39TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 30.

# REPORT

OF THE

# JOINT COMMITTEE ON RECONSTRUCTION,

AT THE

FIRST SESSION THIRTY-NINTH CONGRESS.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1866.

IN THE SENATE OF THE UNITED STATES,
*December* 5, 1865.

A message from the House of Representatives, by Mr. McPherson, its Clerk:

The House of Representatives has passed the following resolution, in which it requests the concurrence of the Senate:

*Resolved by the Senate and House of Representatives in Congress assembled*, That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they, or any of them, are entitled to be represented in either house of Congress, with leave to report at any time, by bill or otherwise; and until such report shall have been made, and finally acted on by Congress, no member shall be received into either house from any of the said so-called Confederate States; and all papers relating to the representation of said States shall be referred to the said committee without debate.

DECEMBER 12, 1865.

The Senate proceeded to consider the resolution of the House of Representatives for the appointment of a joint committee of the two houses, to consist of fifteen members, to inquire into the condition of the States which formed the so-called Confederate States of America; and

The resolution was amended and agreed to, as follows:

*Resolved by the House of Representatives*, (the Senate concurring,) That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they, or any of them, are entitled to be represented in either house of Congress; with leave to report at any time, by bill or otherwise.

DECEMBER 13, 1865.

A message from the House of Representatives, by Mr. McPherson, its Clerk:

The House of Representatives has agreed to the amendments of the Senate to the resolution of the House for the appointment of a joint committee to inquire into the condition of the States which formed the so-called Confederate States.

Attest: J. W. FORNEY, *Secretary*.

*Committee on the part of the Senate.*

William P. Fessenden, Maine.
James W. Grimes, Iowa.
Ira Harris, New York.
Jacob M. Howard, Michigan.
Reverdy Johnson, Maryland.
George H. Williams, Oregon.

*Committee on the part of the House of Representatives.*

Thaddeus Stevens, Pennsylvania.
Ellihu B. Washburne, Illinois.
Justin S. Morrill, Vermont.
Henry Grider, Kentucky.
John A. Bingham, Ohio.
Roscoe Conkling, New York.
George S. Boutwell, Massachusetts.
Henry T. Blow, Missouri.
Andrew J. Rogers, New Jersey.

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IN THE SENATE OF THE UNITED STATES,
*January* 12, 1866.

*Resolved by the Senate*, (the House of Representatives concurring,) That the joint committee appointed to inquire into the condition of the States which formed the so-called Confederate States be authorized to send for persons and papers.

Attest: J. W. FORNEY, *Secretary*,
By W. J. McDONALD, *Chief Clerk*.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*January* 16, 1866.

*Resolved*, That the House concur in the foregoing resolution of the Senate.

Attest: EDWARD McPHERSON, *Clerk.*

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IN THE HOUSE OF REPRESENTATIVES,
*December* 14, 1865.

On motion of Mr. Wilson,

*Resolved*, That all papers which may be offered relative to the representation of the late so-called Confederate States of America, or either of them, shall be referred to the joint committee of fifteen without debate, and no members shall be admitted from either of said so-called States until Congress shall believe such States, or either of them, entitled to representation.

Attest: EDWARD McPHERSON, *Clerk.*

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IN THE SENATE OF THE UNITED STATES,
*January* 22, 1866.

*Resolved*, That, until otherwise ordered, all papers presented to the Senate relating to the condition and title to representation of the so-called Confederate States shall be referred to the joint committee upon that subject.

Attest: J. W. FORNEY, *Secretary.*

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The following joint resolution and bills were reported to the Senate and House of Representatives April 30, 1866, viz:

JOINT RESOLUTION proposing an amendment to the Constitution of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE —.

SECTION 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever in any State the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age.

SECTION 3. Until the fourth day of July, in the year one thousand eight hundred and seventy, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for representatives in Congress and for electors for President and Vice-President of the United States.

