and determination to carry out his own ideas without variation or concession aroused against him a powerful, resolute opposition, which drew support from many sources. Many who were diplomatically silent in public, worked secretly to undermine him and destroy his influence. A call was circulated in Memphis (February) for a meeting of conservative Unionists, at which it was planned formally to condemn the oath as exceeding the governor's authority and out of harmony with the president's policy, but the Johnson party suspected its purpose, attended in a body, and succeeded in substituting resolutions indorsing his course.[25] Others, who shrank from actually denouncing the oath, busied themselves with devices for getting around it. A favorite line of reasoning was that the governor had no right to prescribe any oath to the people; therefore the whole proceeding was void, and a person might take the oath, which had no legal sanction, without actually swearing at all. The Nashville *Press,* which had once warmly supported Johnson, but had become disgusted and alienated by his arbitrary methods, advocated this subterfuge. "If this course of reasoning should be generally adopted and acted out," it commented cynically, "we don't see how the governor can manage to checkmate the move. He may construct a new or additional oath—he may even require folks to swear that they love him for his candor and humanity and disinterested patriotism, and 'ardently desire' that he shall be perpetual dictator of Tennessee—they can still take it in the same sense they offer to

[24] Ibid, vol. xli, 8956; O. R., series iii, vol. iv, p. 141.
[25] J. P., vol. xl, 8847.

the other—the sense of void nothingless."[26] Even the Confederate cavalry leader, Richardson, advised his friends to "take any oath that the Federals may prescribe, but to see to it and control the election at all hazards."[27] That these suggestions were largely followed was the conviction of the Nashville *Union,* which, during the following summer, alleged that hundreds who had taken both oaths were clandestinely corresponding with men in the Confederate army and sending them information and supplies.[28] Similar arguments were brought to bear to induce the Union soldiers to desert, on the ground that their enlistments were no longer binding, since the war was now carried on not for the Union, as they had been told, but for the emancipation of the slaves.[29]

More irregularities followed in various parts of the state. In fact, the sole animating purpose of the administration party seemed to be to prevent, by hook or crook, the election scheduled for the 5th of March from degenerating into a humiliating fiasco. For example, a rally was held in Nashville on the 3d, to ratify nominations for county officers made by certain "unconditional Union men" the previous evening. This done, the meeting, by what authority does not appear, appointed a committee to ascertain who were entitled to vote at the coming election and to "instruct the judges accordingly." The committee reported that quartermasters and their clerks and all soldiers and government employees who had been residents of the county for six months were voters according to the provisions of the constitution, entirely ignoring a decision of the supreme court of the state which construed the six months requirement to mean a fixed, permanent residence extending over that period. The *Union* pertinently asked: "Did ever a vigilance committee assume more authority than this meeting?"[30] It is safe to assume that the situation in other parts of the state was, to say the least, no better than at Nashville.

[26] Nashville *Press,* February 28, 1864.
[27] J. P., vol. xl, 8847.
[28] Nashville *Union,* August 14
[29] Ibid.
[30] Ibid., March 3.

Under such conditions, the election of the 5th could only be "a serious farce."[31] The total vote was perhaps between forty and fifty thousand. Accuracy is impossible, because the officers of some counties simply forwarded certificates of election, without giving the number of votes cast. The omission is unimportant, however, for, considering the character of the electorate, precise results have no significance. In some districts, no polls were opened at all.[32] Four days before the election, Colonel J. B. Dorr reported that he could not find a citizen of Humphries county with manhood enough to accept an appointment to hold an election there.[33] In Shelby county, the scandal was so great that the governor felt compelled to declare the election void for most of the offices and order another on the 16th of June.[34] Many Union citizens throughout the state refused to vote, on the ground that the proceedings were fully as irregular as those of the secessionists in 1861, and that they would not "compliment the devil by adopting his programme."[35] The ultra-loyalists of East Tennessee withheld their support, insisting that they should not be required to take any kind of oath. The tendency of the soldiers was to vote in cliques, under manipulation. It was estimated that, had the amnesty oath been the only test, the vote would have been nearly doubled.[36] The practical result of the election was to provide officers for about two-thirds of the counties of the state, but the whole affair brought no credit to its instigators and placed the government in a weak and equivocal position before the people.[37] Johnson himself suffered particularly in his personal prestige. The Memphis *Argus* asserted that the failure of reconstruction in Tennessee was chargeable not to the people, but to the governor and his radical adherents, who demanded an exact compliance "with their own ideas and isms." The *Argus* urged the people to disregard Johnson and take up the work themselves. As long as they allowed him to have

[31] Ibid.
[32] Ibid., March 8.
[33] Ibid., March 23.
[34] J. P., vol. xli, 8986.
[35] Nashville *Union*, March 10.
[36] Ibid., March 8.
[37] Ibid., March 11, March 23; Knoxville *Whig*, March 12.

his own way, so long would he "thwart every effort at reorganization which did not originate with him."[38]

The storm of abuse to which he was subjected only steeled Johnson's resolution. His dispatches to Lincoln express neither disappointment nor uncertainty; on the contrary, he asserts his determination to carry on the work of restoration exactly in accordance with the plan already outlined by him—forcing a convention and immediate emancipation, if necessary, down the very throats of the protesting conservatives. His organ, the *Times,* denounced his opponents who were pressing for speedy reconstruction by a legislature as aiming, while posing as champions of constitutionality, to save slavery by avoiding a convention of the people; the governor, on the other hand, was intent on applying directly to the people to kill and bury the institution, which he maintained they would surely do. "There is but one rope left unsevered which fastens Tennessee to-day to the pirate-ship of rebellion. That rope is slavery, and it must be cut instantly."[39]

The serious discord which had developed in East Tennessee during the March elections impelled Johnson to concentrate his efforts upon that stronghold of Union sentiment, for the purpose of lining up a solid loyal party in support of his policy. The district was again in the extremities of distress. The armies of Buckner, Burnside, Longstreet, and Sherman had lived off it during the preceding fall and winter, and the little they had left had been gobbled up by Morgan and Wheeler. Considerably more than half the loyal voting population had either fled north or was in the Union army. It was estimated that less than five per cent. of the usual breadth of wheat could be sown in the spring of 1864. Fences were down, barns destroyed, the live stock had largely disappeared. Contributions from the North were inadequate to meet the necessities of the people. Under stress of three years of suffering and neighbor-warfare, a feeling of fierce hatred had sprung up between loyalists and secessionists, which had no counterpart in 1861. The old Union leaders, whose conciliatory spirit had colored the resolutions of the Greenville

[38] Quoted by Nashville *Union,* April 6.

[39] Nashville *Times and Union,* March 24, April 26.

convention, had now to deal with a party of relentlessly vindictive young men—Union soldiers, partisan fighters, and refugees—who had felt the mercilessness of the war in their persons, their families, and their property, and were determined that their enemies should have their full meed of retribution. This party naturally attached itself to Johnson and took its stand upon the principle—no concessions to traitors.

It will be remembered that the Greenville convention, on its adjournment in May, 1861, had authorized its president to reassemble it whenever conditions required further action. Johnson had thus a machine ready at hand to inaugurate his project and affording him the opportunity—grateful, doubtless, in view of the hostility which his recent measures had engendered—to remain at first in the background, to watch its workings, and to intrude himself only in case friction developed. Accordingly, at his suggestion,[40] the president, T. A. R. Nelson, assembled the convention at Knoxville on the 12th of April.

Hardly had its deliberations begun, when it gave unmistakable evidences that it was no suitable vehicle for the governor's purposes. Its old leaders still adhered to the conservative principles which had always animated them, and, since they were the convention officers, they were able to constitute committees in sympathy with themselves. The radical interest was, however, strong among the members, despite the fact that many former delegates who favored that party were absent on service with the army. The committee on resolutions, made up with a conservative majority, could not agree upon a report, and finally presented two, the majority favoring compromise with the South along the lines of the Crittenden proposition, the minority supporting Johnson's plan, including emancipation. Neither of these carried the convention. A movement to detach East Tennessee as a separate state showed some vitality for a time, but suddenly collapsed before the determined opposition of the governor himself. The debate became acrimonious and, as no accommodation could be reached and every hour increased the bitterness of the contestants, an adjournment without further action was agreed to on the 15th, to preserve any remaining shreds of harmony.

[40] Temple, *Notable Men of Tennessee*, p. 408.

That the motion to adjourn obtained almost a two-thirds vote and was the only important proposition that did not arouse hostility is proof enough that the conservatives were anxious only to avoid committing themselves to anything.[41]

But the Johnson party, disappointed in their hope that the convention would surrender to their views, had no notion of contenting themselves with a drawn battle. The day after the adjournment, they held a mass meeting of their own,[42] on the pretence that the officers of the convention had prevented a fair expression of opinion by manipulating the committees. Oliver P. Temple, an active participant in the proceedings of this meeting, gives a highly interesting account[43] of the secret influences which really determined its action. Resolutions unqualifiedly indorsing the program and principles of the governor, as embodied in his speech and the resolutions of the 21st of January, were drawn up in advance by Johnson himself, and Brownlow was requested to offer them as his own. The latter, though willing to do so, was incapacitated from reading them to the meeting by the partial loss of his voice, and he suggested Temple for that office. Johnson at once grasped at this proposal. By connecting the names of two Whig leaders with his plan, he would, he said, gain the friends of both, who together constituted a majority of the loyalists. Temple accordingly presented the resolutions as Brownlow's, and Johnson referred to them approvingly in his subsequent speech, as if he had never before heard of them and was highly gratified by an unsought and unexpected tribute to himself. As such, they passed the meeting. Johnson had emerged with the least possible discredit from a very bad situation.

Another illusive hope was held out to the tottering Unionists by the approach of the National Union convention at Baltimore for the nomination of a presidential candidate. The participation of the Tennessee delegates in the proceedings would impart a certain dignity to the party in the state, which would thus be recognized as readmitted, for party purposes at least, to its ante-

[41] Nashville *Times and Union*, April 16; Nashville *Union*, April 17, 19, 30.
[42] Nashville *Times and Union*, April 27.
[43] Temple, *Notable Men of Tennessee*, p. 408.

bellum privileges. With this aim, the permanent executive committee published, on the 3d of May, a call to unconditional Union men to meet in the respective divisions of the state on the 30th, to elect the delegates. Expressing their confidence that, by the time of the November election, the people would be able to vote in peace and security, they explained the interest of Tennessee in the Baltimore convention and asserted her right to be represented. Tennessee being entitled to ten delegates, they suggested that East Tennessee send four, and the other two divisions three each.[44]

Regularity in choosing the delegates was clearly not to be expected. Even with the best of intentions, the authorities could do little, and they were disinclined to go to any unnecessary trouble. The easiest way was best, when any way was illegal. An unsigned notice, dated May 26, published in the Nashville papers, convoked the loyal citizens of Middle Tennessee on the 27th "to consult as to who shall represent them in the Baltimore convention." This meeting, harking back, doubtless, to the convenient generality of popular sovereignty, voted that the citizens of the state, in mass convention at the state-house on the 30th, should elect delegates for the state at large, and, on the same day, the citizens of Middle Tennessee, at the same place, should appoint the delegates for that section.[45]

The newspaper accounts of the proceedings on the 30th[46] are so confused that it is impossible to get at exactly what was done. The meeting at Nashville, which was attended by delegates chosen by gatherings of "unconditional Union men" from other counties of the district, as well as by citizens of Nashville, elected two delegates at large—one from East and one from Middle Tennessee—and the three delegates of Middle Tennessee. It also drew up resolutions similar to those of January 21 and April 12, declaring for a constitutional convention to be called by Governor Johnson, when the state could be fully represented, favoring immediate emancipation, and asserting that "the government of the United States and the governments of the states

[44] Nashville *Union*, May 3; *Nashville Times and Union*, May 26.

[45] Nashville *Union*, May 29.

[46] Ibid., June 1; Nashville *Times and Union*, May 31.

erected under the Constitution thereof are the governments of the free white man, to be controlled and administered by him, and the negro must assume that status to which the laws of an enlightened, moral and high-toned civilization shall assign him." The administration and war policy of the president were endorsed and his renomination recommended. Governor Johnson, who, "by his unflinching courage and patriotism" had "endeared himself to all American patriots, and by his long public services, especially by the administration of affairs" during his term as military governor, had "gained the entire confidence of all the loyal people of Tennessee," was named for the vice-presidency. In East Tennessee, two separate meetings seem to have been held, one at Chattanooga and one at Knoxville, at each of which two of the four delegates alloted to that section were chosen.[47] The West Tennessee convention was called together by the executive committee of that section and the delegates of four counties, chosen at mass meetings, were admitted to seats. Shelby county was allowed ten votes and the other three counties five each, and the three delegates to the Baltimore convention were elected on that basis.[48] Both the East and West Tennessee meetings declared for Lincoln and Johnson as the party nominees.

The hopes of the Unionists were realized when the Baltimore convention admitted the Tennesseeans. To do so was to indorse the Johnson doctrine that the state had not, because of the action of a majority of her people, lost her place in the Union, but all the old rights and privileges still appertained to her loyal citizens, who now constituted the state. This view was put forcibly before the convention by "Parson" Brownlow. His picturesque personality and romantic history had won him an enthusiastic invitation to address the meeting, and he took advantage of this opportunity to protest against the rejection of the Tennessee delegates. "I hope you will pause, gentlemen," he said, "before you commit so rash an act as that, and thereby recognize secession. We don't recognize it in Tennessee. We deny that we are out. We deny that we ever have been out. We maintain the minority first voted us out, and then a majority

[47] Nashville *Union*, June 4.

[48] Memphis *Bulletin*, May 31.

whipped the minority out of the state with bayonets and drove over a portion of our men to their ranks."[49] The principle was affirmed beyond doubt or question when the convention nominated Governor Johnson for the vice-presidency. Only a citizen of a state could hold that office, and the selection of Johnson placed the party stamp of disapproval on the contention of Sumner that "a state pretending to secede from the Union" must be regarded as a rebel state subject to military occupation until readmitted to the Union by the vote of both houses of Congress.[50]

The summer months of 1864 provide a hiatus in the history of reconstruction in Tennessee. The results of the efforts in that direction had tended to discourage Union men and shake their confidence in their ability to carry the state with them. While some blamed the narrow policy of Johnson, others insisted that rigor was the only possible remedy for the situation; that the fact was, the bulk of the people were hostile to the Union and determined to remain so, despite threats or blandishments. The amnesty proclamation, it was felt, had done little good. Its principles were admitted to be excellent, but correct principles were naturally not comprehensible to rebels. By many it was regarded as an indication of timidity on the part of the president, a disposition to trim to the wind. The Nashville *Press* declared that Lincoln knew when he issued it that the Supreme Court was bound to nullify the laws and proclamations to which it referred, and that therefore, in offering secessionists amnesty upon conditions which had no legal validity, he was, in fact, proposing to receive them back unconditionally. On this ground, it urged everybody to take and abide by the oath, which bound them to nothing to which they could possibly object; then "the Johnsonians" would "have no means of ultimately preventing the recognition of the state upon a constitutional basis except that of direct and open military coercion.[51] So generally was this advice adopted that, the *Times* alleged, the session of the

[49] Ibid., June 11.
[50] Ibid.
[51] Nashville *Times and Union*, May 26.

Federal court in Nashville was made a mockery by former leaders of the rebellion, who presented themselves and obtained free pardons by taking the oath. "Till the rebellion shall be fully put down, its armies effectually destroyed, and its leaders tried and punished for treason, the policy of making citizens out of rebels will be pernicious to the government."[52] Aggravated by repeated evidences of the persistent and contemptuous disloyalty of men who complied with the formalities prescribed by the government in order to receive trading privileges, protection, and other advantages at its hands, while taking no part in any open Union movement, remaining away from the polls, and continuing unregenerate at heart, the unconditional Unionists, both within and without the state, used every means to force the administration to abandon lenity for coercion. A petition of "Many Many very Many voters of Upper Tennessee" demanded that the regiments engaged in protecting rebel property in Middle Tennessee be sent back to restore order and security at home. If this was not done, they said, Johnson's vote in November would suffer, and the fact that he had deserted his old neighbors in their distress would be published to the country.[53] J. B. Bingham wrote from Memphis that no more elections should be held in the state until military commanders could be had who would not show more favor to rebels than to unconditional Union men.[54] From distant New York, Eli Thayer importuned Johnson to confiscate the lands of rebels and fill them with loyal settlers, thus enabling the state to dispense with a standing army after the war. He believed that Lincoln, by opposing confiscation, had prolonged the war eighteen months and cost the country a million men and many millions of dollars. A blow at the landed property of the rebels would kill slavery, the root of the rebellion, and, if the plantations were divided among the rank and file of the Confederate army, they would take the oath of allegiance and have a permanent incentive to keep it in good faith. "It is not enough to offer them starvation, as Lincoln does in his miserable amnesty proclamation,"

[52] Ibid.
[53] J. P., vol xliv, 9532.
[54] Ibid., vol xlii, 9249.

he said. "They went into the rebel service to escape that, and it is folly to expect they will come out to secure it."[55] Johnson himself wrote to Lincoln in May that he was satisfied the amnesty would be seriously detrimental in reorganizing the state government, and asked that Tennessee be excepted from it. All possible benefit to be derived from it, so far as the army was concerned, had been already gained. It would be far better if, for the future, each Tennesseean desiring pardon should be required to apply directly to the president. He would thus be impressed with his personal obligation to the government. "As it now operates, its main tendency is to keep alive the rebel spirit, in fact reconciling none. This is the opinion of every real Union man here."[56]

While the movement for a convention was permitted, for the time, to hang fire, the governor busied himself with the long delayed task of restoring the courts. In May, Judge Trigg opened the United States circuit court for the district of East Tennessee at Knoxville.[57] A chancellor, judge, and attorney-general for the fourth judicial district of the state were appointed in June;[58] and, the same month, Judge Brien issued notice that the circuit court of the 9th district would sit in Williamson county in July and in Davidson county in September.[59] The county court of Marion county was organized early in July, though Johnson was warned that its chairman and another member were rebel sympathizers, elected by rebels in expectation of protection and favors in return, and that not a single lawyer practicing in the court was certainly a loyal man.[60] In July, the chancellors, judges, and district attorneys for the 3d, 4th, 6th, and 9th districts received their commissions.[61]

Particularly interesting was the condition of the judiciary at Memphis. That city had been virtually under military rule since its capture in June, 1862, although the city government,

[55] Ibid., vol xliii, 9438, 9440.
[56] Ibid., 9372.
[57] Nashville *Union*, May 26.
[58] Nashville *Times and Union*, June 27.
[59] Nashville *Union*, June 30.
[60] J. P., vol. xlv, 9968.
[61] Nashville *Times and Union*, July 28.

including the police court, was allowed to exist by suffrance of the commanding general. This officer regulated the trade and communication with the surrounding country and controlled the rental of real estate belonging to secessionists. By his orders, provost-marshals, with their guard, maintained order and supervised the city police force.[62] In October, a military commission was constituted to deal with offences against the laws of war not cognizable by court-martial,[63] and in January, 1863, another commission was organized to try all criminal cases laid before it by department, district, or post commanders, the provost-marshal general, or district provost-marshals, and empowered to punish by fine, imprisonment, or transportation beyond the lines. Its decisions were subject to review by the department commander.[64] Similar provisions for the handling of civil cases were not introduced at that time, perhaps on account of the argument frequently advanced that there was a manifest hardship in allowing a loyalist in New York to collect his debt from a loyalist in Memphis, while the latter was estopped by force of circumstances from recovering from a loyalist in Mississippi.[65]

In April, 1863, however, General Veatch, commander of the post, appointed a civil commission of three citizens, "to hear and determine all complaints and suits instituted by loyal citizens of the United States for the collection of debts, the enforcement of contracts, the prevention of frauds, the recovery of the possession of property, real or personal, and generally to perform such duties and exercise such powers as can be done by a court deriving its powers from military authority."[66] This commission continued throughout the war and offered to the citizens of Memphis their sole opportunity to enjoy the advantages of the civil law. It became the object of violent attack and equally ardent defence by the opposing factions. On the one hand, it was contended that two of the three com-

[62] Birkhimer, *Military Government and Martial Law*, pp. 143-147.
[63] O. R., series i, vol. xvii, part ii, p. 294.
[64] Ibid., vol. xxiv, part iii, p. 1067.
[65] J. P., vol. xxix, 6459.
[66] Ibid., vol. xxxiv, 7447.

missioners were not residents of the state and directed their attention to perquisites and personal advancement, regardless of the interests of the citizens; that the assessment of costs was exorbitant and the people were systematically robbed. J. M. Tomeny, a prominent radical Unionist, stated that in one typical case, involving $38, the costs amounted to $40, and the net profits of the commissioners from the fees collected during the first three months of the session totalled $4500. The decisions were said to be so vacillating, so inconsistent with established precedents, that the commission had fallen into contempt with the ablest members of the bar. No appeals were allowed and no plea to the jurisdiction, and the stay laws of the state were not regarded. Personal property was levied upon and sold in three days after execution issued. Though the commission had no authority to sell real estate, rents and profits were subject to sequestration at its order.[67] J. B. Bingham charged that one of the commissioners was courting rebel sympathizers with a view to settling in Memphis as a "copperhead lawyer" and had nearly driven every Union lawyer out of court. As a remedy, the commission was declared to be worse than the disease it was intended to cure.[68]

On the other hand, it was alleged that the commission answered all the requirements of the people and possessed their confidence, that a change was inadvisable under existing conditions and was advocated only by office seekers and interested politicians.[69] There seems to have been something in this claim; but a body of this sort was naturally not under the same salutary restraints as a regular court, and its champions entirely overshot the mark when they went on to say that Governor Johnson had no authority to establish courts in Tennessee at all, since the constitution and laws of neither the United States nor the state conferred such power on the governor, and it could exist only as a war power, to be exercised by the officer having the paramount military command in the city.[70] The

[67] Ibid.

[68] Ibid., vol. xlv, 9833.

[69] Ibid., 9908; Memphis *Argus* quoted by Nashville *Times and Union*, July 21.

[70] J. P., vol. xlv, 9908.

obvious reply was that any war power belonging to the president as commander-in-chief of the army and navy could be delegated by him to any agent he might select; and that Johnson was not a civil governor at all, but Lincoln's military agent, of military rank and detailed expressly to perform, among other tasks, the special work of restoring the courts.

This work, not only for Memphis, but for the greater part of the state, could, however, proceed but slowly. As the autumn of 1864 came on, the disorder increased. The Confederate cavalry took advantage of Sherman's descent upon Georgia to spread havoc in his rear and to harrass almost to distraction the Union forces remaining in Tennessee. On the 24th of August, Forrest made his famous dash into Memphis, nearly capturing Generals Hurlbut and Washburn. Wheeler terrorized East and Middle Tennessee, penetrated almost to Nashville, and cut the railroad between that city and Murfreesboro. The brilliant and rapid strokes of the partisan leaders utterly bewildered the Federal commanders and, when they failed to check the raiders, judges and sheriffs had little prospect of enforcing the law. Meanwhile Thomas, from Sherman's army, did not cease to press Johnson to get the courts speedily into full operation throughout the state. This, he explained, would enable him to dissolve the military commission which assessed damages upon rebel sympathizers for the acts of the guerillas in their neighborhood, and would offer the loyal citizens a legal remedy through the regular tribunals.[71] The unintentional irony of such a suggestion must have struck the governor, but he answered in excellent spirit, recognizing the desirability of carrying out Thomas' recommendation, assuring him that the work was being pushed as rapidly as possible, and indicating the difficulties in the way.[72]

West Tennessee regained its equilibrium more quickly than the rest of the state. Forrest was compelled to draw off eastward, and, in October, the civil commission finally went out of business and the criminal, common law and chancery courts convened.[73] But the bickerings were not quieted. The pro-

[71] Ibid., vol. xlix,—701.

[72] Ibid.,—738.

[73] Miller's *Manual of Tennessee*, pp. 179-187.

ceedings of the courts promptly fell foul of General Dana's orders regarding the militia. The judges complained to Johnson that the business of the court took all the time of the court officers, but the general had commanded that all, not exempt from militia service, who failed to perform it, be arrested, fined and imprisoned, and had told them that if militia duty conflicted with civil duty, the courts must "bust up."[74] This, they assumed, applied not only to judges, clerks, and other court officers, but also to jurymen and witnesses. Judge Smith, of the common law and chancery court, wrote in December that no quarterly term could be held in January, because Dana refused to grant passes to the justices outside the lines to come in, on the ground that he did not believe loyal justices could live outside the lines.[75] Dana's reply to Johnson's protest gives the whole affair the aspect of a tempest in a tea-pot. His only purpose, he said, was to have the enrollment of the militia complete and every man assigned to his place in case of attack. After this was done, the judge and other indispensable officers of the court would be excused from active duty. "No effort will be spared on my part," he assured Johnson, "to coöperate with you in your work of reorganizing the loyal element."[76] Warm letters in defence of Dana asserted that he was laboring "with an eye single to the promotion of his country's cause" and that, because he dared to "face the corruptions of the commercial combinations" in Memphis, he was denounced by men inspired by motives "less patriotic than mercenary."[77] Bingham and his friends, who were acting as the mouthpiece of the governor and dispensing political favors in Memphis, had, it was declared, neither the respect nor the confidence of the community, and Johnson was making a mistake in allying himself with them.[78]

At the other extremity of the state, dissatisfaction was equally great. Brownlow wrote, in November, that the Federal court at Knoxville was "a complete farce," the worst rebels and

[74] J. P., vol. liv,—1670.
[75] Ibid.,—1710.
[76] Ibid.,—1816.
[77] Ibid., vol. lvi,—2106.
[78] Ibid., vol. li,—1021; vol. lvi,—2106.

traitors against whom indictments were found escaping with only the payment of costs on taking the amnesty oath.[79] Considering, however, the obstacles he had had to surmount, Johnson had reason to be gratified at the progress made. By the end of 1864, the circuit courts were open in the 4th, 6th, 8th, 9th, and 15th circuits, besides the criminal courts of Davidson and Shelby counties. The 1st and 2d circuits followed in January, 1865, and the others were not far behind.[80]

In tracing the restoration of the courts to a conclusion, it has been necessary to defer the account of a serious reverse sustained by the administration in July, 1864, in the subversion of the city government of Memphis.[81] From the outbreak of the war, the metropolis of West Tennessee had been the disaffected core of the most disaffected region of the state. Its importance as a commercial entrepôt—particularly for the cotton trade—and its strategic situation on the Mississippi river and the great railroad arteries of the Confederacy had made it the constant centre of military operations and had caused it to be controlled primarily in the interests of the army. The details of local administration, however, were left in the hands of an elected government. Throughout the war, John Park had served uninterruptedly as mayor. During the agitation in 1861, he had embraced the extreme secession view and vehemently denounced the Union; but he had acquiesced in the occupation of Memphis by the Federal army, had taken the oath of allegiance, and had been allowed to hold his office. The unconditional Unionists never ceased to shower denunciation on him and his board of aldermen as traitors at heart, ready to betray the government at the first opportunity. It was charged that they had obtained their places by fraud at the last election, when six hundred votes were polled in wards containing only three hundred voters and men openly admitted having voted four times in each ward in the city; that they used their right of appointing the judges of election to name those who would look after their interests; that they represented the result as an anti-administration

[79] Ibid., vol. liii,—1463.

[80] Miller's *Manual of Tennessee*, pp. 182-184.

[81] J. P., vol. xxxvi, 7897; vol. xlii. 9249.

triumph, although they had made no such issue in the campaign. Bingham averred that General Hurlbut had resolved to set the election aside altogether, but finally agreed with the Union leaders that such a proceeding would appear to be a backward step in the attempted progress toward civil government, and would be misrepresented at Washington.

While the strictures of the radical malcontents must be taken with grave suspicion, it is certain that the Memphis government was not according an enthusiastic support to the Union cause, and was particularly at odds with the emancipation policy. In October, 1863, the aldermen passed and the mayor approved a set of ordinances for the regulation of the negroes in the city, which contained certain rigorous provisions, including punishment by whipping. These "black laws," so called, became the most formidable weapon of attack upon their framers. Also, the cry of fraud was kept up, and that of corruption in office was added. The Park party was said to control the entire Irish element and to entertain high hopes of success at the ensuing June elections. In apprehension of this, Bingham urged Johnson to prevent the election and fill the offices by appointment.

If the undeniably loyal administration men had been able to act in harmony, they would have had a fighting chance of success, but, as usual, dissensions shattered their organization. Park himself had no idea of appearing before the public as a suspicious character, and he participated in the National Union convention on the 30th of May and asserted his complete loyalty over his signature in the press. The National Unionists' original candidate for mayor, Samuel T. Morgan, represented the conservative element of the party and might possibly have held the vote opposed to Park, had not some of the nominees on the slate with him committed the tactical blunder of accepting also nomination on the Park ticket. The radicals seized the pretext thus offered to throw over the whole Morgan ticket and present one of their own, styled "unconditional Union," with Dr. G. D. Johnson for mayor. At least two other minor candidates were in the field.

This potpourri practically insured the victory of Park. The only cloud on his horizon was a persistent rumor that, if he

should be elected, General Washburn would depose him and take the city government into his own hands. Park accordingly wrote to the general, requesting an official statement, and received a chilling confirmation of his fears. The government, said Washburn, had been both disloyal and inefficient and could no longer be trusted to the present incumbents of office.[82]

Despite this damaging blow, the chaos among the loyalists was so great that Park carried the election on June 30 with ease; and, true to his word, Washburn issued an order on the 2d of July, forbidding any of the elected officers to qualify and appointing an acting mayor, recorder, treasurer, comptroller, tax collector, tax-collector on privileges, chief of police, and wharfmaster, who together were to form a board for the government of the city, their resolutions and ordinances being subject to revocation by the commanding general of the district of West Tennessee or by a superior military authority. In justification of this action, it was alleged that the municipal government had failed utterly during the past two years to discharge its proper functions, and had shown disloyalty and lack of sympathy with the government of the United States and an indisposition to co-operate with the military. "They have grown from bad to worse, until a further toleration of them will not comport with the sense of duty of the commanding general."[83] A second order, on the 16th, supplanted the board created on the 2d by a new one to be known as "the provisional mayor and council of the city of Memphis," with all the powers of the old board of mayor and aldermen.[84] In fact, West Tennessee remained under the wing of the army until the close of the war.

[82] Moore's *Rebellion Record,* vol. xi, doc. 591

[83] *Digest of the Charters, etc. of Memphis; Standard History of Memphis* (J. P. Young, editor), p. 135.

[84] *Standard History of Memphis* (J. P. Young, editor), p. 136.

## CHAPTER VIII

### The Presidential Campaign of 1864

As the time for the presidential election approached, the Union men of Tennessee had to face the necessity of taking positive action. After securing the participation of Tennessee in the Baltimore convention, as if she were an active state in the Union, and aiding in the nomination of one of their own number as vice-president, they could not, with honor, permit the election day to find them in an inglorious paralysis, content tamely to relinquish the right for which they had so loudly contended, or hesitating to support their leader at the polls. On the other hand, the prospect of an election at this time gave them pause. In no part of the state could a pronounced administration victory be promised. From West Tennessee came the warning that an overwhelming defeat was more than probable in that section; allegations were not lacking that the vaunted loyalty of East Tennessee had undergone corruption; and Middle Tennessee, always an uncertain factor, was cowed by Confederate cavalry and guerillas.

Even more formidable than the secessionist sympathizers, whose exclusion from the polls could be readily justified, was the Union peace party, powerful throughout the state and especially so in West Tennessee, and drawing numerous recruits from those who had broken with the government on the emancipation issue. These men stood upon their loyalty and their rights under the Constitution, denounced the proclamations and laws regarding slavery as unconstitutional, attacked the president and governor for continuing the war, when the end for which it was inaugurated could now be obtained by giving up emancipation, declared for "the Union as it was and the Constitution as it is," and seemed doubly fortified by the very legality of their position.

To meet this crisis, hold an election, and insure an administration victory, a course of procedure was now instituted which,

while direct evidence of detailed prearrangement among the president, the governor, and the radical leaders is lacking, was carried forward so smoothly and so undeviatingly to a successful conclusion, that all the participants seemed to be playing parts especially assigned to them and carefully conned from the beginning.

On the 2d of August, a meeting of "the citizens of Tennessee" at Nashville requested the state executive committee to call a convention of loyal men to discuss the various problems facing the people.[1] The call,[2] which appeared on the 4th, named the first Monday in September as the date for the convention, and stated the questions there to be discussed as three:—the general condition of the country; the means of reorganizing civil government and restoring law and order; and the expediency of holding a presidential election in the state in November, any necessary preliminaries for which the convention was to arrange.

The convention[3] assembled at Nashville on the 5th of September. Comment was aroused by the scarcity of financial and business men among the delegates. More than forty counties were represented, but most of the delegates had not been regularly chosen—nor, indeed, chosen at all—but came on their own responsibility, as Union men.[4] Soldiers, who could be depended upon to support radical measures, were numerous among them. Wheeler's activity in the eastern and southern parts of the state kept away many from those sections.[5] Indeed, the disturbances throughout Tennessee, the interruption of railroad communications, and the wretched condition of the roads, together with the caution or indifference of the Unionists, resulted in so meagre an attendance that a postponement was at first talked of.[6]

The complete ascendency of the radicals and their determination to tolerate no interference with their already matured plans

[1] Nashville *Union*, August 4; Nashville *Times and Union*, August 11.

[2] Nashville *Union*, August 4.

[3] The best account of the convention is in the Nashville *Dispatch*, September 6-9.

[4] Nashville *Union* and *Nashville Times and Union*, September 8-9.

[5] *Annual Cyclopedia*, 1864, p. 764.

[6] Nashville *Dispatch*, September 6.

were immediately apparent. Samuel R. Milligan was chosen president and the committees on credentials, organization, and business, that together held the helm of the convention and determined its course, were made up with radical majorities. On the last and most important, composed of one member from each congressional district, were such powerful and uncompromising personalities as Horace Maynard, G. W. Bridges, J. S. Fowler, J. B. Bingham, and L. C. Houk. In accordance with the recommendation of its committee, the convention voted to admit to the floor not only "all delegates regularly appointed by loyal primary county conventions," but also "all unconditional Union men" of the state "who are for all the measures of the government looking to put down the rebellion."[7]

By this time, the conservative element in the convention, lured to Nashville by the broadly worded call of the state committee, which had given them grounds for hope that all shades of loyal opinion would be reflected in a liberal, non-partisan arrangement for the rehabilitation of the state, had been rudely awakened to the true condition of affairs. The majority were carrying things with a high hand, and it was apparent that they were bent on using the convention to push through a far-reaching plan, sweep aside all inconvenient constitutional impediments, and deliver Tennessee, for better or worse, into the hands of Johnson and his party. Outnumbered and outvoted by the administration men, and placed, if they remained in the convention, in an intolerable position as accessories to the rigid policy of the governor, to which they could in no way subscribe, the conservatives determined on the only possible course open to them—a dignified protest against any and all arbitrary or extra-legal measures of reconstruction; which failing, it only remained for them to withdraw.

Accordingly, on the first day of the session, T. B. Thomas, of McMinn county, offered the pointed resolution that, as "written constitutions are the only guarantee of stability in elective governments, the only safeguards which the public have against irresponsible violence on the one hand and official usurpation on the other," and as "the horrors of civil war, which now

[7] Ibid.; *Annual Cyclopedia*, 1864, p. 764.

surround us, were introduced chiefly by conventions of men claiming authority from the people, yet proceeding in plain violation of constitutions which the people had established for the restraint of all their servants," the convention be guided and governed by the constitutions of the United States and of the state of Tennessee.[8]

Instantaneously a fierce storm of radical abuse broke upon Thomas' devoted head. Colonel R. C. Crawford exclaimed that, in every convention of Unionists, some members were sure to show the cloven foot. Men like Thomas, he intimated, were secessionists at heart. The latter replied that he was proposing a peace-offering to his fellow-citizens, but Colonel Houk demanded that the resolution be laid on the table, or, better still, thrown under the table. To the accompaniment of "tremendous applause, shouts, and whooping," he declared that he loved and venerated the Constitution of the United States, but denounced the constitution of Tennessee, which consigned men to dungeons for speaking against slavery. It was, in his opinion, nothing more nor less than a league with that institution. "Show me a stickler for constitutions," he concluded, "and I'll show you a man none too good a Union man."[9] A delegate inquired if any constitution-advocate had ever been seen with a musket on his shoulder. Amid angry demonstrations, Thomas' resolution was buried by referring it to the business committee.

The next day (September 6) the radical onslaught continued, with Crawford and Houk again to the fore. The former moved that the president, through the governor, be requested to appoint a provost-marshal and deputy provost-marshals to enroll the militia and to make a list of all voters of each county in 1861, and ascertain the loyalty of each voter so enrolled, for the purpose of putting the elections into the hands of loyal men.[10] Houk urged the convention to declare itself unalterably opposed to disunion, as well as to any armistice with the Confederates, as "treason of the darkest character," the sponsors for which were "enemies of free institutions and our admirable form of

[8] Nashville *Dispatch*, September 6.

[9] Ibid.

[10] Ibid., September 7.

government, whose appreciation of freedom has been ruthlessly destroyed by thirst for office and political power"; and to indorse the National Union party as "the only party having the patriotism and determination to preserve the Union by whipping the rebels." Some other device than test oaths must be adopted, he insisted, if disloyalists were to be kept from the polls; the ballot-box was too important to them at this time for oaths and conscientious scruples to influence their conduct. He believed that, even if all the copperheads and traitors were to take an oath to vote for Lincoln and Johnson, McClellan would still beat them.[11]

Perhaps to secure a formal expression of the already obvious temper of the convention, James Ramsay, a Bedford county conservative, and Colonel Houk now offered their resignations from the business committee. Ramsay's was promptly accepted and Houk's refused. Resolutions condemnatory of the platform and attitude of the Democrats followed one another in rapid succession, one asserting that "this howl of violated constitutions comes with a bad grace from those who, by peace communications and resolutions, are affording substantial aid and comfort to the rebels."[12]

When the tempest of violence and recrimination had somewhat abated, Thomas, who seems to have kept his head and his temper throughout the mêlée, calmly and emphatically presented the conservative ultimatum in two resolutions[13] which crystallized his party's demands:

"That the convention has met for the reorganization of the state government, and not as a meeting for the ratification of presidential candidates.

"That, relying upon a just cause and the guidance of a good Providence, we are all willing to submit the presidential vote to the wisdom of the people, giving all truly loyal men an opportunity to vote as they may see proper."

This was a sharp home-thrust at the program of the administrationists, and their fury exceeded all bounds of parliamentary courtesy or decorum. Thomas was even refused permission to

[11] Ibid.
[12] Ibid.
[13] Ibid.

explain his resolutions. In vain did he assert with dignity that he and his friends had only come as loyal men, at the call of the state committee, to aid in restoring the civil government, not to attend a ratification meeting; that, if they were mistaken as to the purpose of the convention, they were ready and begged leave to retire. Copperheads, said Captain Driver, should be invited out, not granted leave to go. "Kick them out!" shouted Colonel Byrd; "point them out, and, by God, I'll lead the charge!" The conservatives withdrew amid maledictions and the parting shot from Byrd that there could be but two parties in the country, those of Abe Lincoln and Jeff Davis. Thomas' resolutions were laid on the table.[14]

The convention was now wholly in the hands of the Johnson party. Even a suggestion by Colonel R. M. Edwards of Bradley county that the electors of the state legislature comprise "the genuine Union men of the state, in connection with those qualified to vote under amnesty proclamation of President Lincoln"[15] was so violently denounced as aiming to send friends of slavery to Congress and to "choke off the poor man" that its author asked permission to withdraw it.

All was now in readiness for the resolutions of the business committee,[16] which were adopted unanimously on the 7th. An election for president and vice-president was to be held in Tennessee in November by those "who are now and have been attached to the National Union." To qualify as an elector, a man must meet the requirements of the state constitution for that privilege, and, in addition, must either have voluntarily borne arms in the service of the United States during the war (such service being still continued, or terminated by an honorable discharge), or must be a known active friend of the government of the United States. He must also register with an election agent at least fifteen days before the election, the registration being open to public inspection, and the election officers being empowered to examine applicants on oath touching matters of fact and to reject anyone on proof of disloyalty. As a final

[14] Ibid.

[15] Ibid., September 8.

[16] *Annual Cyclopedia*, 1864, p. 765.

test, he must, before depositing his vote, subscribe to the following oath, which merits careful comparison with the one required of county electors the preceding March:

> "I solemnly swear that I will henceforth support the Constitution of the United States and defend it against the assaults of all its enemies; that I am an active friend of the government of the United States; that I sincerely rejoice in the triumph of its armies and navies and in the defeat and overthrow of the armies, navies, and all armed combinations in the interest 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 these ends; and further, that I take this oath freely and voluntarily and without mental reservation. So help me God."[17]

Even this oath was to be but *prima facie* evidence of loyalty, subject to disproof.

Continuing, the resolutions provided for the opening of polls at the county seat or some other suitable place in each county, and also, for the convenience of the soldiers, at places accessible to them and guarded so as to secure a free and fair election. Only unfaltering Union men could hold office, and all doubtful incumbents were to be removed. Lincoln and Johnson electors were nominated and an executive committee, consisting of five from each division of the state, was appointed, with authority to fill vacancies occurring in the ticket. The candidates and action of the Baltimore convention were endorsed, the course of Johnson as governor in Tennessee approved, and the immediate abolition of slavery and "its prohibition in the future by all suitable and proper amendments" demanded. Governor Johnson was requested to execute the resolutions "in

[17] Ibid.

such manner as he may think will best subserve the interests of the government."

The convention purported to speak for the loyal sovereign people of Tennessee. The powerful support of the military government was pledged in a significant proclamation[18] issued opportunely on the 7th, while the convention was yet in session. The governor begins with his familiar statement of the reasons for his appointment and the constitutional basis of his authority, and enumerates the powers conferred upon him. By virtue of these powers, civil government will be reestablished in parts of the state, wherever and whenever the people evince a wish for it and a disposition to sustain the officers appointed; and appointments will be superseded by elections in accordance with the laws and constitution of the state previous to the rebellion or with new regulations prescribed by a popular convention, when elections are desired. All officers will follow, as the rule of their action, the old laws familiar to the people, when these are applicable, and will take the oath prescribed in the proclamation of January 26. "All cases, civil and criminal, coming before the judicial tribunals of this state, involving the rights of colored persons, shall be adjudicated, and be disposed of as free persons of color." The strong arm of the government will be employed to protect loyal men and their property in unregenerate districts.

In conclusion, the governor makes it clear that the days of grace for obstinate recalcitrants are about to end, and that no mercy will be shown in future. "I will once more make an appeal to the whole people of Tennessee to come forward promptly and willingly and aid me in the important work of restoring the government. Ample time has transpired for reflection, return of loyalty and reason. Amnesty (has been?) kindly offered for your protection, and surely bitter experience has demonstrated the folly of longer persisting in wanton opposition to the power and authority of the national government. I invoke you, therefore, again to return to your allegiance, and aid in the protection of yourselves against lawless bands of marauding pirates and robbers, and thereby save your

[18] J. P. vol. xlviii,—459: Nashville *Times and Union,* September 13.

property, persons and firesides from outrages hitherto unknown to civilization. Longer resistance to law and order will not be tolerated. There must be an end to the criminal opposition so long and wickedly waged against the laws and Constitution of the United States, and those who still continue to adhere to traitors and treason can no longer expect the protection of the government they daily revile and seek to destroy. They must yield their opposition (male and female) or they will be removed beyond the reach of harm to the government and authority of the United States."