SECTION 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may hereafter be incurred, in aid of insurrection or of war against the United States, or any claim for compensation for loss of involuntary service or labor.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

A BILL to provide for restoring to the States lately in insurrection their ull political rights.

Whereas it is expedient that the States lately in insurrection should, at the earliest day consistent with the future peace and safety of the Union, be restored to full participation in all political rights; and whereas the Congress did, by joint resolution, propose for ratification to the legislatures of the several States, as an amendment to the Constitution of the United States, an article in the following words, to wit:

"ARTICLE —.

"SECTION 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws.

"SECTION 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such States shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age.

"SECTION 3. Until the fourth day of July, in the year one thousand eight hundred and seventy, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for representatives in Congress and for electors for President and Vice-President of the United States.

"SECTION 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may hereafter be incurred, in aid of insurrection or of war against the United States, or any claim for compensation for loss of involuntary service or labor.

"SECTION 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article:"

Now, therefore—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the above-recited amendment shall have become part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same, and shall have modified its constitution and laws in conformity therewith, the senators and representatives from such State, if found duly elected and qualified, may, after having taken the required oaths of office, be admitted into Congress as such.

SEC. 2. *And be it further enacted*, That when any State lately in insurrection shall have ratified the foregoing amendment to the Constitution, any part of the direct tax under the act of August five, eighteen hundred and sixty-one, which may remain due and unpaid in such State, may be assumed and paid by such State; and the payment thereof, upon proper assurances from such State to be given to the Secretary of the Treasury of the United States, may be postponed for a period not exceeding ten years from and after the passage of this act.

A BILL declaring certain persons ineligible to office under the government of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no person shall be eligible to any office under the government of the United States who is included in any of the following classes, namely:

First. The President and Vice-President of the Confederate States of America, so called, and the heads of department thereof.

Second. Those who in other countries acted as agents of the Confederate States of America, so called.

Third. Heads of departments of the United States, officers of the army and navy of the United States, and all persons educated at the Military or Naval Academy of the United States, judges of the courts of the United States, and members of either house of the thirty-sixth Congress of the United States, who gave aid or comfort to the late rebellion.

Fourth. Those who acted as officers of the Confederate States of America, so called, above the grade of colonel in the army or master in the navy; and any one who, as governor of either of the so-called Confederate States, gave aid or comfort to the late rebellion.

Fifth. Those who have treated officers or soldiers or sailors of the army or navy of the United States, captured during the late war, otherwise than lawfully as prisoners of war.

The following is the joint resolution proposing an amendment to the Constitution of the United States, as passed finally June 13, 1866:

JOINT RESOLUTION proposing an amendment to the Constitution of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE 14.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

# REPORT

OF THE

# JOINT COMMITTEE ON RECONSTRUCTION.

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*The Joint Committee of the two houses of Congress appointed under the concurrent resolution of December 13, 1865, with direction 'to inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either house of Congress, with leave to report by bill or otherwise," ask leave to report:*

That they have attended to the duty assigned them as assiduously as other duties would permit, and now submit to Congress, as the result of their deliberations, a resolution proposing amendments to the Constitution, and two bills, of which they recommend the adoption.

Before proceeding to set forth in detail their reasons for the conclusion to which, after great deliberation, your committee have arrived, they beg leave to advert, briefly, to the course of proceedings they found it necessary to adopt, and to explain the reasons therefor.

The resolution under which your committee was appointed directed them to inquire into the condition of the Confederate States, and report whether they were entitled to representation in Congress. It is obvious that such an investigation, covering so large an extent of territory and involving so many important considerations, must necessarily require no trifling labor, and consume a very considerable amount of time. It must embrace the condition in which those States were left at the close of the war; the measures which have been taken towards the reorganization of civil government, and the disposition of the people towards the United States; in a word, their fitness to take an active part in the administration of national affairs.