On the 30th, Johnson, in a second proclamation,[19] professing his desire to coöperate with the "laudable efforts" of the convention of "a respectable portion of the loyal people of Tennessee, representing a large number of the counties of the state, and supposed to reflect the will of the Union men in their respective counties," ordered an election on the 8th of November for president and vice-president under the convention's plan. Voters must take the oath exactly as worded in the resolutions. The governor would designate superintendents and registers of elections, and, in cases where no inspectors, judges, or sheriffs were regularly appointed, the registering agents were to act in their stead. Officers of the army and surgeons in charge of hospitals were to hold elections for the soldiers. Owing to the short time remaining before the election, persons of "known and established loyalty" might vote, though they had not registered.

That the convention should have ventured to prescribe the governor's course for him and that he should have acquiesced without remark in its instructions and embodied them verbatim in his proclamation makes it all but certain that he either drew up the resolutions himself or approved them before they were voted upon. From the work of the convention he derived the advantage of appearing not to insist on any settled plan of his own, but simply to carry out the expressed will of the sovereign people. This pose, however, actually deceived nobody. The proclamation was a transparent attempt to save some

[19] Nashville *Times and Union*, October 3; Edward McPherson, *Political History of the United States during the Great Rebellion*, p. 436.

remnants of Johnson's popularity, if any there were, and at the same time to present an ostensibly united front of Unionists for the new policy, by distributing the responsibility for it as widely as possible. Indeed, the radicals needed all the strength to be derived from common action, for, as the full purport of the cunningly contrived oath came to be grasped, a storm of protest and denunciation burst upon them, and especially upon Johnson himself, whose dominating influence everyone recognized.

The first clauses of the oath clearly disfranchised Confederate sympathizers. This was, of course, necessary and occasioned no comment. But more lay behind. The national Democratic convention, which had met at Chicago in August, while pronouncing unequivocally for the Union, had bitterly deplored the war and demanded immediate efforts for a cessation of hostilities and the restoration of peace on the simple basis of the Union; and its presidential candidate, McClellan, had announced his conviction that, whenever it appeared probable that the Confederates would consent to these terms, "all the resources of statesmanship practised by civilized nations and taught by the traditions of the American people, consistent with the honor and interests of the country", should be enlisted to secure an agreement. The adherents of this party in Tennessee decided to contest the election with the "unconditionals," and, in September, placed an electoral ticket in the field. It was this manoeuvre which the Johnsonians had anticipated and fortified against by the clause of their oath pledging the voter to "oppose all armistices or negotiations for peace with rebels in arms," until the restoration of the Constitution and the laws and proclamations made in pursuance of them over all the states and territories. This clause and the succeeding one, committing the voter to "whatever measures may be adopted for the attainment of these ends," were a mortal blow at the pro-slavery Unionists and a guarantee that every man who cast his ballot in November would be either an "unconditional" or a perjurer.

The outraged feelings of the peace Democrats crystallized in a deputation of the McClellan electors to Washington to present to the president their vehement protest against the ar-

bitrary proceedings of the radicals. The signatures appended to this comprehensive and able document,[20] including those of Thomas A. R. Nelson, the president of the old Knoxville-Greenville convention, William B. Campbell, ex-governor of the state and a general in the Union army, Emerson Etheridge, one of the foremost champions of the Union in 1861, and John Lellyett, formerly postmaster of Nashville and a man of sterling character, show how conditions had changed since the beginning of the war and how impossible it was for many devoted, high-minded loyalists to keep up with the course of the military governor. That such men combined to condemn the narrowness and intolerance of Johnson's policy is a heavy indictment, which can be met only by the contention that, in this turbulent, disaffected state, the most extreme precautions were necessary to weather the crisis.

Alluding but briefly to the departures made by the proclamation from the constitutional requirements for elections, the protestants concentrate their attack upon the oath. The obligation to support and defend the Constitution of the United States they are, they declare, ready to renew daily, but they revolt from the required expression of gratification at "scenes of blood and wounds, of anguish and death." They are committed to the prolongation of the war by no considerations of pleasure, profit, or honor, while their feelings "as Christians, as patriots, and as civilized men," as well as the oaths they have taken, impel them to peace. They cannot consent "to swear at the ballot a war of extermination against their countrymen and kindred, or to prolong by their opposition for a single day after it can be brought to an honorable and lawful conclusion, a contest the most sanguinary and ruinous that has scourged mankind." The president himself, in his famous note to Horace Greeley at the time of the Niagara Falls conference in July, had proposed to treat with rebels in arms. "Are we now to understand," they inquire, "by this proclamation of one acting under your authority, and himself a candidate with you for the second office, that even the above proposition is withdrawn,—

[20] Edward McPherson, *Political History of the United States during the Great Rebellion*, p. 438.

that you will henceforth have no negotiations upon any terms but unrelenting war to the bitter end? Or are we to understand that while you hold this proposition open, or yourself free to act as your judgment may dictate, we, the citizens of Tennessee, shall swear to oppose your negotiations?"

A climax of indignation is reached in discussing the pledge to support whatever measures may be adopted by the government in attaining its ends. "We cannot comment upon the absurdity of the obligation here imposed without danger of departing from the respectable propriety of language which we desire to observe in addressing the chief magistrate of the American people."

The memorialists epitomize their argument by a direct denial of the authority of the governor or president to alter or annul any law of Tennessee. They continue: "We demand that Tennessee be allowed to appoint her electors as expressly provided by the Federal Constitution which you (Lincoln) have sworn to support, protect, and defend, in the manner which the legislature thereof has prescribed. And to that end we respectfully demand of you, as the principal under whose authority this order has been issued, that the same shall be revoked. We ask that all military interference shall be withdrawn so far as to allow the loyal men of Tennessee a full and free election. By the loyal men of Tennessee we mean those who have not participated in the rebellion, or given it aid and comfort; or who may have compiled with such terms of amnesty as have been offered them under your authority." Should the president, however, believe that the critical military situation requires additional precautions, the petitioners, while denying his legal right to exact it, will feel no hardship in taking a simple oath of loyalty; but they insist that Johnson's oath be disallowed as "irrelevant, unreasonable, and not in any sense a test of loyalty" and as "calculated to keep legal and rightful voters from the polls." The paper concludes by denominating the September convention "a mere partisan meeting, having no authority, and not representing the loyal men of Tennessee in any sense," and intimating that, in the disturbed condition of the country, the Democratic ticket would not have been put in the field at all, but for the action of the radicals.

The Democratic delegation saw the president on the 15th of October and Lellyett read the protest to him. "May I inquire," asked Lincoln, "how long it took you and the New York politicians to concoct that paper?" When Lellyett said that none but Tennesseeans had had a hand in it, the president retorted: "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"; and closed the interview abruptly with an intimation that he might make some further answer in writing.[21] This he did on the 22d.[22] He denied having had any communication with Johnson regarding the subjects treated in the protest. The movement in Tennessee, he said, did not emanate from him, and could properly be considered only "as an independent movement of at least a portion of the loyal people of Tennessee." He proposed to have nothing to do with it, either to sustain it or to modify it. He had no power under the Constitution and laws to interfere in a presidential election in a state, except, by virtue of his military authority, to give protection against violence; and for this he saw no necessity. "Governor Johnson, like any other loyal citizen of Tennessee," the president observes, "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 proposes 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." Presumably an election strictly under the old system is not now possible. In any event, the validity of the vote will be determined neither by the president nor by the governor, but by Congress.

The incident was closed by the rejoinder of three of the delegates, Campbell, Lellyett, and Bailie Peyton, on the 29th.[23] "The idea that the president himself can make, or repeal, or modify a

[21] Ibid., p. 439; Savage, *The Life and Public Services of Andrew Johnson*, p. 313.

[22] McPherson, p. 425; *Annual Cyclopedia*, 1864, p. 766.

[23] McPherson, p. 440.

law of the land, state or national, constitutional or statutory, though freely practiced upon by yourself, is," they say, "a doctrine of despotism in 'irrepressible conflict' with the principles of public liberty. And when these things are done by *subordinates,* the evil becomes intolerably oppressive, and calls for the firmest and most active lawful resistance which a people deserving to be free can offer." The plan of Governor Johnson, an agent, does, in reality, emanate from the president as principal, who, unless he disavows it, becomes responsible for it. The present "independent movement" in Tennessee, contrary to all lawful authority, finds its parallel in the independent movement of the secessionists in 1861, and the government is bound to oppose both. Then "there was no menace of coercion or violence toward any who should consent to see the Constitution violated and the 'political plan' carried out without opposition. But the bayonet was kept in view, as it is in this case. Public meetings were menaced, and perhaps broken up by armed force. And so it is now. Those opposed to the 'independent movement' were denounced as traitors, and so they are now. We had vigilance committees and mob violence then. We have now secret leagues, and are liable at any time to arbitrary arrest, as well as to mob violence which is now used in our midst. . . . 'Governor Johnson,' you say, 'like any other loyal citizen, has a right to favor any political plan he chooses.' We do not so read the duty of a citizen. Some of the political plans of our day are devised to overturn the Constitution and government of the United States—and *this is one of them.* The Southern rebellion is another. Neither the citizen nor Governor Johnson has a right to favor such plans, unless it be upon the principle advanced by you as a member of Congress, that 'any people, anywhere, being inclined and having the power, have the right' to revolutionize their government; that 'this is a most valuable, a most *sacred* right.' We shall despair of the republic if these principles of anarchy, as embodied in you, shall be adopted by the people in your reelection." Any assurance of protection for persons holding a separate election in Tennessee at variance with Governor Johnson's plan is but a cruel mockery; to attempt such an election would be to jeopardize the lives of the voters, as anti-administration citizens already know too well

from experience. Therefore, since the military power is in the ascendant, the laws disregarded, and the president deaf to appeals for justice, the McClellan ticket is withdrawn. "There will be no election for president in Tennessee in 1864. You and Governor Johnson may 'manage your side of it in your own way'; but it will be no *election*."

Examination of the oath which engendered so much passion and excitement points to the conclusion that, considering the supreme importance of the election, the peculiar situation of Tennessee, the passive disloyalty of the great majority of the people, and the impossibility, under the circumstances, of conducting an election in strictly legal fashion, the obligation imposed on voters was none too strict, if we except the clauses aimed at the loyal Democrats. It was of the utmost importance, from the standpoint of the government, to place the restoration of the state in the hands of those who could be depended upon as whole-hearted for the Union, and any so disposed could hardly object to "the suppression of the rebellion" or the triumph of the armies and navies of the United States. Former citizens, who had sought to sever their connection with the Union, could not expect to be received back without earnests of complete allegiance on their part. If, as was generally admitted, the amnesty oath was a failure in Tennessee, and bushwhackers and marauders were frequently captured with certificates of amnesty in their pockets,[24] a more stringent test was imperatively required.

On the other hand, without going into the question of whether the peace Democrats throughout the Union were justified in their policy of attacking and opposing the government, it is fair to observe that the practical considerations which allowed them to vote in the other states should have secured them the same privilege in Tennessee, if Tennessee was permitted to vote at all. There was a manifest inconsistency in assuming that Tennessee retained all her rights and privileges in the Union, while denying the franchise to loyal men who would have been allowed to exercise it in other states. If, notwithstanding her continued membership in the Union, she was, by force of circumstances, prevented from acting with the same freedom as her sisters, she

[24] Nashville *Union*, September 22.

should not have been forced into a compromising position as a prop of the National Union party, at the expense of the unquestioned rights of loyal citizens; action should have been deferred for a few weeks and then all Union men united in the labor of reorganization, without reference to the national issues which divided them. Finally, it is difficult to deny that the clause pledging the voter to assist in "whatever measures may be adopted" for the reestablishment of the Union was, as the Democratic delegates declared, absurd—an insult to the intelligence of the citizens.

The petitioners, in their rejoinder to the president, referred to the breaking up by an armed force of a McClellan meeting on the 21st of October. They insisted that they were proceeding peaceably and legally and that provost-guards were present at their request to insure order, when the soldiers of a Tennessee regiment suddenly rushed into the hall with guns and pistols, extinguished the lights, ordered the "rebels and traitors" to disperse, and drove them out. These soldiers later published over their signatures a card in the Nashville *Times*,[25] affirming that they acted entirely on their own initiative and that neither Governor Johnson nor anyone else, not an active participant, knew anything of their intentions.

Lincoln and Johnson meetings were hardly less exciting. The night of October 24 was a wild one in Nashville. A negro torchlight procession was held and "shots were freely fired." Johnson addressed the crowd at the capitol in a speech of which we have several highly colored and garbled reports, the most favorable of which does him no credit as a statesman. He seems, rather, to have resorted to the devices of the demagogue to sway the ignorant and excited blacks, and his extravagances of expression suggest his too constant friend, the whiskey bottle, as the inspiration of his unfortunate diatribe.

It is impossible to get at exactly what Johnson said. The principal loyal paper in Nashville, the *Union*, does not report his address at all. The most complete record is an apocryphal one from a more than questionable source, and attributes to the governor words which it seems impossible he could have used;

[25] McPherson, p. 440.

but, as the speech created too much of a stir to be disregarded altogether, recourse may be had to this account as the only detailed one available, due allowance being made for its manifest inaccuracy.[26]

The estates of the aristocracy, Johnson declared, should be divided among free farmers. The great planters sneer at negro equality, while, about their dwellings, one may see mulatto children bearing unmistakable resemblance to their masters, the product of "a concubinage, compared to which polygamy is a virtue." Tennessee's destiny must be controlled by loyal men and "rebels must be dumb." "Let them gather their treasonable conclaves elsewhere—among their friends in the Confederacy."

The climax is reached in an outburst of absurdity which almost destroys faith in even the approximate accuracy of the narrative. The governor had, he said, a proclamation of his own to make. Without reference to the president or any other person, he proclaimed full, broad, and unconditional freedom to every man in Tennessee. Looking upon the persecuted and despised people before him, he was almost induced to wish that, as of old, a Moses might arise, to lead them from the land of bondage to the promised land of freedom. "You are our Moses!" shouted the crowd. "Well, then," Johnson assented, "humble and unworthy as I am, if no better shall be found, I will indeed be your Moses, and lead you through the Red Sea of war and bondage to a fairer future of liberty and peace." If these were indeed the governor's words, they brought him only personal discredit as an unscrupulous agitator: politically they were of little significance, and legally of none at all.

The election on the 8th of November was, for Tennessee, a mere form, with the outcome predetermined. The only question was as to the size of the vote, and in this respect the result was disappointing. It had become apparent that the Confederates would take advantage of Sherman's absence in Georgia to make one more desperate attempt for Tennessee, and, while their forces were gathering, nobody who had not already committed himself irrevocably was disposed to take a stand on either side. Already the advance of Breckenridge into East Tennessee had

[26] Moore, *Speeches of Andrew Johnson*, p. xxxv, quoting a correspondent of the Cincinnati *Gazette*.

caused consternation there. Partisan cavalry swarmed in the state, south and west, in anticipation of Hood's movement against Nashville. In West Tennessee, a Colonel Yansil had been declared provisional governor of the state by the Confederates and, with the coöperation of Forrest, had ordered an organization of the militia, to include all citizens between sixteen and eighteen and between forty-five and fifty, the remainder being subject to conscription.[27] Requisitions for pork and grain were made on the people and any pro-Union activity was forbidden under penalty of death. In many counties, and generally in the rural districts, voting was impossible.

The returns are untrustworthy.[28] Only a few scattering votes went for McClellan and Pendleton. Nashville gave them 25 out of 1342. Shelby county, including Memphis, went for Lincoln and Johnson, 1579 to 24, but, on an "unconditional Union" estimate of 3500 to 4500 possible voters and 2400 enrolled militiamen, the showing was poor.[29] Bingham wrote from Memphis that the poor laborers and small dealers showed their loyalty by coming to the polls, but the wealthy and influential citizens worked actively to keep down the vote.[30] The Tennessee soldiers in the regiments and hospitals swelled the Lincoln majority by over 8500.[31]

Congress, by joint resolution, rejected the electoral vote of Tennessee on the ground that the state had "rebelled against the government of the United States, and was in such condition on the 8th day of November, 1864, that no valid election for electors of president and vice-president of the United States, according to the Constitution and laws thereof, was held on said day";[32] and the president acquiesced in this decision.

[27] J. P., vol. xlix,—665.

[28] Ibid., vol. lii,—1172; also the Nashville newspapers.

[29] J. P., vol. lii,—1189.

[30] Ibid.

[31] Ibid.,—1172.

[32] *Congressional Globe*, 38th Congress, 2d session, pp. 522, 533, 534, 548, 574, 590, 608, 711.

## CHAPTER IX

### Reorganization Accomplished

As soon as the national election was out of the way, it was designed to push forward the work of state reconstruction in accordance with the governor's proclamation. This time the initiative came from the East Tennessee Union executive committee. They prefix their call,[1] dated the 12th of November, 1864, by the naïve assertion that the heavy vote cast in Tennessee shows the disposition of the people to put down the rebellion and restore the state; therefore, a preliminary state convention will be held at Nashville on the 19th of December, "to form a ticket to be run for a constitutional convention" by the loyal men of the state. (The wording of this call subsequently becomes of high importance.) The pro-Union citizens of East Tennessee are summoned to Knoxville on the 6th of December, to appoint their delegates to this nominating convention.

By the irony of fate, this call, which seemed to promise the speedy realization of the long deferred hopes of the Unionists, was but the harbinger of a period of distress and anxiety for them, which, though brief, was fully as acute as any to which they had been subjected during the war. On the 13th of November, Breckenridge surprised General Gillem's force of the "governor's guard" in East Tennessee and drove it in confusion to Knoxville, followed by a terror-stricken stampede of loyalists, who abandoned their property to the vengeance of the enemy and fled for their lives. The Chattanooga *Gazette* reported that, during the week following Gillem's defeat, 3401 refugees (596 men, 1115 women, and 1690 children) arrived at Chattanooga without food, in the most terrible weather, with the mud knee-deep. Those who could not be sent on to Nashville were gathered into a camp around the already overcrowded refugee house.[2]

[1] Nashville *Union*, November 18, 1864; *House of Representatives, Miscellaneous Documents, 39th Congress, 1st session*, no. 55, p. 5.

[2] Nashville *Union*, November 25.

"It is sickening to the heart," Brownlow wrote from Knoxville, "to stand here and look at one thousand men, women, and children coming in through the mud and rain, leading their stock, . . . to save what they can. . . . I have no houses, no shanties, no anything to give them shelter. The picture is worse than I make it."[3]

Notwithstanding these discouragements, the preparations for the convention went on. Since a fairly proportioned representation of all parts of the state by regularly chosen delegates was impossible, the Union leaders determined to make the meeting a sort of informal assembly of Tennessee loyalists, who could take at least the preliminary steps in reorganization and bring the work up to the point where its consummation could be speedily effected when a more auspicious occasion offered. To this end, it was decided to open the doors as widely as possible and to encourage all who were for the Union to come and join the movement; in other words, to make the convention a meeting not of representatives, but of Unionists. Thus, the call of the executive committee of Middle Tennessee, issued on the 29th of November, while suggesting the election of delegates, declared: "The people meet to take such steps as wisdom may direct to restore the state of Tennessee to its once honored status in the great National Union. . . . If you cannot meet in your counties, come upon your own personal responsibility. It is the assembling of Union men for the restoration of their own commonwealth to life and a career of success."[4] Commenting on this call, the Nashville *Union* of the 30th said: "Every loyal man, who feels any interest in the reorganization of the state and a change in our organic law, so as to conform it to the exigencies of the times, has a right to attend and be heard."

Meanwhile, Hood advanced from Georgia into Middle Tennessee, for the purpose of striking the lines of communication of Sherman's army in Georgia and compelling it to retire from that state. General George H. Thomas had been detached by Sherman to watch and deal with Hood, and he now fell back before him to draw him into a battle with the concentrated Union army,

[3] J. P., vol. lii,—1357.

[4] *House Miscellaneous Documents, 39th Congress, 1st session*, no. 55.

as far as possible from his base. The strategic significance of Thomas' retreat was lost on the mass of the people, who saw only a retrograde movement, spelling disaster to the Federals; and everywhere throughout the state the secession sympathizers raised their heads.

On the 30th of November, Schofield, with a part of Thomas' army, checked Hood at Franklin on the Harpeth river, but the Confederates pressed on again until confronted by Thomas himself, with his whole force, at bay three miles from Nashville. The capital was in an uproar. Swarms of citizens and laborers were enlisted for defence. The suspense was prolonged by a period of terrible weather, with storms of sleet and ice, making military operations impossible, during which the two armies watched each other. The apprehension extended to Washington and to Grant's headquarters at City Point. The war department did not fully comprehend the difficulties that embarrassed Thomas. What it did appreciate was that another Confederate army, apparently caught at a disadvantage, seemed likely to make good its escape, as others had done before, from another overcautious Federal general. Grant goaded and scolded Thomas, but the latter was determined not to move until conditions were more favorable. Finally the commander-in-chief set out for Nashville to supplant Thomas by Logan; but on the 15th of December, before he arrived, the weather changed. Thomas at once made the long delayed attack and, on the 15th and 16th, utterly crushed Hood's army and drove the scattered fragments into Alabama. The Confederate force in Tennessee, as an effective instrument of invasion, was destroyed. Here, at last, was the decisive victory for which the Union men had yearned and prayed. The last hope of the secessionists that the state might yet be won for the Confederacy was gone, and, for the first time, Southern sympathizers were compelled to realize that the only course open to them was to make the best possible terms for their submission.

The Confederate invasion had, of course, made it impossible to hold the Union convention on the 19th of December, as originally announced. On that day, the executive committee of Middle Tennessee published a card[5] postponing it until the 8th of

[5]Nashville newspapers, December 19.

January, the anniversary of the battle of New Orleans, and calling upon the eastern and western committees to coöperate in their sections. There was now no excuse for further delay, for the battle of Nashville had taken the heart out of the secessionists and silenced the peace Democrats, while the chaotic condition of the state called for immediate remedy. In West Tennessee, business was almost at a standstill on account of the disorder and the prohibitive trade regulations. The army officials were unpopular and friction between them and the civilian leaders was constant. They were charged with susceptibility to bribes and with bestowing favors regardless of the records and merits of claimants.[6] The boards of claims, acting under military authority, were denounced as capricious and not above political proselyting in making their awards.[7] The state was still infested with marauders, who were fast reducing it to utter desolation and whom the army, directing all its energies to the destruction of the enemy's main forces, had neither time nor men to suppress. The advantages to the citizens of taking their government into their own hands became more and more apparent. General Thomas, too, for military reasons, desired them to do so, that he might withdraw his garrisons for service at the front. He urged this consideration on Johnson in a dispatch[8] of the 30th of December, and received the latter's assurances that no effort to that end would be spared on his part.[9]

No further military vicissitudes interfered with the great final act toward which all loyal energies were now directed. The convention[10] met at Nashville on the 9th of January—the 8th, the day named in the call, falling on a Sunday. The same irregularities which had characterized previous conventions appeared again in this one. With delegates chosen by mass meetings, more or less representative, mingled citizens who represented their friends or only themselves, and soldiers sent by their regiments. The opinion seems to have prevailed at first that the meeting was but a preliminary one, to take steps for assem-

[6] J. P., vol. lii,—1303.

[7] Ibid.; vol. liii,—1463; vol. liv,—1654.

[8] O. R., series i, vol. xlv, part ii, p. 421.

[9] Ibid., p. 471.

[10] The best account of the convention is in the Nashville *Dispatch*, January 10-16, 1865.

bling a more regular convention, and consequently that it was hardly worth while to insist upon annoying formalities. This view was certainly justified by the wording of the original call and was assumed by Colonel S. R. Rodgers, the president of the convention, in his opening speech.[11]

The only difficulty, therefore, concerning the admission of delegates, turned on the degree of loyalty to be required. The original report[12] of the committee on credentials recommended that all "who give an active support to the Union cause and who have never voluntarily borne arms against the government" be seated, but the majority were uncompromising in their determination to exclude the non-belligerent secessionists whose secret coöperation had wrought so much damage in the state and embarrassed the Federal armies; and, on motion of Colonel Houk of East Tennessee—the same who loomed large in the September convention—another clause was added, barring those who had ever "voluntarily given aid and comfort to the enemy."[13] The delegates of each county were directed to select a chairman who should furnish the secretary of the convention with the list of eligibles present from his county and distribute tickets of admission to them. All soldiers who came as delegates were admitted.[14]

The next question was on the basis of voting in the convention. A resolution,[15] offered by R. R. Butler of Johnson county, to give each county at least one vote, with one additional for every hundred votes cast by it against "separation and representation" in 1861, was at first adopted, but encountered the fierce opposition of the Middle and West Tennesseeans, who claimed that the elections in their sections had been interfered with by force and fraud and did not fairly show their Union strength, and threatened to withdraw from the convention unless their delegates were accorded individual recognition.[16] To preserve harmony, Mr. Butler's resolutions were reconsidered and withdrawn[17] and

[11] Nashville *Dispatch,* January 10.
[12] Ibid.
[13] Ibid.
[14] Ibid.
[15] Ibid., January 11.
[16] Ibid.
[17] Ibid., January 12.

the "one man, one vote" method substituted,[18] but not before the charges and counter-charges of disloyalty had led the debate away from the subject immediately under consideration and revealed the divergent views of the delegates as to the proper policy of reconstruction. Colonel Houk, speaking for East Tennessee, advocated the exclusion of every former citizen who had voted for "separation and representation" in 1861 or had afterwards voluntarily aided the rebellion from voting in state elections, testifying in court against loyal men, practicing law in the state, or serving on a jury for five years after the declaration of peace, and then only on filing a petition in the Federal court of the circuit or district where he resided, with the allegation, supported by the sworn evidence of two citizens, whose unbroken loyalty antedated the war, that he had been actively loyal during the five years of probation.[19] A. J. Clements, of Macon county, wished to divide all former citizens into three classes:—first, qualified voters, who must take oath, backed by the oaths of two loyal persons, either that they had voted against separation in 1861 and had never willingly aided the rebellion nor wished it success, but had warmly desired the triumph of the Federal government; or that they had acted loyally during the twelve months last past, hoped for the defeat of the Confederacy, and would do all they could to accomplish it; second, passive non-combatant subjects—comprising those who would agree to do nothing in support of the rebellion—entitled to protection, but excluded from voting and holding office; and, third, all others, who were not to enjoy the protection of the laws or the right of action in the courts, whose oath would not be taken against either of the other classes, and who were subject to expulsion on three months' notice.[20] D. P. Gass of Sevier county proposed the disfranchisement for ninety-nine years of all who had voted for separation or had voluntarily born arms against the Union and was for precluding the legislature from reinstating any for at least ten years after the war. Mr. Carper, a narrow-minded, keen-witted, implacable delegate from Davidson county, declared, in a rous-

[18] Ibid. The newspaper accounts are not clear on this point, but, on all subsequent ballots, each delegate apparently cast an independent vote.

[19] Nashville *Dispatch*, January 12.

[20] Ibid.

ing speech, that the rebels had not repented, but had held out as long as possible in their efforts to destroy the government, and were now coming back to get office. "The only right they have," he said, "is to be hung. You cannot make a good citizen of a rebel. You may paint a crow white or red, but that won't prevent him from stealing your corn. If the rebels are allowed to come back, the few Union men of Tennessee will have to leave the state."[21] The applause with which Mr. Carper's remarks were greeted showed that many in the convention were of the same opinion.

From the first day of the session, it was apparent that the radical delegates, who were probably the most numerous and certainly the most determined and united party, and who had gained control of the business committee, consisting of three members from each section of the state, which was to frame the resolutions for discussion, had become, after the example of their friends of the September convention, disciples of irregularity. They were now bent upon disregarding the plain meaning of the call of the 12th of November, dispensing altogether with a second convention, and themselves drawing up immediately constitutional amendments and other regulations embodying their plan for reconstruction, to be submitted directly to the people for their approval. The conservatives, on the contrary, were opposed to any doubtful measures which would admit of pertinent comparisons with the much denounced acts of the secessionists in 1861, and were insistent that expedition be sacrificed to regularity and to as close an approximation to absolute legality as was possible under the circumstances.

Their program was outlined in resolutions[22] offered by Judge Trewett of Hamilton county, which the radicals succeeded in referring to the business committee without debate. They submitted "that this convention, being a primary assemblage of the people, has no constitutional powers to resolve itself into a convention of delegates, and in that capacity revise or amend our state constitution; that the true policy which should govern this convention is to set forth a declaration of principles for the consideration of the people, and prepare a general ticket for dele-

[21] Ibid.

[22] Ibid., January 11.

gates, who shall be appointed and elected according to the Union strength in the three grand divisions of the state; that the best interests of the state demand that we yet continue a military government until the rebellion shall cease to have an army in the field; that an election be holden for delegates to a state convention on the first day of February, 1865, in the same way and manner that members to the general assembly were elected immediately preceding the rebellion, who shall meet at Nashville on the 5th of February, 1865, revise the state constitution, and submit the ratification of the same to the people of Tennessee on the 4th of March, 1865; and at the same time members to the legislature of the state and to Congress shall be elected, in such mode and manner as the revised or amended constitution may prescribe . . . ; that the convention of delegates, in the amended constitution, should, upon the basis of the Union vote, fix the number of representatives in Congress, and in each branch of the state legislature, to which the people of the state shall be entitled in the first session, and redistrict the state accordingly." It was further proposed that the coming convention declare for the unconditional abolition of slavery, and that none who voluntarily sided with the rebellion be eligible as delegate to the convention or as voter in the elections.

The radicals fell back upon the fundamental right of the sovereign people, for their own salvation in a crisis of their fate, to transcend the bounds set by themselves to their normal action. The report[23] of the majority of the business committee, read to the convention on the 11th, proposed this preamble to their resolutions: "The first article and the first section of the declaration of rights in the constitution of the state of Tennessee declares: 'That all power is inherent in the people, and all governments are founded on their authority, and instituted for their peace, safety, and happiness; and for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.' Therefore a portion of the citizens of the state of Tennessee and of the United States of America, in convention assembled, do propound the following alterations and

[23] Ibid., January 12.

amendments to the constitution, which, when ratified by the sovereign loyal people, shall be and constitute a part of the permanent constitution of the state of Tennessee."

The amendments to be submitted were four in number. The first abolished slavery and involuntary servitude in the words of the thirteenth amendment to the Federal Constitution, then pending before the country; the second forbade the legislature to make any law "recognizing the right of property in man"; the third substituted for popular election of the judges of the state supreme court, attorney-general, and reporter, appointment by the governor, with the advice and consent of the senate; the fourth admitted to the suffrage all citizens of Tennessee who had voluntarily borne arms in the service of the United States (thus giving the vote to the negro soldiers), declared that color should not disfranchise any person who, by state law, should be a competent witness in the courts against a white man, and permanently denied the ballot to holders of civil, judicial, and other offices in the state who had given aid and comfort to the Confederates, unless they could establish their loyalty beyond a doubt, and also to all officers in the Confederate army above the rank of lieutenant-colonel, leaving to the legislature, however, the power to reenfranchise such persons, well disposed toward the government of the United States, as, in their judgment, merited the privilege. Appended was a schedule invalidating the acts of the secession government and elaborating the details for state reconstruction.

The first two amendments were certain to command the almost unanimous support of the convention, for the pro-slavery loyalists had been alienated from the "unconditionals" by the quarrels of the past autumn. The third and fourth embodied the views of the radicals, with modifications calculated to render them palatable to delegates inclined to leniency. Thus a loophole through which to escape permanent disfranchisement was provided in the discretion accorded to the legislature. Delegates were not lacking who urged the granting of the suffrage to all loyal negroes, and a petition[24] from the "colored citizens" of Nashville was read in the convention, asking this boon and the

[24] Ibid.

still more precious one of admission of negro testimony on oath in court in cases where white persons were concerned. The majority were not disposed to go so far, but they proposed to enfranchise the negro soldiers, and conceded, as regards the rest of the blacks, that, whenever the legislature chose to extend the right to testify in the courts, the vote should go with it.

J. R. Hood of Hamilton county, the editor of the Chattanooga *Gazette,* made a minority report,[25] vigorously denying the authority of the convention to offer amendments to the people. The call under which it had assembled, he observed, specifically stated its object to be to take council and to plan for a second "duly elected and qualified body of delegates, clothed with full power to make all necessary amendments." Many of the present "delegates," on their own testimony, possessed no representative character at all, but came as individual members of the Union party of the state. There was danger in following, "even by implication," in the footsteps of the secessionists, whose revolutionary, lawless acts had been so freely condemned. Hood's proposition was that the convention request the military governor to issue writs for an election by general ticket on the 22d of February of one hundred delegates, who should meet at Nashville on the 4th of March, "to take into consideration such measures as will make the organic law of the state homogeneous with the liberal policy of the government of the United States," and that the people vote on the measures recommended on the 20th of April.

Not only the assumed authority of the convention to propose amendments at all, but also specific points in the majority plan—and particularly the third and fourth amendments—came in for severe strictures. Speakers inveighed against the extension of the franchise to the negro soldiers, the proposal to discontinue popular election of judges, the strict disfranchising clauses. Lincoln's amnesty proclamation was an inducement to the rebels to return home and receive *all* their old rights, argued Judge Gaunt of Bradley county, and the convention could not depart from the president's policy. A man could not be deprived of his rights and, nevertheless, be made a good citizen.[26] Colonel Byrd, of Roane county, revived an old ghost, once laid by Governor

[25] Ibid.

[26] Ibid., January 13.

Johnson, when he urged that the convention plan be discarded and a legislature elected to propose amendments in a constitutional way.[27]

Gradually, however, realizing the necessity of coöperation, if they were to make any headway against the determined radicals, the moderates rallied around Hood and his hundred-delegate idea. Hood himself led the attack in a blunt, defiant speech[28] on the 12th, in which he directly impunged the motives of the radical leaders and accused them of attempting to browbeat their opponents by questioning their loyalty. The action advocated by the majority, he contended, would be a fraud on the people. "The disinterested masses can trace the ruin of the country to the insolent demands of party tacticians. What accounts for the surprising phase affairs have presented in this convention? . . . It is the party lash. I tell gentlemen to beware. They cannot whip the loyalists of Tennessee into the traces. They have been fighting arrogance and insolence too long to succumb to the encroachments of those who may have personal ends to accomplish." The "would-be managers of the people" are trying to trick them by combining good and bad measures in one proposition and thus leading them to commit themselves to the bad—"to sanction the act of this mob"—for the sake of securing the good. One admirable measure they propose is the enfranchisement of the negro soldiers. "Loyal black soldiers are better than white rebels."

Hood and the moderates might have saved their breath. The radicals were holding in reserve their final thunderbolt, waiting for the decisive moment to launch it. Governor Johnson had thus far taken no active part in the proceedings, but the intensity with which he followed every move in this final act of the drama, in which his was the principal part, may be imagined. Now it was proposed and voted that he be invited to address the convention on the evening of the 12th. This brought him forward just after Hood's telling speech. The stage was set for him, and before he had finished, he seemed to be the only actor upon it.

With solid practical argument and trenchant directness, he struck straight at the foundation of the moderate position.

[27] Ibid.

[28] Ibid., January 15.

"Suppose you do violate law," he said; "if by so doing you restore the law and the constitution, your consciences will approve your course, and all the people will say, amen! You are without law and without a constitution, and it is your duty to get it back for the people. . . . If you do boldly what the hour demands, you . . . may hold up your hands when the struggle is ended and swear that you have saved your state and the republic. . . . This is the most favorable opportunity that has presented itself. . . . Why not agree upon two or three simple propositions, and get back your state government?" Were the matter in his hands, he declared, he would simply propose to the people that slavery be abolished and its resurrection forever prohibited. This great monopoly, essentially "contrary to the genius of a free state," is the foe now engaged in a war to the death with the government. Crush it in Tennessee, and its death-knell will be sounded throughout the land. It matters not how the movement is started, so long as the sovereign people finally acquiesce in it. "Any man can draw up a few 'whereases,' submit them to his friends, and they recommend them to the people of the state; and if the people ratify them, the subject-matter becomes law,—it is constitutional, and the procedure consonant with the spirit of popular government. If you call a convention, involving expense, delay, and vexation, their action must, after all, go to the people to be sanctioned by them before it can become a part of the constitution." Then let the people act. The important thing is to restore the civil government at once, free from the encumbrances that brought on the rebellion. Accordingly, it is unwise to waste time now over minor defects that can be attended to as well later—for example, the matters treated in the proposed third and fourth amendments. As for the elective franchise, get a legislature first and let it attend to that. Make no more amendments than are necessary to insure a free government.[29]

It would be hardly an overstatement to say that never did a political speech bring more decisive results. Before it, the opposition that, the same afternoon, had seemed so powerful, immediately dissolved and disappeared and the radical plan, with the modifications suggested by the governor, was put through

[29] Ibid., January 14.

with little further deliberation. As a partial explanation of this remarkable occurrence, it must be remembered that it was not all shades of loyal opinion in the state that Johnson succeeded so signally in blending into a harmonious background for his policy. The convention consisted only of "unconditionals," ostensibly administration men; all others had been eliminated from participation in the work of reorganization by a gradual process culminating in the iron-clad oath of September, 1864, and the rigid requirements for delegates which the convention itself prescribed. All the members were in reality radical, in the sense that they were the foes of slavery and of the old system of government in the state. With hardly an exception, all were in favor of restoration by the convention method. The agitation for committing the task to a legislature, so vigorous in the preceding summer, had dwindled to a few voices, to whom little heed was now given. No irreconcilable differences existed among the delegates as to the form the new government should take. Indeed, the Hood party might more properly be called legalists or constitutionalists than moderates. Their only determined attack was made upon the representative character and constitutional status of the convention, and to meet this Johnson directed all his powers of persuasion. To make it the single issue, he cleverly avoided disputes on vexed questions, not immediately essential, proposed in the third and fourth amendments, by suggesting their postponement. For the legality of the convention's action he practically assumed personal responsibility by his speech, thus lifting a load from the shoulders of scrupulous delegates; and by emphasizing his favorite doctrine of paramount popular sovereignty, exercised to restore rather than to destroy the government, he sought to contradistinguish this action from that of the secessionists in 1861.

After this speech, the result was certain. Many delegates departed for their homes, realizing that the remaining proceedings would be merely perfunctory. The next day, the business committee withdrew its report and returned it with the third and fourth amendments stricken out.[30] The last attempt of the moderates to gain recognition for their views—a resolution[31] by

[30] Ibid., January 15.
[31] Ibid.

Colonel Butler that the convention would exceed its powers by acting in accordance with the report—failed by a vote of 113 to 161, all that remained of the original five hundred odd delegates. The report was then adopted.[32]

Two constitutional amendments, therefore, were to be submitted to the people, providing for the abolition of slavery and prohibiting the legislature from reviving it. The radical schedule,[33] also approved, abrogated a section of the state constitution in conflict with the new amendments, declared unconstitutional and void the declaration of independence and ordinance of separation of May 6 and the convention and military league with the Confederacy of May 7, 1861, as well as all laws of the secessionist legislature and acts done in pursuance of them, including the issue of state bonds, notes of the Bank of Tennessee and its branches, and all debts created in the name of the state by their authority; forbade any subsequent legislature to authorize the payment of such debts or the redemption of such notes; suspended the statute of limitations from May 6, 1861, until the legislature should restore it; authorized attachments of property and collection of judgments in suits for torts or upon contracts, without personal service of process upon the defendant, until the legislature should make other regulations; ratified all civil and military appointments of Governor Johnson and provided for their continuance until the election or appointment of their successors under the laws and constitution of the state and of the United States. "The people" were to be summoned to vote on both the amendments and the schedule on the ensuing 22d of February and, if they approved them, an election for governor and members of the legislature was to follow on the 4th of March, the legislature to be voted for by general ticket upon practically the old basis of representation. The officers thus chosen were to serve until legally supplanted at the regular biennial election in 1867. Changes in the laws regulating the qualifications for voters and other modifications of the elective franchise, at first proposed for incorporation in the constitution, were left to the general assembly.

[32] Ibid.
[33] Ibid.

It remained to provide the machinery for launching the new system. This was done in a series of resolutions[34] passed by the convention. The defences which had safeguarded the administration party in November were again erected around the ballot-box for both the vote on the amendments and the first election in March. The voters in each case, except those known to the judges of the election as unconditional Union men, were required to take the governor's iron-clad oath. The name of each voter must be written on the back of his ticket, and the tickets filed with the clerks of the county courts for future reference. Thus, any man who ventured to oppose the dominant party must count on being known and reaping the consequences of implied disloyalty. Qualified voters might cast their ballots in any county of the state, or, if in the military service, wherever they might happen to be on election day; and, for the soldiers, military commanders and superintendents of hospitals were empowered to hold elections. Returns were to be made to the secretary of state and the result declared by proclamation of the governor.

The convention then voted to nominate a candidate for governor and to commit the naming of candidates for the legislature and officers of elections to the delegates, for their respective districts. If, however, the "Union people" of any district preferred another candidate, they were to be free to substitute him for the one selected by the delegates. The state executive committee was authorized to fill all vacancies in the list of nominees.[35]

The nomination of the gubernatorial candidate was the last exciting episode of a dramatic event. For months the administration and its supporting newspapers had made no secret of their preference for Brownlow, "the fighting parson," a popular hero and, even more than Johnson, the most striking individual figure in the state. Of qualifications for the office he had almost none, save his intense, unswerving, self-sacrificing loyalty to the Union. As editor of the Knoxville *Whig,* the organ of ultra-anti-secession radicalism, he had brought down upon himself and his family the vengeance of the Confederates. Something of the sanctified celebrity of the martyr clung about him and glows with a shade

[34] Nashville *Times and Union,* January 16.

[35] Ibid.

too vivid of complacency in the pages of "Parson Brownlow's Book," in which he recounts his sufferings and draws a highly colored picture of Confederate atrocities. Intense, bitter, utterly narrow-minded as he was, extravagance in action and expression was a necessary outlet for his fierce passions, and his picturesque personality and violent diatribes were the most effective drawing-cards at all Union meetings in Tennessee. He never failed to excite and to amuse; in him the arts of the demagogue were astonishingly mingled with the purest, sincerest, most intolerable fanaticism.

No opposition to Brownlow appeared, and he was chosen by acclamation. In his brief speech of acceptance[36] he promised an administration of "deeds and acts," and concluded: "God being my helper, if you will send up a legislature to reorganize the militia and pass other necessary laws, I will put an end to this infernal system of guerilla fighting in the state, in East, Middle and Western Tennessee, if we have to shoot and hang every man concerned." The convention then wound up its business with resolutions[37] requesting the president to appoint Brownlow a brigadier-general and assign him to duty as military governor for the period between Governor Johnson's retirement and the March election, urging the governor and the department commanders to send Tennessee troops to guard the ballot-box during the approaching canvass and election and protect the loyal people after the election, and providing for the appointment by the president of the convention of a committee of three from the three divisions of the state to proclaim Tennessee no longer in insurrection against the national government.

"Thank God that the tyrant's rod has been broken," exclaimed Johnson, in his dispatch of the 13th, announcing the result to Lincoln. "Without some reverse of arms, the state will be redeemed and the foul blot of slavery erased from her escutcheon. I hope that Tennessee will not be included in the bill now before Congress and be made an exception if the bill passes. All is now working well, and if Tennessee is now left alone, (she)

[36] *Proceedings of the Liberty and Union Convention in Nashville, Tennessee, on the 9th of January, 1865* (pamphlet, Library of Congress).