As to their condition at the close of the rebellion, the evidence is open to all and admits of no dispute. They were in a state of utter exhaustion. Having protracted their struggle against federal authority until all hope of successful resistance had ceased, and laid down their arms only because there was no longer any power to use them, the people of those States were left bankrupt in their public finances, and shorn of the private wealth which had before given them power and influence. They were also necessarily in a state of complete anarchy, without governments and without the power to frame governments except by the permission of those who had been successful in the war. The President of the United States, in the proclamations under which he appointed provisional governors, and in his various communications to them, has, in exact terms, recognized the fact that the people of those States were, when the rebellion was crushed, "deprived of all civil government," and must proceed to organize anew. In his conversation with Mr. Stearns, of Mas-

sachusetts, certified by himself, President Johnson said, "the State institutions are prostrated, laid out on the ground, and they must be taken up and adapted to the progress of events." Finding the southern States in this condition, and Congress having failed to provide for the contingency, his duty was obvious. As President of the United States, he had no power, except to execute the laws of the land as Chief Magistrate. These laws gave him no authority over the subject of reorganization, but by the Constitution he was commander-in-chief of the army and navy of the United States. The Confederate States embraced a portion of the people of the Union who had been in a state of revolt, but had been reduced to obedience by force of arms. They were in an abnormal condition, without civil government, without commercial connexions, without national or international relations, and subject only to martial law. By withdrawing their representatives in Congress, by renouncing the privilege of representation, by organizing a separate government, and by levying war against the United States, they destroyed their State constitutions in respect to the vital principle which connected their respective States with the Union and secured their federal relations; and nothing of those constitutions was left of which the United States were bound to take notice. For four years they had a *de facto* government, but it was usurped and illegal. They chose the tribunal of arms wherein to decide whether or not it should be legalized, and they were defeated. At the close of the rebellion, therefore, the people of the rebellious States were found, as the President expresses it, "deprived of all civil government."

Under this state of affairs it was plainly the duty of the President to enforce existing national laws, and to establish, as far as he could, such a system of government as might be provided for by existing national statutes. As commander-in-chief of a victorious army, it was his duty, under the law of nations and the army regulations, to restore order, to preserve property, and to protect the people against violence from any quarter until provision should be made by law for their government. He might, as President, assemble Congress and submit the whole matter to the law-making power; or he might continue military supervision and control until Congress should assemble on its regular appointed day. Selecting the latter alternative, he proceeded, by virtue of his power as commander-in-chief, to appoint provisional governors over the revolted States. These were regularly commissioned, and their compensation was paid, as the Secretary of War states, "from the appropriation for army contingencies, because the duties performed by the parties were regarded as of a temporary character, ancillary to the withdrawal of military force, the disbandment of armies, and the reduction of military expenditure, by provisional organizations for the protection of civil rights, the preservation of peace, and to take the place of armed force in the respective States." It cannot, we think, be contended that these governors possessed, or could exercise, any but military authority. They had no power to organize civil governments, nor to exercise any authority except that which inhered in their own persons under their commissions. Neither had the President, as commander-in-chief, any other than military power. But he was in exclusive possession of the military authority. It was for him to decide how far he would exercise it, how far he would relax it, when and on what terms he would withdraw it. He might properly permit the people to assemble, and to initiate local governments, and to execute such local laws as they might choose to frame not inconsistent with, nor in opposition to, the laws of the United States. And, if satisfied that they might safely be left to themselves, he might withdraw the military forces altogether, and leave the people of any or all of these States to govern themselves without his interference. In the language of the Secretary of State, in his telegram to the provisional governor of Georgia, dated October 28, 1865, he might "recognize the people of any State as having resumed the relations of loyalty to the Union," and act in his military capacity on this hypothesis. All this was within his own discretion, as