[37] Nashville *Dispatch*, January 15.

will soon resume all the functions of a state according to the genius and theory of the government."[38]

The result of the popular vote, under the elaborate restrictions imposed, was insured from the beginning. On the 22d of February, the amendments and schedule proposed by the convention were ratified by a vote of 25,293 to 48.[39] More than 3,000 votes were by soldiers. Only twenty-seven counties in the state sent in returns, and Shelby county was the sole participant from West Tennessee. The feeling in that section was influenced unfavorably by the friction which had attended the enrollment of the militia and probably also by the enforcement of General Canby's order for a draft of one man in seven on the 15th.[40] An unsuccessful effort had been made by those apprehensive of the effect of the draft to have it postponed until after the election. A meeting called at Memphis to ratify the proceedings of the constitutional convention had, to the consternation of its sponsors, fallen under the domination of the "copperheads," who carried resolutions denouncing the convention's proceedings and setting aside its nominations,—requiring a subsequent radical meeting to undo its work.[41] The guerillas were still showing intermittent activity in East Tennessee and frightened many citizens into remaining away from the polls.

Although the result was far from an unqualified success, the president's ten per cent. requirement was more than complied with. At last, after three years of incessant effort, Johnson's work in Tennessee was done. In a few days he was to leave the state to take up his new duties in Washington, and his proclamation[42] of the 25th, announcing the people's verdict on his plan—for his it essentially was—and declaring the amendments a part of the constitution, is of the nature of a valedictory.

"For nearly three years," he said, "in the midst of dangers and difficulties the most complicated and perplexing, I have earnestly labored to restore the state to its former proud position in the

[38] O. R., series iii, vol. iv, p. 1050.

[39] *Annual Cyclopedia*, 1864, p. 769.

[40] J. P., vol. lvi,—2167,—2193; lvii,—2302; Nashville *Times and Union*, February 16.

[41] J. P., vol. lvii,—2302.

[42] Nashville *Times and Union*, February 17.

Union. My constant effort has been to save it, not to destroy it; but the rebellious sentiment of the people often interposed obstacles which had to be overcome by military power. The task was painful, but the duty has been performed, and the result has passed into history. Time, I am happy to say, has greatly calmed the passions of the people, and experience restored them to reason. The folly of destroying their government and sacrificing their sons to gratify the mad ambition of political leaders needs no longer to be told to the laboring masses. The wasted estates, ruined and dilapidated farms, vacant seats around the hearthstone, prostrate business, and even life itself, everywhere proclaim it in language not to be misunderstood.

"But all is not lost. A new era dawns upon the people of Tennessee. They enter upon a career guided by reason, law, order, and reverence. The reign of brute force and personal violence has passed away forever. By their own solemn act at the ballot-box, the shackles have been formally stricken from the limbs of more than 275,000 slaves in the state. The unjust distinctions in society, fostered by an arrogant aristocracy, based upon human bondage, have been overthrown, and our whole social system reconstructed on the basis of honest industry and personal worth. Labor shall now receive its merited reward, and honesty, energy, and enterprise their just appreciation. Capital, heretofore timid and distrustful of success, may now confidently seek remunerative and profitable investments in the state. Public schools and colleges begin anew their work of instruction upon a broader and more enduring basis. The foundations of society, under the change in the constitution, are in harmony with the principles of free government and the National Union; and if the people are true to themselves, true to the state, and loyal to the Federal government, they will rapidly overcome the calamities of the war, and raise the state to a power and grandeur not heretofore even anticipated. Many of its vast resources lie undiscovered, and it requires intelligent enterprise and free labor alone to develop them and clothe the state with a richness and beauty surpassed by none of her sisters."

The state election followed on the 4th of March. The vote was even smaller than that on the amendments, Brownlow and

the convention ticket receiving 23,352 against 35 scattering.[43] On the 3d of April, the legislature met at Nashville, and, on the 5th, it ratified the thirteenth amendment to the Federal Constitution and proceeded to reorganize the state government and elect United States senators.[44] But these events and the subsequent troubled history of Tennessee are beyond the scope of this account, for Governor Johnson had already resigned his office and left the state. The president had not bestowed his mantle on Brownlow, as the convention had requested, but permitted Secretary of State East to perform the gubernatorial functions until the new civil officers were qualified.

[43] *Annual Cyclopedia*, 1864, pp, 767-769.
[44] Ibid.

## CHAPTER X

### A Governor-of-all-Work

A connected account of the reconstruction of Tennessee—the work for which Johnson's office was originally created and to which all his diversified activities were incidental—has postponed until now the treatment of several subsidiary matters which occupied his attention in the meantime.

Among the many functions of the governor requiring immediate exercise, the military were by far the most important. Realizing this, the president had conferred upon him the rank of brigadier-general, authorized him to call upon the military commanders for assistance in carrying out his orders, and provided for a "governor's guard" to be under his own immediate and exclusive command.[1]

At first, as has already been observed, the respective authority of the governor and the generals was not clearly understood, and led to serious complications under Buell and Rosecrans. That

[1] Johnson's instructions, accompanying his commission, were as follows: "Sir: The commission you have received expresses on its face the nature and extent of the duties and power devolved on you by the appointment as military governor of Tennessee. Instructions have been given to Major-General ——— to aid you in the performance of your duty and the extent of your authority. He has also been instructed to detail an adequate military force for the special purpose of a governor's guard and to act under your directions. It is obvious to you that the great purpose of your appointment is to reestablish the authority of the Federal government in the state of Tennessee and provide the means of maintaining peace and security to the loyal inhabitants of that state until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing the result. It is not deemed necessary to give any specific instructions, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties." J. P., vol. xvi, 3688; O. R., series i, vol. ix, p. 396; ibid., series iii, vol. ii, p. 106.

there was less trouble afterwards is doubtless to be explained not so much by the absence of causes of dissension as by the character of the officers appointed and the lesson they had drawn from the experience of their predecessors, that the governor was a power tc be reckoned with and conciliated. Thomas, who succeeded Rosecrans, had promptly won Johnson's enthusiastic admiration and confidence by his ability, pure patriotism, and single-minded devotion to duty, and had been earnestly recommended by him for the command to which he was finally assigned. He, like Johnson, was a Southern loyalist; his views on reconstruction were much the same; and his equable temper and indisposition to quarrel or trespass on another's province stood him in good stead in Tennessee. The post commanders at Nashville also took on wisdom. As for the subordinate military officers, the principal source of friction was removed when Johnson was authorized to dictate the appointment of the provost-marshal at Nashville, and those who remembered the fate of Matthews, Greene and Truesdail trod warily under the governor's eye. Whatever embarrassments he experienced in the late years of the war came from distant sections, like Memphis, where the civil government existed only sporadically, under military regulations of the general; and such incidents were few and comparatively unimportant and were speedily remedied or explained away when he complained of them.

Another important duty imposed upon Johnson was the raising of Tennessee troops for the Federal army[2] and for the defence

[2] Under the act of July 22, 1861, authorizing the governors of states furnishing volunteers to "commission the field staff and company officers requisite for said volunteers" Where, in Southern states, the proper authorities "fail or refuse" to commission the officers, the president is authorized to do so. More detailed regulations were provided in the form of general orders from the war department, viz.:

General Order No. 18, 1862: Breaking up all independent organizations and ordering their members to report to the governors of their states for commissions.

General Order No. 75, 1862: Providing that all volunteer regiments shall be under the exclusive control of the governors of their states until their muster rolls are complete, when they shall be mustered into the service of the United States.

General Order No. 48, 1863: Providing that no volunteer officer shall

of the state. The supporters of the Union in Tennessee were comparatively few, but among them the task was rendered easy by the fact that, in the existing condition of the country, Union men were actually safer in the army than at home, where those not caught in the wide-flung Confederate conscription net fell to the tender mercies of the guerillas.

The governor brought with him authority from Stanton to draw on the treasury to the amount of $10,000 for funds to organize a "home guard" for service in Tennessee,[3] and, by the 23d of April, he could report two regiments complete and four others nearly so.[4] Volunteers were plentiful enough, but many insisted on organizing as cavalry, to clear the state of guerillas and protect their homes and families—a business for which infantry was practically worthless. The infantry regiments, consequently, did not fill rapidly. This would have been well enough, but for the great difficulty of getting horses. The Confederates had taken almost every animal of value for military purposes. Johnson finally resorted to pressing horses from secession sympathizers, but the supply never came near equalling the demand, and some troops attempted for a time to use mares, an experiment which worked badly and was abandoned.[5] The regiment, originally infantry, commanded by the governor's son, Robert, was transferred to the cavalry service, and Colonel Robert's correspondence with his father is the history of a long struggle to secure proper horses and equipment.

On the 28th of June, 1862, Johnson subscribed the invitation of the loyal governors to the president to call upon their states for all the men necessary to fill up the ranks of the army in the field, provide garrisons for captured posts, and speedily crush the rebellion,[6] and proceeded promptly to raise the two regiments asked for as part of Tennessee's quota. By the first of July, the unrestrained career of Forrest and Morgan and the cutting of

be mustered into the service of the United States until he shall exhibit a commission from the governor of the state to which the organization into which he desires to be mustered belongs. J. P., vol. xxx, 6764.

[3] J. P., vol. xvi, 3967.

[4] O. R., series i, vol. x, part ii, p. 111.

[5] J. P., vol. xxiv, 5268.

[6] O. R., series iii, vol. ii, pp. 180, 187, 208.

the railroad communications threatened Nashville with complete isolation. Johnson was thoroughly alarmed, and set himself with characteristic energy to help organize the defence. On the 14th, the rumor gained currency that the Confederates were marching on the city. A Union meeting was hurriedly announced and Johnson delivered a stirring speech, calling on the citizens to enroll and promising them arms, while those who should serve a month were to receive regular pay. In similar crises throughout the year, it was the governor who spurred the flagging zeal of others with his restless energy.

Meanwhile, Halleck in the west and Morgan in East Tennessee were begging for cavalry. Johnson's response was prompt. His demands on Washington brought him, on the 1st of August, full authority to raise any amount of cavalry and infantry needed for service in Tennessee.[7] The appointment of the officers, too, was practically in his hands. Operations within the state, he constantly urged, should be, as far as possible, in charge of Tennessee officers; and he did not hesitate to request the substitution of ex-Governor Campbell for General Buell as commander of the relief expedition into East Tennessee.[8]

In military matters, as in every other respect, the tendency of the president was to avail himself more and more of Johnson's proved energy and efficiency. On the 28th of March, 1863, he was empowered to raise and muster into the service of the United States, for three years or during the war, ten regiments of infantry, ten of cavalry, and ten batteries of artillery, the officers to be appointed by him and commissioned by the war department. Quartermasters and commissaries were instructed to issue supplies to these troops upon the governor's requisition.[9] The same order contained also the specific authority for raising the governor's guard which had been promised a year before, for the purpose of strengthening his authority and performing service around Nashville. This force, which might not exceed a brigade, was placed under his exclusive command and could not be employed without his consent. On April 22d, a regiment

[7] *Annual Cyclopedia* 1862, p. 598; Nashville *Union*, July 15, 1862; O. R., series iii, vol. ii, p. 208.

[8] O. R., series iii, vol. ii, p. 290.

[9] Ibid., series i, vol. xvi, part ii, p. 118.

of Tennessee infantry was detached from the regular army, against the protest of General Rosecrans, to form a nucleus for the guard.[10] Henceforth, it was apparent, the governor need not depend upon others for carrying out his behests.

Though laboring faithfully to obtain recruits for Rosecrans, Johnson's more immediate concern was for the succor of the loyal people of Tennessee, exposed to the vengeance of the enemy, who were sweeping the country in the rear of the Union army. To this end he wearied the government with complaints and prayers for aid and finally (April) won the consent of the war department—recruits from Tennessee now coming in but slowly —to enlist men from other states to complete the number he required.[11] The work was begun at once, but led to serious complications and friction between recruiting officers and governors, and the order permitting it was revoked in June.[12]

In the autumn of 1863, the need for more soldiers became acute. Rosecrans was concentrating every available man at the front for the projected winter campaign against Bragg. Even prisoners were released on condition of taking service in the army. The Confederate cavalry and guerillas were everywhere and a large force for guard and garrison duty was essential. The places of the veterans withdrawn from this service had promptly to be filled by new troops, and in this work the coöperation of the governor was highly important. Lincoln telegraphed him on the 8th of September: "Let me urge that you do your utmost to get every man you can, black and white, under arms at the very earliest moment, to guard roads, bridges, and trains, allowing all the better trained soldiers to go forward to Rosecrans. Of course I mean for you to act in coöperation with, and not independently of, the military authorities."[13] Authority was sent him to raise both troops for the regular army and companies of "Union guards" to be organized under Tennessee law for twelve months' service in the state only, and controlled directly by the governor.[14] A similar organization had already

[10] J. P., vol. xxx, 6756.

[11] Ibid., vol. xliii, 9412; O. R., series i, vol. xxiii, part ii, p. 308.

[12] J. P., vol. xxix, 6348; vol. xxxi, 6754.

[13] O. R., series iii, vol. iii, p. 823.

[14] J. P., vol. xxxiv, 7598.

been effected by General Hurlbut in West Tennessee.[15] By the middle of October, Johnson was able to report good success in his undertaking. The men obtained, he said, were well adapted for service against the guerillas, as they came from the country where they were numerous and knew how to meet them.[16] Still, the scheme was not without its imperfections. Officers engaged in recruiting regular three-year regiments complained that the opportunity offered for shorter service drew many men away from them. It was contended that the "home guards," though possibly suited to warfare with small bands of Indians, were useless against the strong and capably led forces of Forrest and Morgan. Arms furnished them would only be captured and sent South, and their feeble efforts would bring a worse vengeance upon the country. They themselves were insubordinate and disposed to commit outrages on the people they were supposed to defend, and, in general, might be expected to do far more harm than good.[17] Much of this criticism was just, but the protection furnished by the "home guards" was all that could be afforded the citizens during the critical winter of 1863-64, and doubtless saved them from a worse fate than actually befell them. And much more important and valuable were their services in guarding the lines of communication of the army.

In his telegram of the 8th of September,[18] Lincoln had urged the arming of black as well as white soldiers. This suggestion, of course, was only in consonance with his general plan of utilizing the slaves to increase the resources of the North, but, in Tennessee and the other border states, this policy was attended by peculiar difficulties. The same considerations which suggested the exemption of Tennessee from the emancipation proclamation counselled a tender regard for the feelings and property of loyal and quasi-loyal slave-owners in the state. The military crisis, however, was decisive in the matter, and determined the president to organize the blacks, with proper safeguards for Union men. As early as the 26th of March, he had written to Johnson: "I am told that you have at least thought of raising

[15] Nashville *Union*, September 26.

[16] O. R., series i, vol. xxx, part iv, p. 308.

[17] J. P., vol. xxxiv, 7582; vol. li, -1074.

[18] O. R., series iii, vol. iii, p. 823.

a negro military force. In my opinion the country now needs no specific thing so much as some man of your ability and position to go to this work. When I speak of your position, I mean that of an eminent citizen of a slave state and himself a slaveholder. The colored population is the great available, and yet unavailed of, force for restoring the Union. The bare sight of 50,000 armed and drilled black soldiers upon the banks of the Mississippi would end the rebellion at once. And who doubts that we can present that sight if we but take hold in earnest? If you have been thinking of it, please do not dismiss the thought."[19]

To facilitate this work, the war department, in September, commissioned Major George L. Stearns assistant adjutant-general and sent him to Tennessee to report to Rosecrans and Johnson and take charge of the organization of colored troops. He was empowered to enlist all free negroes and slaves of disloyal masters. Slaves of loyal citizens might be taken with their masters' consent, in which case the owners were to be given descriptive lists of their negroes enlisted, entitling them to compensation "not to exceed the sum authorized by law as bounties for volunteer service." All negroes entering the army were to be free at the expiration of their term of enlistment.[20]

No sooner had Major Stearns reached Nashville, than he excited the hostility of both Johnson and other "influential loyal Tennesseeans" opposed to making soldiers of the negroes. The governor's animosity apparently arose from a mistaken notion of Stearns' mission, which he assumed was to take the control of the enlistments out of his hands. He remonstrated to Stanton that the major's plans seriously interfered with his own. He had proposed first to employ the newly organized negroes on the government works, "indispensable to sustain the rear of General Rosecrans' army," and later to convert them into soldiers, while Stearns wished to place them at once in military camps. "All the negroes," he observed, "will quit work when they can go into camp and do nothing." Persons from other states were anxious to raise colored regiments simply for the sake of getting

[19] Ibid., p. 103.
[20] Ibid., p. 816.

commands in them: they neither knew nor cared anything about the condition of the negro or the effect their action would have on public opinion and the restoration of the Union in Tennessee. "It is exceedingly important," he concluded, "for this question to be handled in such a way as will do the least injury in forming a correct public judgment at this time. We hope, therefore, that the organization of negro regiments in Tennessee will be left to the general commanding the department and the military governor."[21]

Stanton was prompt with reassurances. Major Stearns came to Tennessee, he said, as the subordinate of Rosecrans and Johnson, to aid them and to act under their directions, and might be relieved of his office by them at any time. "Upon your judgment in matters relating to the state of which you are governor," he assured Johnson, "the department relies in respect to whatever relates to the people, whether white or black, bond or free." No officers of colored troops would be appointed except in accordance with the governor's views.[22] Stearns was instructed to leave Nashville rather than become involved in dissension with Johnson;[23] but he was a tactful and efficient officer, and succeeded in dispelling misunderstandings, gained the latter's confidence, and coöperated harmoniously with him thereafter.

Military commanders who presumed to trench on the governor's preserves got nothing but censure from Washington. To a complaint from Captain Dickson, the assistant adjutant-general at Nashville, the reply came: "It is not perceived what right the military authorities have to interfere with those questions which properly belong to the jurisdiction of General Johnson," and the secretary of war "directs you and all others in the military service to abstain from interfering with these questions without specific authority from this department, and to leave them entirely to the adjudication of Governor Johnson, whose authority to dispose of them is ample, and in whose discretion and judgment the department has full confidence."[24]

The recruiting of the colored regiments went forward with

[21] Ibid., p. 819; J. P., vol. xxxiv, 7475.
[22] O. R., series iii, vol. iii, p. 822; J. P., vol. xxxiv, 7481.
[23] O. R., series iii, vol. iii, p. 823; J. P., vol. xxxiv, 7486.
[24] O. R., series i, vol. xxx, part iii, p. 701.

decided success. Since the outbreak of the war, the condition of the negroes in Tennessee had been anything but an enviable one.[25] The devastation of the plantations and the flight of their masters had turned great numbers of them loose with little restraint and less prospect of supporting themselves by labor, and they became gradually more destitute and miserable. Many had been rounded up by the government to labor on the fortifications and other public works, but such employment was irregular and open to abuses. Officers, with no authority to do so, impressed them for military and other service, kept them under strict surveillance to prevent desertion, often treated them harshly, and paid them nothing. The opportunity to change to a regular organization, affording them protection, consideration, pay and sustenance could not but appeal to them. Agents, white and colored, were sent through the state to work upon them through public meetings and personal interviews. To overcome the opposition of loyal slave owners, Johnson urged on the president (September 23) that they be given $300. in addition to the bounty for each slave enlisted, the slave to receive all other pay. "If a white man pays his $300. for a substitute," he said, "he need not care whether he is white or black."[26]

Complete rules covering negro enlistments in Maryland, Missouri, and Tennessee were promulgated as general orders by the war department on the 3d of October.[27] Slaves were to be classified and treated according to the loyalty of their owners, as in Major Stearns' original instructions. For every slave enlisted with the consent of his owner, the latter received a certificate entitling him to compensation, not exceeding $300., for the slave's services, upon proving his title and filing a valid deed of manumission and release. Any loyal owner who claimed upon oath that his slave had been enlisted without his consent could inspect the enlisted men for the purpose of identifying his property, and, if necessity required the retention of the slave, the owner was to receive compensation. For Tennessee, Johnson was empowered to modify these orders "by such regulations as he may establish to promote enlistments, subject to the approval of the

[25] Stearns' report to Stanton, O. R., series iii, vol. iii, p. 840.

[26] Ibid., p. 837; J. P., vol. xxxiv, 7524.

[27] O. R., series iii, vol. iii, p. 860. For Lincoln's views see ibid., p. 856.

war department."[28] These orders had a good effect. Many slave-owners, it was officially stated, came to Stearns' office and declared themselves in favor of emancipation.[29] Colonel R. D. Mussey, in his report to the war department in October, 1864, declared that a revolution in public opinion had taken place and he then knew of no prominent loyal Tennesseean who opposed the enlistment of negroes.[30]

On the 21st of October, Johnson and Stearns were authorized to appoint any persons they deemed suitable for "raising, organizing, and commanding colored troops" in Tennessee, whether they had complied with the regular formalities or not.[31] Such appointments had previously required the sanction of Rosecrans, but the confusion, the interruption of communications, and the pressing demands on the general, following the defeat at Chickamauga, prevented him from attending promptly to business of this sort.[32]

The result of Stearns' labors was six regular negro regiments and two garrison and hospital regiments.[33] "The general sentiments of the people and those of the army with whom these regiments have been brought in contact is favorable to them," reports Colonel Mussey, the chief superintendent of contrabands. "The material has been found plastic to a degree, the men all appear eager to learn and willing to do their duty, and, as a rule, the officers have been good. . . . My experience in this work convinces me that these regiments can be made for many duties superior to white regiments. As guards they are remarkably faithful. . . . For raiders in the enemy's country these colored troops will prove superior. They are good riders, have quicker eyes at night than white, and know all the byways."[34] This was undoubtedly the general opinion, at least among Union men. The good conduct and efficiency of the negro soldiers rapidly moderated the prejudice against them. The Union con-

[28] Ibid., p. 896; J. P., vol. xxxiv, 7617.
[29] O. R., series iii, vol. iv, pp. 762-774.
[30] Ibid.
[31] Ibid., vol. iii, p. 908.
[32] Ibid., vol. iv, p. 764; J. P., vol. xxxv, 7766.
[33] O. R., series, iii, vol. iv, pp. 762-774.
[34] Ibid.

vention of September, 1864, called black as well as white militia to the defence of the state.

During the summer of 1864, East Tennessee demanded Johnson's particular attention. After Longstreet's retreat into Virginia in the spring, the bands of Wheeler and Morgan continued to operate there. From Knoxville a strong appeal,[35] signed by Brownlow and other citizens, reached Johnson in July. The rebels, they said, were rapidly repairing the railroad, preparing to carry South all the grain and live-stock, and murdering the Union men. A force must be sent at once to save them. "If this is not done before the rebels have run off their supplies, then we ask, in mercy to the citizens, that no troops of ours come afterwards, to eat out what little may be left."

This was a project with which Johnson was in full sympathy. Having shared the early sufferings of his neighbors, he had since experienced scarcely less anguish from his inability to avert their later disasters. Now he determined to dispatch the "governor's guard" to their relief. That body had developed into a considerable force under the command of General Alvin C. Gillem, Johnson's protégé and trusted friend. On the first of August, he received orders[36] to kill or drive out all marauders in East Tennessee, pursuing them, if necessary, beyond the limits of the state, and then to direct his efforts to aiding the civil authorities in restoring law and order, according to instructions from the governor's office. He was given command also of all the organized regiments being raised in East Tennessee to serve a year or longer, and empowered to raise others if he needed them.

Although Johnson's motives in undertaking such a movement were unexceptionable, his judgment deserved criticism. A comparatively small expedition, operating in an exposed position and from a distant base, required for its success at least the prompt and hearty support of the regular army in East Tennessee and, indeed, should have been under the same command as that army and working to the same purpose. Johnson himself was not wholly blind to so evident a fact. Though unwilling to waive a project, of the utility of which he was convinced, to suit the plans of another, he did appreciate the necessity of mutual

[35] J. P., vol xlv, -4.

[36] W. A. Goodspeed, *History of Tennessee*, p. 494.

understanding and harmony, and, to this end, he urged on the war department (August 27) the transfer of East Tennessee, then a part of the department of the Ohio under Schofield, to the department of the Cumberland under Thomas, with whom his relations had been especially congenial and for whose ability he had a profound respect.[37] The change was not made, because, as General Sherman explained, both Thomas and Schofield were then actively campaigning and had no time to attend to the details.[38]

At first, Gillem met with considerable success, penetrating northward to Bull's Gap, scattering the Confederate bands, and taking many prisoners. His most notable achievement was on the 4th of September, when the force of the famous John Morgan—than whom only Forrest inspired more terror in the state—was surprised and routed, Morgan himself being among the slain.

By the middle of October, however, it was apparent that this career of easy victories was soon to end. The plan of the Confederates for their last attempt to overrun the state contemplated the invasion of East Tennessee by Breckenridge. Schofield, who was with Thomas, watching Hood in the south, expected this and saw the danger of divided councils. To avert it, he directed General Ammen, who commanded the regular troops at Knoxville, to assume command of Gillem's force. He sought to win Johnson's assent to this arrangement by urging that the present emergency demanded concerted action, and that an order from the governor, withdrawing his guard from Ammen, would be respected at any time.[39] Johnson would have none of such an explanation and the guard was again detached. Schofield complained to Thomas that he could learn nothing of the governor's intentions and was perplexed about assigning troops to East Tennessee, because he did not know how long it was proposed to leave Gillem there.[40]

The result was obvious. Ammen was probably irritated by the conflicting orders and affronted by Gillem's refusal to serve

[37] O. R., series i, vol. xxxix, part ii, p. 307.
[38] Ibid., vol. xxxviii, part ii, p. 717.
[39] J. P., vol. li, -958.
[40] O. R., series i, vol. xlv, part i, p. 884; J. P., vol. lii, -1235.

under him, and, from that time, showed him but scant consideration. Recrimination broke out between them, and continued after Breckenridge entered the state. Reluctant to surrender the advantages he had gained and trusting to reinforcements, Gillem delayed too long in the face of a vastly superior force. When he finally realized that the enemy was gaining his rear, he began a rapid retreat on Knoxville, meanwhile sending frantic appeals to Ammen for assistance; but, for whatever reason, assistance did not come. On the 13th of November, his brigade ran into the Confederate ambush that was set for it between Russellville and Morristown and was utterly routed and driven in confusion to Knoxville.[41] As Thomas observed, another disaster was to be attributed to want of coöperation.[42] Gillem reorganized his guard, but it accomplished nothing of particular importance thereafter.

Sherman's march from Atlanta to the sea was the signal for a renewed outbreak of cavalry and guerilla activity in Tennessee, calculated to impede and embarrass him and, at the best, cut his communications and compel him to retreat. Deprived of almost all the regular troops, who were needed at the front, the governor and the military commanders remaining in Tennessee were compelled to develop other instruments of defence. For this purpose it was determined to enroll the state militia. The idea was not a new one. In the preceding November, at Memphis, Sherman, then commanding the department of the Tennessee, had directed the impressment of a sufficient number of men to fill the existing regiments and batteries to their maximum, such men to receive regular pay if they enlisted for three years or the war; otherwise, to be provided simply with food and rations and a certificate of service entitling them to a compensation to be determined later, when the need for them was past.[43] On various occasions, the citizens of Nashville and other places had been summoned to defend their homes when an attack seemed imminent. As early as July, Bingham, of Memphis, had urged the enrollment of the militia throughout the state.[44] Johnson him-

[41] J. P., vol. lii, -1254, 1260, -1210.
[42] O. R., series i, vol. xxxix, part ii, p. 886.
[43] Ibid., vol. xxxi, part iii, p. 160.
[44] J. P., vol. xlv, 9833.

self appreciated the advantages of such a plan and, in August, had drawn up a proclamation putting it in effect, but apparently preferred not to publish it without some previous popular sanction.[45] The September convention at Nashville, which served as the vehicle for his will in other respects, gratified him in this also. A resolution,[46] adopted on the 7th, declared for the enrollment and drill of the militia "to protect the citizens from lawless violence, pillage and bloodshed." The proclamation[47] followed the next day. "Whereas the militia of the state constitutes the military power, which must, when necessary, sustain the civil in the suppression of crime and punishment of evil doers," all able-bodied males, white and colored, between eighteen and fifty years of age, except those afterwards exempted, are to be enrolled. The magistrates in the rural districts and wards are to act as commissioners for this purpose. Any justice of the peace who refuses or fails to perform this duty and offers no satisfactory excuse for his delinquency is to be sent out of the state.

The announcement of the new policy aroused immense excitement. It was realized at once that its effect would be to force the thousands of non-combatants, who had heretofore remained in non-committal security and inaction, to declare themselves openly for one side or the other. Even the punishment which the proclamation held over the heads of reluctant magistrates proved insufficient to drive them to face the general resentment. Everywhere threats were made that whoever attempted to execute the proclamation would be killed. Many justices of the peace declared that they preferred deportation to death.[48] Petitioners from Macon county begged Johnson to appoint an army officer for the work, as he would be known already as an enemy by the guerillas, and so would incur no additional risk.[49] General Milroy wrote from Tullahoma that he was experiencing the utmost difficulty in ten counties. In districts where there were no

[45] Ibid., vol. xlvii, -307; vol. xlviii, -475,-477.

[46] Nashville *Dispatch*, September 8.

[47] Nashville *Union*, September 8; Nashville *Times and Union*, September 13.

[48] J. P., vol. I, -840 et passim.; O. R., series i, vol. xxxi, part iii, p. 508.

[49] J. P., vol. I, -923.

enrolling officers, he had ordered the county clerks to appoint the most active secessionists, who were thus left to choose between risking the vengeance of the guerillas and being sent in irons to Johnson.[50] The difficulties were enhanced by the mistaken impression which prevailed that the enrollment was really a conscription or draft to secure men for the regular Union army, and the secessionists bestirred themselves to foster this idea. The people were told that it had now come to a choice of serving with the Confederates or with the "Yanks."[51] Many recruits were thus gained for Forrest and Wheeler, but, as General Thomas observed, the system had the positive merit of distinguishing friends from enemies.[52] Meanwhile, the Federal officers were striving to convince the people that the proclamation was but a necessary measure for protection and order.

The total number of militia enrolled to the middle of January, 1865, according to the report of the assistant adjutant-general of the state, was 18,625 (14,888 white and 3,737 colored).[53] As the only available resource of the government against the guerillas and partisan cavalry, their embodiment was a necessary measure, but, compelled into the service as they were, their loyalty was, of course, open to grave suspicion, and little reliance could be placed on them. Certainly their devotion to Johnson and reconstruction was slight, if the election of November, 1864, at Memphis may be taken as a criterion. With an enrollment of 2400, the total vote was less than 1600.[54] Hints were common, especially in West Tennessee, that the system was not fairly administered by the officers in charge, who sometimes exempted rich anti-Union men from service, but pressed hard upon poor loyal laborers.[55] As the war in Tennessee was so soon ended, the militia received no serious test. From a Northern standpoint, this was doubtless fortunate.

Besides these important military matters with which Johnson had to deal, his responsibility for the raising, organization, and

[50] Ibid., vol. li, -1085.
[51] Ibid.
[52] O. R., series i, vol. xxxix, part ii, p. 382.
[53] Nashville *Times*, January 16.
[54] J. P., vol. lii, -1189.
[55] E.g., J. P., vol. liii, -1409; vol. liv, -1654.

general oversight of the Tennessee troops involved him in countless problems of a more petty, but equally perplexing nature. Complaints of officers against the government and against one another, and of soldiers against their officers were constant. Generals and colonels presented their grievances, demanded increased rank or additions to their commands, requested special authority, or assumed it in advance and applied to Johnson to validate it. From the Union armies east, west, and south came appeals for reinforcements and for cavalry to check the guerillas. Horses and arms for Tennessee cavalry were lacking, and the governor was looked to to supply them. Soldiers whose pay was in arrears expected him to prod the paymaster-general at Washington. The East Tennessee troops with Sherman in Georgia complained that they were under Northern officers who cared nothing for them and were sacrificing them in every engagement, and begged to be allowed to return and protect their homes.[56] The post commander at Nashville asked for instructions as to the treatment of destitute wives of soldiers. The executive office was flooded with protests against the insubordination and the outrages committed by the "governor's guard."[57] And every act of authority by the governor, however justifiable, was regarded by the military commanders with a critical and jealous eye.

As a general in the volunteer service, Johnson was required to make monthly returns to the adjutant-general's office and account for all supplies and equipment to the quartermaster-general at Washington. All vouchers given by his subordinates had to be indorsed by him.[58] To expedite the securing of supplies for the Tennessee regiments, he was authorized in October, 1863, to make all requisitions directly on the ordinance officers and quartermasters at Nashville,[59] but this led to perplexities and conflicts with the orders of General Grant and, the following January, he was directed to apply to the ordinance department at Washington.[60] This, too, proved to be inconvenient, and a second modi-

[56] Ibid., vol. xlv, 9758.
[57] O. R., series i, vol. xxxix, part ii, pp. 438 et passim.
[58] J. P., vol. I, passim.
[59] Ibid., vol. xxxv, 7658.
[60] Ibid., vol. xxxix, 8597.

fication, in February, permitted the officers of companies, battalions and regiments, with the governor's approval, to draw on the Nashville depot, on presenting a certificate that the number of men for whom stores were required had been mustered into the service of the United States. "The point which the department wishes to urge," it was explained, "is that you will use every effort to avoid the issue of stores to state officers or troops that have not been duly mustered into the service of the United States, and at the same time afford every facility in equipping the new organizations."[61] Throughout the war, Johnson had to encounter the greatest reluctance of the ordinance authorities to fill his requisitions for the Tennessee troops. It was freely asserted that his regiments were worthless and that supplies issued to them were thrown away. Worse than this, it was said, their disorderly, plundering habits made arming them contrary to the dictates of humanity.

According to the official records, Tennessee furnished to the Union army on her quota during the war, 31,092 white soldiers. To these must be added 20,133 colored troops not credited upon the quota, but recruited under direct authority from the general government. Probably 7,000 Tennesseeans enlisted in Kentucky regiments and were credited to that state. Tennessee's contribution to the Confederate army is estimated at nearly 100,000. When it is reflected that 140,000 was regarded as a good vote in the state just previous to the war, these figures speak volumes for the devoted heroism of her sons. A large proportion of the white Union soldiers came from a division of the state with a male population, between twenty and fifty years of age of only 45,000. The Union recruits were organized into eight regiments of infantry, eight of mounted infantry, twelve of cavalry, and five battalions of light artillery.[62]

Partly military, partly civil in its nature, and particularly important in its bearing upon his reconstruction policy, was Johnson's authority to control the disposal of Tennessee prisoners.

[61] Ibid., vol. xli, 8918-8923.

[62] O. R., series iii, vol. iv, pp. 73, 1270; Goodspeed, *History of Tennessee*, pp. 477, 497.

The Confederate conscript law had borne with great severity on Tennessee. Many who preferred the Union were compelled to join the Southern army against their will, and not a few deserted and found their way within the Federal lines. Others enlisted to avoid persecution at home, but were lukewarm or indifferent in the service and, when convinced that Tennessee was lost to the Confederacy, were anxious to return to their families and their old allegiance. These men would be of value in restoring the state, and it was obviously to the advantage of the government to deal leniently with them. The difficulty lay, of course, in distinguishing sincere penitents from those who simply desired to escape the hardships of prison life, while remaining disloyal at heart; but many even of these might eventually be won by considerate treatment.

From the outset, Johnson's mail was filled with petitions from prisoners, confined mostly at Camp Chase, Ohio, Camp Douglas, Illinois, and Camp Morton, Indiana, and from their relatives and friends, asking either for permission to take the oath of allegiance and return home or for release on parole. Increasingly, as the war progressed and the lot of the Confederate soldier became harder, the petitioners begged not to be exchanged and sent South, but to be retained in confinement until the government prescribed terms of pardon for them. A letter from several hundred prisoners at Camp Morton is characteristic.[63] They realize, they say, that the war is now for the independence of the cotton states, not for Tennessee, which the Confederacy has no chance of recovering. They had entered the struggle under the false impression, inspired by their leaders, that the North, possessed by "a mad fanaticism," was bent on destroying the "peculiar institution" which belonged to Tennessee and the cotton states alike and united them in a common interest. They are now convinced, however, from conversations with Northern citizens and soldiers and from reading Northern newspapers, that a large portion of the Northern people are conservative, and never really intended to interfere with their institutions at all. And, as loyal Tennesseeans, they wish to follow their state back into the Union. "We believe," they conclude, "it is our duty to return to our allegiance

[63] J. P., vol. xxi, 4830; vol. xvii, 3826, 3837 et passim.

to the Federal government, and be contented to go home and remain peaceable citizens, and aid in restoring peace and quiet to our distracted state once more, and in removing, as far as we can, the false views of our fellow citizens we left behind us."

Late in March, 1862, Johnson sent C. F. Trigg to Camp Chase to confer with the prisoners, as a preliminary to interceding with the government for them. Trigg found many anxious to take the oath, though the majority held that their honor was involved in a previous oath to the Confederacy and asked to be paroled, pending a possible exchange. These latter, Trigg thought, had best remain harmless in prison, since they had experienced no change of heart.[64]

Johnson's active interest in the matter led Lincoln (June 4) to ask him directly whether he wished to control the whole business of releasing Tennessee prisoners.[65] The governor responded promptly in the affirmative. I believe, he said, that "we can prescribe such terms of release and so dispose of the question as to exert a powerful influence throughout the state in our favor and to a great extent make secessionists dependent upon Union influence."[66] The desired control was not immediately granted, because, as Stanton explained, conditions were not yet ripe for the exercise of clemency; but, on the 4th of August, the governor was empowered to appoint commissioners to examine the prisoners to determine the merits of each case and the terms on which releases ought to be granted.[67] Those who expressed an anxious desire to return to their allegiance, took the oath, and gave bond for its faithful observance might be set free.[68] Johnson named General (ex-Governor) W. B. Campbell as commissioner, and many releases were arranged for.

On the 10th of July, 1863, the secretary of war directed that Confederate prisoners who had been impressed into the service and desired to join the Union army in good faith might be permitted to do so, on taking the oath of allegiance.[69] At first each

[64] Ibid., vol. xvii, 3883.
[65] *Lincoln's Complete Works,* vol. vii, p. 212.
[66] J. P., vol. xx, 4607.
[67] Ibid., 4638; vol. xxiv, 5330.
[68] Nashville *Union,* August 10.
[69] O. R., series iii, vol. iii, p. 482; J. P., vol. xxxii, 7148.

case was referred separately to Washington, but, on the representation of Rosecrans that this elaborate process interfered with the enlistments, particularly of the prisoners taken at Vicksburg, that formality was dispensed with, and the work confided to the discretion of Rosecrans and Johnson, with the simple requirements that care be taken so to distribute such recruits as to keep them under "Union forces and sentiment" and that descriptive lists of them be filed at Rosecrans' headquarters.[70]

From the summer of 1863 until almost the end of the war, exchange of prisoners was, with few exceptions, discontinued. Johnson was thereby somewhat relieved from a heavy responsibility, though he still made recommendations for discharges, which were placed on file, pending a possible change of policy.

The unexpected prolongation and hardships of the war and the ill success of the Confederate forces in Tennessee brought an increasing number of desertions from their ranks to the Union army. Rosecrans and Johnson, on authority from Stanton, adopted the practice of enlisting deserters in the Tennessee regiments. Thomas, who succeeded to the command in October, 1863, reversed this policy. His opinion, confirmed by representations from his subordinates, was that such men were not dependable and that the enemy were taking advantage of this easy means of slipping spies into his army. By his direction, all deserters were thereafter to be sent north of the Ohio river, to remain during the war.[71]

This order caused serious hardship. In January, 1864, the provost-marshal at Jeffersonville, Indiana, wrote to Johnson[72] that hundreds of Tennesseeans had been driven to that place, with no money and no prospect of getting work. Their condition he described as "truly forlorn and pitiable." At other points north of the Ohio it was as bad. Many of these men deserved the deepest sympathy as sincere loyalists forced into the enemy's ranks wholly against their will. The situation became acute when Hood invaded the state in November, conscripting all men available as soldiers. Large numbers of them deserted at the first opportunity and were captured in the very act of doing so. Johnson's

[70] O. R., series iii, vol. iii, p. 735; series i, vol. xxx, part iii, p. 230.
[71] J. P., vol. xxxvi, 7998.
[72] Ibid., vol. xxxviii, 8434.

interest was enlisted in their favor, and he succeeded in securing Thomas' consent to the release of those known to be heartily loyal and aiding the enemy only under compulsion.[73] Finally, on the 5th of January, 1865, after the rout of Hood had removed all apprehension in his department, Thomas revoked his onerous order. Confederate deserters, residents of Kentucky and Tennessee, who could furnish satisfactory evidence of their intention to become peaceable citizens, were permitted to go to their homes, after reporting to the provost-marshal general at Nashville and taking the amnesty oath.[74]

Not only Confederate, but also Union deserters, had reason to be grateful for the governor's good offices. During the summer of 1864, refugees from East Tennessee, enlisted in regiments assigned to service elsewhere, hearing of the depredations of the guerillas in the neighborhood of their houses and in despair for the safety of their families and property, escaped and returned to protect them. For them, too, Johnson appealed to Thomas.[75] They had not realized the magnitude of their offence, he said, and had intended to go back to duty, but fear of being court-martialed now kept them away. In deference to his request, Thomas consented to receive back the offenders without trial or punishment, if they reported within twenty days.[76]

The operations of the Union army, particularly in the early years of the war, were seriously impeded by the lack of any adequate transportation facilities in the state. In 1862, the only railroads in running order which could be utilized to advantage were the Memphis, Clarksville, and Louisville and the Louisville, Nashville, and Chattanooga. The former was in serious financial difficulties and, after it had failed twice in the payment of the interest on its bonds, the governor took it over in the name of the state.[77] The Louisville-Nashville road was of far more importance, as the channel of communication with the North for the Federal armies operating against Georgia and with the South for

[73] O. R., series i, vol. xlv, part ii, pp. 308, 319.
[74] Nashville *Dispatch,* January 12, 1865.
[75] J. P., vol. xlvii, -240.
[76] Ibid., -283.
[77] Ibid., vol. xxi, 4822.

the Confederate armies operating against Kentucky. On it the forces and supplies of Buell and Rosecrans, Albert Sidney Johnson and Bragg were transported. It was, however, utterly inadequate for the demands upon it. Its length made it extremely difficult to defend, and the large number of trestles, bridges and tunnels, which could be destroyed easily in a short time, enabled cavalry to keep it almost constantly crippled. Thus, without warning, a Union army, far from its base, might, at any time, be placed in a dangerous predicament.

This difficulty demanded a prompt solution. The most feasible one lay in the completion of the already projected Nashville and Northwestern road, designed to connect the capital with Hickman, Kentucky, on the Mississippi river, a hundred and fifty miles distant, and to strike the Tennessee river at Reynoldsburg. It was proposed to complete this line as far as Reynoldsburg, a distance of seventy-five miles, all but eight miles of which were already graded.[78] Being little more than a third as long as the Louisville road, it would greatly expedite communication and the task of guarding it would be comparatively simple. But five short bridges would be necessary, no accident to which could long delay traffic. The road intersected the Memphis, Clarksville, and Louisville line, thus opening up connections west and north, and, at its terminus at Reynoldsburg, the river was of sufficient depth to afford easy navigation for freight-boats and gunboats, which could be utilized to land supplies at that point.