military commander. But it was not for him to decide upon the nature or effect of any system of government which the people of these States might see fit to adopt. This power is lodged by the Constitution in the Congress of the United States, that branch of the government in which is vested the authority to fix the political relations of the States to the Union, whose duty it is to guarantee to each State a republican form of government, and to protect each and all of them against foreign or domestic violence, and against each other. We cannot, therefore, regard the various acts of the President in relation to the formation of local governments in the insurrectionary States, and the conditions imposed by him upon their action, in any other light than as intimations to the people that, as commander-in-chief of the army, he would consent to withdraw military rule just in proportion as they should, by their acts, manifest a disposition to preserve order among themselves, establish governments denoting loyalty to the Union, and exhibit a settled determination to return to their allegiance, leaving with the law-making power to fix the terms of their final restoration to all their rights and privileges as States of the Union. That this was the view of his power taken by the President is evident from expressions to that effect in the communications of the Secretary of State to the various provisional governors, and the repeated declarations of the President himself. Any other supposition inconsistent with this would impute to the President designs of encroachment upon a co-ordinate branch of the government, which should not be lightly attributed to the Chief Magistrate of the nation.

When Congress assembled in December last the people of most of the States lately in rebellion had, under the advice of the President, organized local governments, and some of them had acceded to the terms proposed by him. In his annual message he stated, in general terms, what had been done, but he did not see fit to communicate the details for the information of Congress. While in this and in a subsequent message the President urged the speedy restoration of these States, and expressed the opinion that their condition was such as to justify their restoration, yet it is quite obvious that Congress must either have acted blindly on that opinion of the President, or proceeded to obtain the information requisite for intelligent action on the subject. The impropriety of proceeding wholly on the judgment of any one man, however exalted his station, in a matter involving the welfare of the republic in all future time, or of adopting any plan, coming from any source, without fully understanding all its bearings and comprehending its full effect, was apparent. The first step, therefore, was to obtain the required information. A call was accordingly made on the President for the information in his possession as to what had been done, in order that Congress might judge for itself as to the grounds of the belief expressed by him in the fitness of States recently in rebellion to participate fully in the conduct of national affairs. This information was not immediately communicated. When the response was finally made, some six weeks after your committee had been in actual session, it was found that the evidence upon which the President seemed to have based his suggestions was incomplete and unsatisfactory. Authenticated copies of the new constitutions and ordinances adopted by the conventions in three of the States had been submitted, extracts from newspapers furnished scanty information as to the action of one other State, and nothing appears to have been communicated as to the remainder. There was no evidence of the loyalty of those who had participated in these conventions, and in one State alone was any proposition made to submit the action of the conventions to the final judgment of the people.

Failing to obtain the desired information, and left to grope for light wherever it might be found, your committee did not deem it either advisable or safe to adopt, without further examination, the suggestions of the President, more especially as he had not deemed it expedient to remove the military force, to suspend martial law, or to restore the writ of *habeas corpus*, but still

thought it necessary to exercise over the people of the rebellious States his military power and jurisdiction. This conclusion derived still greater force from the fact, undisputed, that in all these States, except Tennessee and perhaps Arkansas, the elections which were held for State officers and members of Congress had resulted, almost universally, in the defeat of candidates who had been true to the Union, and in the election of notorious and unpardoned rebels, men who could not take the prescribed oath of office, and who made no secret of their hostility to the government and the people of the United States. Under these circumstances, anything like hasty action would have been as dangerous as it was obviously unwise. It appeared to your committee that but one course remained, viz: to investigate carefully and thoroughly the state of feeling and opinion existing among the people of these States; to ascertain how far their pretended loyalty could be relied upon, and thence to infer whether it would be safe to admit them at once to a full participation in the government they had fought for four years to destroy. It was an equally important inquiry whether their restoration to their former relations with the United States should only be granted upon certain conditions and guarantees which would effectually secure the nation against a recurrence of evils so disastrous as those from which it had escaped at so enormous a sacrifice.