From the outbreak of the war, Johnson had urged this project upon the war department and the generals. The successes of the Confederate cavalry in 1863 brought its desirability sharply home to Rosecrans. On the 27th of August, he replied to the governor's solicitations with a proposal[79] to place the work in his hands. One responsibility more added to the many which already weighed upon him was no deterrent to Johnson; he accepted with alacrity. The requisite authority came from Stanton on the 22d of October.[80] The governor was given full power to secure the necessary material, employ engineers and other officers and laborers, the contracts being subject to the approval of the quartermaster-

[78] Nashville *Union*, September 20, 1863.

[79] O. R., series i, vol. xxx, part iii, p. 184. See also pp. 67, 74.

[80] Ibid., vol. xxxi, part iii, p. 14; J. P., vol. xxxv, 7769.

general. Certificates for rations and supplies from the quartermaster's department, indorsed by the governor and the engineer in charge, were to be honored. The road was to remain under Johnson's control until its completion, then to be turned over to the general manager of government railroads.

General Grant was directed to supply a force to protect the work,[81] but he was too much occupied with other matters to give adequate attention to this, and the task of maintaining the guard fell largely on Johnson. New companies were raised for this purpose and placed under the command of General Gillem. Later the place of the white guards was taken by negroes.

From the persistent cavalry raids, the Louisville-Nashville road was more and more ruined, its rolling-stock deteriorated, and it became practically useless. For the operations in the southern part of the state in 1864, the new line was of the utmost importance and the war department had reason to be grateful to Johnson for his foresight. Gillem wrote to him in March: "Generals Grant and Thomas look upon it as an absolute necessity—in fact it would be impossible to subsist both Thomas' and Schofield's armies without the aid of this road. At last the commander of the department sees what you saw two years since."[82]

Pushed forward with Johnson's characteristic energy, the road was sufficiently advanced in May, 1864, for cars to run regularly to the Tennessee river. General Webster, Sherman's chief of staff at Nashville, thereupon directed Anderson, the general superintendent, to take it over for the army.[83] Johnson was not consulted in the matter, and he lost no time in bringing the oversight to Webster's attention.[84] The road could be used to its full capacity for military purposes, he wrote, but until it was completed and turned over by him to the war department, he expected to retain the control given him by his instructions.

On the 13th of June, Sherman requested Johnson to relinquish the management of the road to Anderson and the guarding of it to General Rosecrans, "to simplify matters and insure the responsibility of agents,"[85] but the formal transfer did not take place

[81] Ibid.

[82] J. P., vol. xli, 9062.

[83] Ibid., vol. xliii, 9376, 9469.

[84] Ibid.

[85] O. R., series i, vol. xxxviii, part iv, p. 466.

until the 6th of August, by an order[86] from Stanton based on Sherman's representation that it was necessary for the success of his operations. For all purposes of transportation, it had already been under his management since June, though Johnson still directed the work of construction.[87] The latter keenly resented the haste to be rid of his authority and he intimated to Sherman that it did not spring from wholly disinterested motives. "This state is largely interested in this road," he wrote, "innocent persons beyond its limits holding the bonds issued for its construction. An effort was made by certain parties some time since to take charge of the road before it was even in running order. It is hardly necessary for me to state that there might be parties interested in various ways in having the immediate and direct supervision of the road a little farther removed for other than military purposes." The government would do well, he suggested to take over the Louisville-Nashville road also. Large sums paid for its use had gone into the pockets of traitors.[88]

The Northwestern road continued to be an important resource of Sherman and Thomas throughout the war. Though temporarily wrecked during Hood's advance on Nashville, it was promptly repaired. To Johnson is due the largest share of the credit for the advantages it brought to the Federal armies.

An obvious result of the victorious Union advance into Tennessee in the spring of 1862 was utter chaos in the state finances. The state government, fleeing first from Nashville and then from Memphis, took with it for the use of the Confederacy every portable asset on which it could lay its hands. When Johnson assumed his office at the capitol, specie had practically disappeared, the banks were in distress, business was at a standstill, and the state in a condition of panic-fear which augured ill for the immediate future. The situation was further complicated by the fact that the great bulk of the population, especially the wealthier classes, were ardently for the Confederacy and prepared to endure unnecessary hardships and even want if by so doing they could embarrass and weaken the military government.

[86] Ibid., part v, pp. 367, 391; J. P., vol. xlv, -126.

[87] O. R., series i, xxxviii, part iv, p. 411; J. P., vol. xlv, -134.

[88] Ibid.

General Sherman, in command at Memphis, promptly grasped the essential factors of the problem there. It was true, he wrote to Johnson in August, 1862, that the Memphis bankers had lost their specie, but their notes were secured by property in Tennessee which could be proceeded against. Furthermore, the Confederates who took away the bank funds possessed assets in the state, subject to confiscation for the unlawful acts of the owners. The most substantial obstacles in the way of a just settlement were the disloyal proclivities of the bankers themselves or timid reluctance to commit themselves one way or the other, so long as the issue of the war remained in doubt. "They must be true to their trust, declare boldly and openly against the parties who robbed them and at once begin to realize on assets," he declared, " . . . else I have no alternative but to conclude that they are in complicity with our enemies, and treat them as such. . . . This by-play is more dangerous than open, bold rebellion."[89]

Similar conditions, of course, obtained throughout the state. In localities where any funds remained in the banks, the military government was called upon to bestir itself to secure them against disloyal bank officials and Confederate cavalry. As early as April, for example, Johnson had instructed General Negley at Columbia to assume custody of the bank and its contents whenever his judgment prompted such a course.[90] To Colonel Mason at Clarksville he wrote (June) that whoever pleaded garnishment by the Confederacy as an excuse for non-payment of debts would be promptly arrested and held in custody until he satisfied the authorities in respect to the debt and took the oath of allegiance.[91]

The fiscal problem in Nashville[92] was particularly acute, and reached a crisis in the summer of 1863, when, as a result of the leaguer of 1862, the vicissitudes of Buell's army, the general ruin of the surrounding country, and the regulations of the Federal government, trade was in a state of almost utter paralysis, while prices soared exorbitantly. As regards the staple, cotton, the right to purchase was limited to agents of the government

[89] J. P., vol. xxiv, 5369.

[90] Ibid., vol. xxi, 4993.

[91] Ibid., 4745.

[92] Nashville *Dispatch*, October 15, 1863; Nashville *Union*, October 17, 18, 21, 22, 1863.

and payment could be made only in Federal treasury notes. The consequence was the immediate decline of state paper money.

Other more potent causes contributed to the same end. Specie had vanished by the same processes as in Memphis, and the banks, with no assets immediately available, were tottering. By the state bank code of 1857-58, bank notes "current and passing at par" in Tennessee were receivable in payment of taxes and other debts to the state. The Harris government, by an act passed on July 1, 1861, had modified this provision by legalizing the acceptance for such dues of "the circulation of the banks of this state which conform to the bank code of Tennessee and the acts amendatory thereof."[93] By this provision, depreciated notes, of whatever value in general circulation, could be thrust upon the government at par.

The resulting embarrassments were great. The bank paper, notwithstanding all attempts to bolster it up, declined at an alarming rate and the income of the government was correspondingly diminished. Concern was expressed lest a new and burdensome tax would have to be imposed to make up the loss. Protests poured in upon Johnson and the newspapers of Nashville began a violent controversy among themselves on the issues. The *Press* assigned, as one of the principal causes of the decline of the paper, the policy of the Federal government "to absorb the entire credit of the country and by the introduction of treasury notes to exclude the local currency." Tennessee merchants, it observed, were forced to convert Tennessee money into United States money in order to buy goods; and, to avoid, as far as possible, loss in exchange, they were naturally indisposed to receive the former from their customers. This, said the *Press,* had produced a run on the brokers for greenbacks which had shaken confidence in the Tennessee banks and depreciated the local notes.[94]

The remedy for this state of affairs, which the *Press* insisted was purely artificial and unwarranted by actual conditions, lay, in its opinion, in a resolute determination on the part of the people to resist all impulses to panic and to force their currency back to

[93] *Acts 33d Tenn. General Assembly, 2d extra session,* 1861 (July 1).
[94] Nashville *Press,* August 17, 1863.

its intrinsic value, which, it maintained, was equal to or greater than that of the Federal greenbacks. The latter represented no gold actually deposited to protect them and carried no guarantee of their redemption; whereas the charter of the Bank of Tennessee pledged the credit of the state for the redemption of its notes, the issues of the Union and Planters' banks were amply secured, and, in the case of all the banks, the property of their officers was available for the purpose of reimbursing depositors whose money had been carried off by the Confederates. "Let every man resolve," urged the *Press,* "that he will not sell his Tennessee money unless he is obliged to. This will diminish the demand for greenbacks to an extent that will cause an instant rise in Tennessee money. . . . Again, let the people buy nothing but what they are compelled to have, and the merchants, rather than sacrifice their own currency, sell what surplus produce and stock they have, and with the proceeds of such sales make their necessary purchases, and if the proceeds of the sales exceed their immediate wants, lend to their neighbors. . . . If any man thinks his debt at all doubtful, he will certainly be willing to receive Tennessee money; and the banks are compelled to receive it. . . . As soon as the restrictions upon trade are removed, Tennessee money will rise not only to par, but will advance to a premium."[95]

Other suggestions were forthcoming in the greatest variety. A proposal that the Union and Planters' banks restore confidence in their notes by redeeming them in greenbacks was punctured by the objection that the state bank was prohibited by law from doing likewise and that, therefore, the fall in the value of its issues under such an arrangement would more than offset the advantages gained by the rise in those of its rivals. If, on the other hand, redemption in gold was attempted, and if the initial problem of getting the gold could be surmounted, there was the difficulty that the bulk of the notes were in the hands of brokers, who would promptly cash them, and, in many cases, would carry the specie again out of the state.[96]

The real root of the imbroglio was, of course, far too deep to be reached by any such superficial measures as these. The trouble

[95] Ibid., August 21.
[96] Ibid., August 17.

was in the instability and doubtful status of the state itself and all institutions existing under both the old laws and the new military regulations. No one could tell how long either would be valid. There was neither a regular state government nor any immediate prospect of one to set credit on its feet and make either banks or private debtors meet their obligations; and nobody who had property in or wished to remain a citizen of Tennessee and conceived the remotest possibility of the eventual restoration of Confederate rule would dream of calling upon the military government to support him in proceeding against securities whose misfortunes were the result of their loyalty to the Southern cause. Every man who looked beyond the immediate future saw nothing but impenetrable haze, and, in such an atmosphere, the wary appreciated the wisdom of doing nothing and avoiding risks.

Failing the specie requisite to bolster up the local paper, the state was also almost destitute of the only other resource which could have availed it in the crisis—stable products, especially cotton. The demand for this commodity was great both at home and abroad and it brought very high prices in the market, but, of all parts of the country, Tennessee was least in condition to take advantage of such opportunities. Her plantations were in ruins; the negro laborers had abandoned them and departed in all directions, many of them making their way to the cities to become a burden on the community; and a good proportion of the cotton which, notwithstanding these difficulties, was baled, fell into the hands of the Confederate bands that constantly scoured the country. The remainder depended for a market on the military authorities, who too often, as in the case of Truesdail, showed scant sympathy for the planters and diverted the lion's share of the profits to their own pockets. Cotton, as a medium of exchange, was negligible, and hardly enough of other products was available to meet the bare necessities of the people.

The governor was therefore called upon to deal with the problem of a paper currency practically unsecured and worth, in October, 1863, but half its face value, but, according to the law of 1861, receivable at par for all obligations to the government, and to confront the probability of a still further decline which would bring the receipts so far below the current expenses as to

necessitate new impositions upon the people which they were in no condition to bear and the means, short of actual confiscation, available for which were not apparent. His decision was announced (October) in an order[97] to the clerk of the county court and the tax collectors of Davidson county, which included Nashville, to receive, besides specie, only the legal tender notes of the United States in payment of moneys due the state. So radical an inference with the relations of creditors and debtors exposed him at once to the most bitter attacks, but his obvious and sufficient defence was that the order was compelled by actualities; and pleas of subversion of legal rights had little weight with Johnson, when those rights had been freshly created by a secessionist legislature in the interest of the Confederacy. The governor's order, his friends pointed out, was but a reversion to the law of 1857-58, which was in fact the only valid one. They took pains to insist that his policy was in no sense a denial or avoidance of the ultimate obligation of the state to redeem the notes of the state bank, but simply a measure designed to meet a temporary emergency in the affairs of the government.

On the other hand, the governor was urged to use the military power to assist the banks to collect their debts and to force them to redeem their paper, and some voices loudly charged him to solve the entire problem by a confiscation of Confederate property,[98] but this he steadfastly refused to do. Under the circumstances, his course was eminently wise. Whatever moral justification there might have been in seizing the possessions of the converters of the specie to relieve the distress of their victims, the spoil available could not have come near remedying the evil done and the political effect of such a policy would have been disastrous. Nothing could permanently revive the decrepit local paper except the determination of the war and the restoration of confidence. It was only as the scene of military operations shifted to the southward and the collapse of the Confederacy became assured that the state finances began to approach stability.

[97] Nashville *Dispatch,* October 15.
[98] E.g., Nashville *Union,* October 18.

By the winter of 1862-63, the immediate pressure of the Confederate army on Nashville was sufficiently relieved to enable Johnson to turn his attention from the military problems which had almost monopolized it to the business of civil administration. Hitherto, he had found time only to suppress open disloyalty.

The scope of his civil authority, with directions for its exercise, was prescribed in two sets of instructions[99] issued from the war department in April, 1863. The governor was to impose taxes for the support of the poor, for police purposes, and, in general, for the maintenance of his government. He might levy exactions upon disloyal persons—especially upon any who had contributed money, property, or slaves to the enemy—for the subsistence of the wives and children of refugees and Confederate soldiers, or for other purposes, and take possession of the property and collect the rents for lands, buildings, and slaves of persons within the Confederate lines. Public buildings belonging to the state of Tennessee and all other public property in Nashville were to be taken over and assigned, so far as required, to the purposes of the civil government, all under the control of the governor, subject only to military occupation as the order of the commanding general. Vacant or abandoned property belonging to Confederates was also at his disposal. Lands and plantations so acquired were to be leased for cultivation on terms fixed by him, and records of the transactions sent to the war department. Upon him also was placed the responsibility of providing for the employment and subsistence of the slaves of Confederates, under the regulations of Congress. Lists and descriptions of them were to be compiled for the war department. The able-bodied men might be employed on the public works, the others at tasks for which they were suited. Their payment was in Johnson's hands. He had also to provide medical attendance for the sick and food and clothing for the poor and destitute and to keep careful accounts of all expenditures for these purposes.

All these functions and many more be actively exercised. The destitution of the people, caused by the war, was perhaps his most important immediate concern. As early as August, 1862, he had taken steps for their relief by dispatching letters[100]

[99] O. R., series iii, vol. iii, pp. 122, 115; J. P., vol. xxx, 6758.

[100] Nashville *Union*, August 20, 1862.

to a number of the most wealthy avowed secessionists of Nashville, requiring them to contribute a stated sum for the support of women and children deprived of means of subsistence by the absence of their husbands and fathers with the Confederate army, and whose necessities, as he said, "have become so manifest and their demands for the necessaries of life so urgent, that the laws of justice and humanity would be violated unless something was done to relieve their suffering and destitute condition." A second tax for the same purpose was imposed in December,[101] causing "high-toned grief," it was said, among distinguished citizens.[102]

Not only distressed families of Confederates, but hordes of loyal refugees flocked to Nashville, as to every other Union stronghold in the state. The supplies in the capital, scant even for the citizens, threatened to give out entirely before such an influx of hungry human beings, and even the troops had to be put on half rations in the fall of 1862.[103] No adequate shelter was available. Another crisis was faced in the hard winter of 1863-64. Fuel, especially, was in great demand. Johnson gave free transportation over the Northwestern railroad for wood procured by the mayor and aldermen to relieve this want.[104] During the summer of 1864—so General Miller reported—the refugee house at Nashville could not accommodate half the applicants for shelter. Vacant houses in the city and surrounding towns were assigned to them and Johnson's quartermaster provided tents for the remainder.[105] Union relief associations were formed to expend to the best advantage the money raised for the poor.

The pressure upon the civil authorities was increased by the practice adopted by the military commanders of sending disaffected citizens to the rear as the army advanced southward. A great part of the remaining population of the state was thus threatening to engulf Nashville and the country north of it, requiring to be lodged and fed, though by what means was not

[101] Moore, *Speeches of Andrew Johnson*, p. xxviii; Savage, *Life and Public Services of Andrew Johnson*, p. 274.

[102] New York *Tribune*, December 15, 1862.

[103] *Annual Cyclopedia*, 1862, p. 598.

[104] J. P., vol. xxxi, 7800.

[105] Ibid., vol. xlv, -52.

apparent. Instead of this, Johnson wrote to Thomas in July, 1864, they should be pressed back upon the enemy, to devour his resources. Let the Southerners "hear the cries of suffering and supply their stomachs and backs with food and raiment. . . . By sending them here they add to the rebel or copperhead sentiment and increase opposition to the government. . . . They would rather go anywhere else than South, and it would create more terror than sending them North."[106] Thomas replied that General Sherman concurred in Johnson's view and intended to adopt it after the campaign was over; but to do so while the army was advancing would involve the troublesome process of passing large numbers through the lines under flag of truce.[107]

The interposition of the governor was also required to save the people from wrong at the hands of harsh or careless military officials. Often even the property of loyal citizens was confiscated, horses seized, and negroes carried off upon insufficient pretexts and without adequate compensation, sometimes with no apparent authority. Houses were occupied for military purposes and the families turned into the streets with no provision for their accommodation. Workmen complained of ill-treatment or violation of the contracts made with them. Outrages were committed under pretext of foraging. "If it had not been for the incessant exertions of Governor Johnson, who has never failed to bring these petty military usurpations, depredations, and swindling before the commander of the post, an appalling amount of villainy and robbery would have been witnessed here," commented the Nashville *Union* in November, 1862.

A considerable part of Stanton's instructions to Johnson for the civil administration of the state had to do with the management of the negro "contrabands" who were not available for military service or labor on the public works. In elaboration of this subject, Stanton wrote: "They had better be set to digging their subsistence out of the ground. If there are plantations near you on either side of the river, which are abandoned by their owners, first put as many contrabands on such as they will hold, that is, as can draw subsistence from them. If some still remain,

[106] Ibid., -16.
[107] Ibid., -32.

get loyal men of character to take them temporarily on wages to be paid to the contrabands themselves—such men obliging themselves to not let the contrabands be kidnapped or forcibly carried away. Of course if any contrabands voluntarily make arrangements to work for their living you will not hinder them. It is thought best to leave details to your discretion subject to the provisions of the acts of Congress and the orders of the war department."[108]

The problem of dealing with this incoherent mass of humanity which, by the summer of 1863, had flooded Nashville, was indeed one of the most perplexing which the governor was called upon to face. Released from their accustomed bonds and filled with a pleasing, if vague, sense of uncontrolled freedom, they flocked to the cities, with little hope of obtaining remunerative work and little inclination to avail themselves of it if it came. Wagon-loads of them were brought in from the country by the soldiers and dumped down to shift for themselves. As was to be expected, they became, before long, a distressing burden on the citizens. The food and fuel available for them was in no proportion to their want. Hunger and cold came, and with them suffering and crime. Huddled together in ruined old buildings, sheds, and cellars, they presented a picture of abject wretchedness. Many of the young women formed illicit relations with the soldiers, "to the literal demoralization of both and the military demoralization of the latter." Filth and disease prevailed.[109]

In the country, the negroes wandered about unrestrained. Many had arms obtained from the soldiers; some were bent on mischief. The white families, particularly those of Southern sympathizers, who had been generally disarmed, were in constant alarm. Many laborers belonging to loyal masters definitely asserted their right to work for themselves, while drawing on their owners for food and lodging. One general sought to remedy this by hiring slaves to their masters by printed contracts. The negroes drove off horses and mules from the farms and committed waste with impunity.

The efforts of both the governor and the military authorities

[108] Ibid., vol. xxx, 6762.

[109] Ibid., vol. xxxvi, 7891; O. R., series i, vol. xxxii, part ii, p. 267.

to deal with this situation during 1863 were only partially successful. The task was far too great for officials already overwhelmed with other duties; a separate and special organization to execute it was clearly demanded. This was finally supplied by an order[110] of the war department, dated February 4, 1864. A contraband camp was established at Nashville, under command of an officer detailed for the purpose. The quartermaster's department furnished the supplies. From this camp any loyal civilian might hire negroes for labor at fixed wages. Land on which to work them could be leased from the district commander. Any negroes not so hired were to be set to work for wages on abandoned plantations. Those who were able to do so were to pay for the supplies furnished them, thus making the camp as nearly self-supporting as possible.

Beginning in 1863, steps were taken unofficially to provide education for the negro children of the state. In February, 1865, Colonel Mussey, the chief superintendent of contrabands for East and Middle Tennessee, reported four negro schools at Nashville and one each at Murfreesboro, Stevenson, Huntsville, Gallatin, Clarksville, Edgefield, Knoxville, and Chattanooga, with about two thousand pupils, sustained largely by benevolent societies, besides a number of small pay-schools conducted by the negroes themselves, and a school in each colored regiment in charge of the chaplain.[111]

[110] Nashville *Union,* February 11, 1864.
[111] J. P., vol. lvii, -2315.

# CHAPTER XI

## Conclusion

Having followed, step by step, the progress of reorganization in Tennessee, it remains to condemn or to justify the means by which the desired end was attained. And the conclusion reached will be also a condemnation or justification of Johnson's career as governor; for one cannot read the records of these three critical years without realizing that the essential features of the work were peculiarly his own. Contemporaries fully appreciated this; it was at the governor personally that their attacks were directed. Only recently, a distinguished participant in those stirring events, Mr. Oliver P. Temple, in an unsparing criticism, has thrust upon his shoulders a heavy burden of blame and reproach.[1]

The first serious charge laid at Johnson's door is that he purposely delayed reconstruction. This accusation was freely circulated at the time. Mr. Temple says: "The work of reorganizing the state and of revising the constitution might have been and should have been accomplished in a regular, decent way one year, and possibly two, earlier than it was, and the state admitted back into the Union. The last of the Confederate armies was driven out of Middle and Western Tennessee in the summer of 1863, and out of the greater part of East Tennessee in September of the same year."

Only with the greatest diffidence may the conclusions of one so intimately identified as Mr. Temple with the episodes of which he treats be called in question; but my study of the records, without the advantage of the personal viewpoint of Mr. Temple and others who have expressed opinions similar to his, has forced me to believe that they have been hardly just to Johnson. If my account of the war in Tennessee establishes anything, it is that at no time previous to the end of December, 1864, was a fair, dignified, and representative election possible.

[1] Oliver P. Temple, *Notable Men of Tennessee*, pp. 416 et seq.

It is true that the successes of June and July, 1863, placed most of the state temporarily in the control of the government. Johnson promptly pronounced for an election in October, if conditions continued favorable. But nothing really decisive had occurred; neither of the Confederate armies in Tennessee had been beaten in a pitched battle; Rosecrans' advance was attended with serious difficulties and might be checked at any time. The Union army had been just as favorably situated a year previously, only to be manoeuvred out of all its advantages, and those who had ventured to celebrate its triumphs had reason to regret their premature enthusiasm. The people were not disposed again to rally around the administration, until they received substantial assurances that the Union domination was permanent. From every point of view, it was desirable that a victory over Bragg should stimulate popular confidence, and there is every reason to believe that Johnson only awaited this to clear the way for the restoration of a civil government with the prestige of victory behind it.

All such hopes were dispelled by the disaster at Chickamauga (September 20). Now, more than ever before, before even a beginning in reorganization could be made, it was absolutely necessary that the army recover its shattered prestige. The fall and early winter had passed before this was done. More important still, East Tennessee, the citadel of Unionism, was in the grip of Longstreet, whose army hung on desperately in the northeast, even after the siege of Knoxville was raised.

Until January, then, there was no reasonable pretext for an appeal to the distracted people. On the contrary, many Union men begged Johnson to spare himself and them the mortification of certain failure in an impossible task. Nevertheless, before the end of the month, he had returned to the work, provided the public with a complete program for restoring the state, and arranged for county elections in March, allowing for the "decent" interval which Mr. Temple says was desirable. That reconstruction in the counties should precede the action of the state as a whole was a wise and provident decision. It would supply the judicial and other machinery most essential for immediate local needs, and, at the same time, would furnish a criterion of the popular attitude toward the government in the various sections,

by which the result of a general election could be accurately foretold.

The outcome of the March elections was eminently discouraging. They were commonly designated as farcical, and Johnson's most trusted supporters advised against again inviting so painful a humiliation. In fact, whether the Unionists or the Confederates happened to be at any time temporarily dominant in the state was beside the point. Nothing worth while could be done while the army of the Cumberland had a resolute, efficient enemy in its front and cavalry and guerillas operating in its rear. This situation appertained throughout the summer and fall of 1864. The people of Tennessee awaited the certainty of the permanent control of their state by one side or the other. While the issue was doubtful, their only hope of security lay in judicious inaction; so much, experience had soundly taught them.

During all this period, Johnson appears ready and willing to take forward steps in reconstruction upon even slight encouragement, while it is the bulk of the Union party who hang back. The East Tennessee convention displays the most extreme anxiety to adjourn without action. The May convention at Nashville declares for an election only when the state can be represented from all its parts. Johnson's correspondence teems with letters urging waiting and watching. From West Tennessee comes the assurance that no vote can be taken there. In July, the municipal government of Memphis is suspended. In August, Forrest enters Memphis. In September, Gillem is routed in East Tennessee. Everywhere guerillas abound and refugees flee before them.

One is constrained to believe that Johnson was dealing only with unimpeachable facts when he declared that, under such conditions, an election was impossible.[2] Nevertheless, he never ceased to assert that, whenever a considerable number of citizens manifested their desire to reconstruct the government, he was ready actively to coöperate with them. Indeed, he seems to have driven rather than followed the convention of the 5th of Septem-

[2] However, General Thomas and General S. P. Carter, the provost-marshal general at Nashville, declared in January, 1864, that civil authority could and should be restored then. O. R., series i, vol. xxxii, part ii, p. 64; Nashville *Union*, Febraury 16, 1864.

ber; all its recommendations were promptly embodied in his proclamations, and every assistance given to forward its designs. Never do we find the governor opposing a restoration movement by the people; on the contrary, his energies are always devoted to encouraging them. The election of November, held under his auspices, was another fiasco; but he lent his sanction to the call for a convention in December. The work would have been accomplished then, but the invasion of Hood and Breckenridge intervened and the convention could not assemble. At last, on the 16th of December, the battle of Nashville created the situation for which he had yearned so long. The Confederate army was not only beaten, but crushed. Tennessee was positively won for the Union. Never before could this have been said. For the first time, the administration could hope for an unrestrained expression of whatever Union feeling existed in the state. The governor acted with the utmost possible energy. The reconstruction convention met on the 9th of January, and he was its guiding spirit. The whole weight of his influence was exerted in favor of immediate, decisive measures. Obstructionists were overruled, slow methods of procedure were discountenanced, and in two months the work was done.

Mr. Temple asks: was not this long delay in calling a convention due to Johnson's desire to hold his position of military governor until he could step into a higher place in March? "His ambition was to carry to Washington his own state as a reconstructed member of the Union, and present it as a rich jewel to the nation. It would give him new prestige and éclat. Hence his sudden haste just at the close of his service as military governor."

In response, it may be inquired what advantage could possibly come to Johnson from reconstruction in March, 1865, which would not have been greatly enhanced by reconstruction in June, 1864, when he was a candidate for national preferment and mentioned by many for the first place on the ticket; or by reconstruction in November, 1864, when he was seeking the vote of the people. In either case, his advancement would have been helped immeasurably, and the prestige thus gained would surely have lasted until March. But neither in June nor in November was

reconstruction practicable. As it was, he was compelled, much against his will, to leave the work unfinished and come to Washington without the perfect "jewel" with which he might have courted favors for himself.

If we absolve Johnson from blame for unnecessary delay in the performance of his duty, there remains the charge that the method he adopted was arbitrary, unconstitutional, and permanently injurious in its results. Two other feasible plans were suggested. A legislature might be chosen by popular vote and might inaugurate the desired amendments in the manner prescribed by the constitution itself; or the people might be called upon to elect a second convention for the express purpose of changing the fundamental law. The first alternative, however, was open to the objection that a strict compliance with the constitutional provision for amendment would require a period of several years, which, in such a crisis, was not to be thought of. Another practical argument against committing reconstruction to a legislature was that, in the unsettled condition of the country, no legislature could be chosen to represent all the counties of the state, except on a general ticket, and such representation was manifestly imperfect, not at all the sort contemplated by the constitution.

The second suggestion was at once weaker and stronger than the first. Its weakness was that it was no more constitutional than Johnson's plan. To this, however, it was replied that none of the three plans was, in reality, constitutional. No legislature was in existence, nor the machinery prescribed by the constitution for electing one. From a Union viewpoint, the revolutionary acts of the secessionists had thrown the constitution out of gear and there was no regular way of putting it again in operation. This was generally admitted by all Union men, but the most conservative pressed for the nearest possible approximation to constitutional forms, while others ridiculed the idea of sacrificing every practical consideration to a pretended legality which was, in truth, no legality at all.

If reconstruction by means of the legislature should be abandoned on practical grounds, the question remained, should the original convention complete the work or a second one be elected

especially for that purpose. The advocates of the latter view took the position that the existing body was in no just sense representative. Few, if any, of the delegates had been chosen in a regular manner, and the wording of the call was positive proof that the people could have had no idea that they were creating a body to formulate constitutional amendments. Here again, however, the objections had more apparent than real weight. If the amendments were not to be proposed in the manner provided for in the constitution, it mattered little in what manner they were proposed. They could not become law until accepted by the sovereign people, and the same people would vote on them in either case. There could be little doubt that an election for a second convention would bring together almost precisely the same individuals as were already deliberating; and, if the people disapproved of the actions of these "self-constituted" leaders, their obvious course was to refuse them their sanction at the polls and thus make a second convention necessary. If, on the other hand, they favored the amendments, time and money would be saved and nothing important lost. In support of this view, there was the impressive precedent of the irregular proceedings resorted to in framing and adopting the Federal Constitution of 1789. As Johnson himself clearly pointed out, the convention method deliberately disregarded prescribed forms and depended for its justification upon the inherent sovereignty of the people. What they established received thereby the highest possible sanction. The only necessity, then, was to get the expression of the will of the sovereign; and, whether the first or a second convention submitted proposals, the decisive expression would come from the votes of the same persons at the polls.

The chief advantage of the one-convention plan was in the saving of time. Was there any occasion for haste, aside from the gratification of Johnson's desire for "éclat," which justified the sacrificing of dignity to speed? As has been shown, the call for the convention, issued in November, 1864, contemplated leaving the work of revision to a second body, more formally chosen, and to this arrangement Johnson had offered no objection. But, in the fall and winter, the administration party in Congress had struck rough ground in developing its reconstruction projects.

An especially strong opposition developed to the proposed thirteenth amendment. For some time its success seemed doubtful, for all the formidable "copperhead" strength was arrayed uncompromisingly against it. Under date of January 14, 1865, there is, in the Johnson correspondence, a letter[3] from one W. Bilbo, a prominent Tennessee banker, then in Washington, informing the governor that the amendment is held up for lack of two more votes in its support. The writer continues: "Can't you come to our assistance with the ten congressional votes of Tennessee? Let the convention at once repeal the secession ordinance, emancipate the slaves, appoint a day within the next fourteen to elect members of Congress, elect them, send them on here so they can help us pass the amendment?" It is at least a plausible surmise that other messages of similar purport came to Johnson. Devoted as he was to the principle of the amendment and now prominently identified with the administration, he would recognize the importance of avoiding a reverse on this cardinal point of its program and of coming promptly to its aid with every available resource. The congressional vote of Tennessee, he was told, would be decisive of the result. He was about to leave the state, but if, during the few weeks that remained to him as governor and while his hand still held the helm, Tennessee could be launched on her course and her congressional candidates placed before the people, his influence was powerful enough to direct her in accordance with the views of the administration. Once he was distant in Washington, however, events in his state would be beyond his control, and the dissensions among the Unionists, all too strongly evinced on many previous occasions, made him apprehensive of the outcome. May not this be the explanation of his impatience to accomplish everything possible in the short time available between the defeat of Hood in December and his departure in February?

Another charge against Johnson remains to be treated: that, by the unnecessarily rigid requirements of his "iron-clad" oath, he excluded many unquestionably loyal men from participation in reconstruction, thus destroying their interest in the work, humiliating and aggrieving them, and losing their counsel, influence, and coöperation, beside depriving the new constitution and gov-

[3] J. P., vol. LV, -1878.

ernment of a substantial, impressive indorsement at the polls, for the sole purpose of forcing his own views and his own men upon the state.

It will, no doubt, be generally agreed that the only parties shut out by the oath who had any just claim to be admitted were the pro-slavery loyalists and the "peace Democrats." I have already expressed my opinion that, whatever censure they may have deserved for their violent strictures upon the government in a crisis of the nation's fate, they should not have been discriminated against in Tennessee, while their counterparts in the Northern states received toleration. All were equally to be justified or condemned. On this ground, as it seems to me, Johnson's policy may be fairly censured. On the other hand, it must be remembered that the conditions in Tennessee were peculiar. The various loyal factions were of uncertain and shifting strength. The state had been excepted from the emancipation proclamation for the express purpose of bringing prestige and impulse to the progam of the national administration by herself taking the initiative in freeing her own slaves. With whatever advantages the government expected from this action, the discredit of a defeat would be commensurate. Finally, Lincoln, with his sensitive finger upon the nation's pulse, approved Johnson's course. Usually magnanimous and generous almost to a fault, he gave way, as regards Tennessee, to the latter's representations; and it is safe to say that he did so only after thoroughly diagnosing the situation and satisfying himself that no more lenient policy was feasible. Tennessee seemed always on the point of breaking away from his control, and he could not afford to relax the reins on so intractable a steed. The Union cause required to be in the hands of active, determined men, who, however they might blunder, would not falter. To such Johnson committed it. His three years in office had been one long struggle with timidity and irresolution. It is not to be wondered at that he embraced the brief opportunity offered him to finish the battle himself with few, but dependable and single-hearted fighters at his back.

Biographers of most men who have attained national prominence are able to lighten their narrative with many personal anecdotes, interesting in themselves and helpful in explaining the

characters and careers of their subjects. Such advantages must be largely foregone by one who writes of Johnson, at least for the period of the war, when his activities were confined to Tennessee. This is to be explained partly by Johnson's own personality, partly by the impossible circumstances in which he was placed. During these three years, he occupied a position which would have been insupportable by any man less self-sufficient, grim, impervious—one is tempted to say, less fanatical—than he. Never popular with the leaders in his state, his return among his fellow-citizens as the voluntary instrument of the Federal government for their repression aroused against him a hatred that expressed itself on every possible occasion and in every possible form of vituperation and insult. And surely no man ever was less qualified than Johnson to overcome prejudice by virtue of his personality. Neither graciousness of address, charm of manner, nor suavity of disposition won or mollified his enemies. He possessed none of the appealing gentleness, broad sympathy, and deep understanding of and love for humanity, none of the saving humor which made up so much of the greatness and power of Lincoln. His mind was narrow, bigoted, uncompromising, suspicious; his nature solitary and reticent; his demeanor coldly repellant or violently combative. Fessenden's remark of him as president, that he had no friends, applied to him equally as governor. His harsh, domineering intolerance drove from him those who admired his impeccable honesty and patriotism and his brilliant abilities, or, at least, held them only by bonds of esteem rather than devotion. He remained always a solitary man, yielding his full confidence to none.

Of personal letters, to which the biographer looks for the softer tones of a portrait, Johnson received comparatively few and wrote fewer. He was never able to supply the lack of a good elementary education. His pen was not his friend; his spelling and grammar were always faulty. He complains to his wife that the difficulty he experiences in writing often impels him to put the letter aside unfinished.

The studied contempt with which the pro-Southern citizens of Nashville treated him stung his pride, caused him to draw further back within himself, and made him still more resentful. Deputed

to extend the protecting aegis of law and orderly government over the state, his utter lack of finesse made him appear to be brandishing a club to frighten the people into subjection, and their animosity centred upon him. The hostility to the Federal government and troops, wrote General Nelson to Buell in July, 1862, "seems settled into a fierce hatred to Governor Johnson, to him personally more than officially, for in questioning many people they cannot point to an act that he has not been warranted in doing by their own showing; but still, either in manner of doing it, or that it should be done by him, or from some indefinable cause touching him their resentment is fierce and vindictive, and this country, from being neutral at least, as you left it, is now hostile and in arms."[4]

Johnson returned hatred with all the violent intensity of his nature. As the storm of abuse beat upon him, he became more and more bitter. With him, an affront took on something of the character of the feud, familiar, one may imagine, to his not too remote forbears; the debt must be repaid in full. He developed an almost savage determination to humiliate the "aristocrats," the scorners of free labor, and to make them pay the price of the ruin of the war. More than any other idea, this permeates his public and private utterances. It was by the constantly reiterated expression, "Treason must be made odious, traitors punished and impoverished," that he became most widely known throughout the country.

The habit of indulging in intoxicants, afterwards reputed as Johnson's most conspicuous personal failing as president, had, of course, been formed long before. There is no evidence that it interfered seriously with the performance of his duties, but it occasionally betrayed him into extravagances of action and expression which did him no credit. Charles A. Dana, who, as assistant secretary of war, paid him an official visit in Nashville in 1863, reports that the governor opened their first interview by producing a whiskey-bottle, and, in his opinion, was addicted to taking "more than most gentlemen would have done."[5]

Carl Schurz gives one of the few interesting personal impres-

[4] O. R., series i, vol. xvi, part i, p. 816.

[5] Charles A. Dana, *Recollections of the Civil War*, p. 106.

sions of Johnson,[6] as he saw him in 1863. "His appearance," he says, "was not prepossessing, at least not to me. His countenance was of a distinctly plebeian cast, somewhat like that of the late Senator Douglas, but it had nothing of Douglas' force and vivacity in it. There was no genial sunlight in it; rather something sullen, something betokening a strong will inspired by bitter feelings. I could well imagine him leading with vindictive energy an uprising of a lower order of society against an aristocracy from whose lordly self-assertion he had suffered, and whose pride he was bent upon humiliating. . . . Judging from his conversation, his mind moved in a narrow circle of ideas as well as of phrases. . . . I could not rid myself of the impression that beneath his staid and sober exterior there were still some wild fires burning which occasionally might burst to the surface. This impression was strengthened by a singular experience. It happened twice or three times that, when I called upon him, I was told by the attendant that the governor was sick and could not see anybody; then, after the lapse of four or five days, he would send for me, and I would find him uncommonly natty in his attire and generally groomed with especial care. He would also wave off any inquiry about his health. When I mentioned this circumstance to one of the most prominent Union men of Nashville, he smiled, and said that the governor had 'his infirmities,' but was 'all right' on the whole.

"My conversation with him always turned upon political subjects. He was a demonstratively fierce Union man—not upon anti-slavery grounds, but from constitutional reasons, and from hatred of the slave-holding aristocracy, the oppressors and misleaders of the common people, who had resolved to destroy the Republic if they were not permitted to rule it. The constant burden of his speech was that this rebellion against the government of the Union was treason, and that treason was a crime that must be made odious by visiting condign punishment upon the traitors. To hear him expatiate upon this, his favorite theme, one would have thought that if this man ever came into power, the face of the country would soon bristle with gibbets, and foreign lands swarm with fugitives from the avenging sword of

[6] Carl Schurz, *Reminiscences,* vol. iii, p. 95.

the Republic. And such sentiments he uttered not in a tone betraying the slightest excitement, but with the calmness of long-standing and unquestionable conviction."

John M. Palmer, in his *Personal Recollections,* thus estimates Johnson: "He possessed great natural capacity, but his knowledge of the science of government was superficial. He was sincere and earnest in his opinions, but his prejudices were violent and often unjust. His personal dislikes were never concealed. Bailie Peyton said of him that 'he hated a gentleman by instinct.' After listening to him one day, I said: 'Governor, the anti-slavery men of the North oppose slavery because it is unjust, and hope by abolishing it to make free citizens of those human chattels.' He answered: 'D—n the negroes; I am fighting these traitorous aristocrats, their masters!' "[7]

Almost all the defects of Johnson's character noted by his contemporaries may be explained by the hardships, limitations, and narrowness of his early environment and by the prejudices engendered in a man conscious of natural superiority, but held down by institutions and conventions. The lack of broad, comprehensive interests had, however, a compensating element,—it enabled him to concentrate all the strength of his extraordinarily forceful nature upon the few essentials which he clearly comprehended, and to move to them with overwhelming energy. He had three invaluable assets for the work to which he was called—singleness of mind, tenacity of purpose, indomitable persistency. In the darkest days for the Union, in the spring of 1863, he wrote to his wife: "I feel sometimes like giving all up in dispare; but this will not do we must hold out to the end, this rebelion is wrong and must be put down let cost what it may in the life and treasure. I intend to appropriate the remainder of my life to the redemption of my adopted home East Tennessee and you and Mary[8] must not be weary, it is our fate and we should be willing to bear it cheerfully. Impatience and dissatisfaction will not better it or shorten the time of our suffering."[9] The whole letter reveals a tortured mind and an exhausted body, sustained by an unflagging spirit. With his property confiscated, his family for a time

[7] John M. Palmer, *Personal Recollections,* p. 127.

[8] Johnson's daughter.

[9] J. P., vol. xxx, 6689.

in danger and distress, hated and insulted by his neighbors, maligned by rivals and enemies, often defeated, mortified, and seemingly almost discredited in his labors to reorganize his state, his devotion and patriotism never faltered, but soared higher and surer with every reverse of fortune. When the loyalists of Tennessee were perplexed and almost demoralized, he stood firmly and saw clearly, and by these merits won the confidence of Lincoln and Stanton and was thus able to hold the leadership, overcome all opposition, and command the course of events.

Johnson's weaknesses were those of temperament and training. His claims to honor are based upon loyalty, self-sacrifice, and a steadfast devotion to the cause he believed to be right, which, considering all that he had at stake, can only be described as heroic. The issue joined, he stepped unhesitatingly forward into the front rank for service, regardless of his own comfort and safety, and gave himself unsparingly to saving the state. He worked, says a perhaps too fulsome panegyrist, "with an industry and energy that never grew weary or asked repose."[10] His reward came in the esteem of those who could best comprehend the value of his services and in elevation to a high post of national distinction. His record as governor is epitomized in Stanton's letter,[11] accepting his resignation of the office, in March, 1865. The secretary of war concludes: "Permit me on this occasion to render to you the thanks of this department for your patriotic and able services during the eventful period through which you have exercised the high trusts committed to your charge. In one of the darkest hours of the great struggle for national existence against rebellious foes the government called you from the Senate and from the comparatively safe and easy duties of civil life to place you in the front of the enemy and in a position of personal toil and danger, perhaps more hazardous than was encountered by any other citizen or military officer of the United States. With patriotic promptness you assumed the post, and maintained it under circumstances of unparalleled trials, until recent events have brought safety and deliverance to your state, and to the integrity of that constitutional Union for which you

[10] Nashville *Times*, January 7, 1865, quoting Atchinson (Kansas) *Champion*.

[11] O. R., series iii, vol. iv, p. 1221; J. P., vol. lvii, -2426.

so long and so gallantly periled all that is dear to man on earth. That you may be spared to enjoy the new honors and perform the high duties to which you have been called by the people of the United States is the sincere wish of one who in every official and personal relation has found you worthy of the confidence of the government and the honor and esteem of your fellow-citizens."

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