To obtain the necessary information recourse could only be had to the examination of witnesses whose position had given them the best means of forming an accurate judgment, who could state facts from their own observation, and whose character and standing afforded the best evidence of their truthfulness and impartiality. A work like this, covering so large an extent of territory, and embracing such complicated and extensive inquiries, necessarily required much time and labor. To shorten the time as much as possible, the work was divided and placed in the hands of four sub-committees, who have been diligently employed in its accomplishment. The results of their labors have been heretofore submitted, and the country will judge how far they sustain the President's views, and how far they justify the conclusions to which your committee have finally arrived.

A claim for the immediate admission of senators and representatives from the so-called Confederate States has been urged, which seems to your committee not to be founded either in reason or in law, and which cannot be passed without comment. Stated in a few words, it amounts to this: That inasmuch as the lately insurgent States had no legal right to separate themselves from the Union, they still retain their positions as States, and consequently the people thereof have a right to immediate representation in Congress without the imposition of any conditions whatever; and further, that until such admission Congress has no right to tax them for the support of the government. It has even been contended that until such admission all legislation affecting their interests is, if not unconstitutional, at least unjustifiable and oppressive.

It is believed by your committee that all these propositions are not only wholly untenable, but, if admitted, would tend to the destruction of the government.

It must not be forgotten that the people of these States, without justification or excuse, rose in insurrection against the United States. They deliberately abolished their State governments so far as the same connected them politically with the Union as members thereof under the Constitution. They deliberately renounced their allegiance to the federal government, and proceeded to establish an independent government for themselves. In the prosecution of this enterprise they seized the national forts, arsenals, dock-yards, and other public property within their borders, drove out from among them those who remained true to the Union, and heaped every imaginable insult and injury upon the United States and its citizens. Finally, they opened hostilities, and levied war against the government. They continued this war for four years with the most deter-

mined and malignant spirit, killing in battle, and otherwise, large numbers of loyal people, destroying the property of loyal citizens on the sea and on the land, and entailing on the government an enormous debt, incurred to sustain its rightful authority. Whether legally and constitutionally or not, they did, in fact, withdraw from the Union and made themselves subjects of another government of their own creation. And they only yielded when, after a long, bloody, and wasting war, they were compelled by utter exhaustion to lay down their arms; and this they did, not willingly, but declaring that they yielded because they could no longer resist, affording no evidence whatever of repentance for their crime, and expressing no regret, except that they had no longer the power to continue the desperate struggle.

It cannot, we think, be denied by any one, having a tolerable acquaintance with public law, that the war thus waged was a civil war of the greatest magnitude. The people waging it were necessarily subject to all the rules which, by the law of nations, control a contest of that character, and to all the legitimate consequences following it. One of those consequences was that, within the limits prescribed by humanity, the conquered rebels were at the mercy of the conquerors. That a government thus outraged had a most perfect right to exact indemnity for the injuries done, and security against the recurrence of such outrages in the future, would seem too clear for dispute. What the nature of that security should be, what proof should be required of a return to allegiance, what time should elapse before a people thus demoralized should be restored in full to the enjoyment of political rights and privileges, are questions for the law-making power to decide, and that decision must depend on grave considerations of the public safety and the general welfare.

It is moreover contended, and with apparent gravity, that, from the peculiar nature and character of our government, no such right on the part of the conqueror can exist; that from the moment when rebellion lays down its arms and actual hostilities cease, all political rights of rebellious communities are at once restored; that, because the people of a State of the Union were once an organized community within the Union, they necessarily so remain, and their right to be represented in Congress at any and all times, and to participate in the government of the country under all circumstances, admits of neither question nor dispute. If this is indeed true, then is the government of the United States powerless for its own protection, and flagrant rebellion, carried to the extreme of civil war, is a pastime which any State may play at, not only certain that it can lose nothing in any event, but may even be the gainer by defeat. If rebellion succeeds, it accomplishes its purpose and destroys the government. If it fails, the war has been barren of results, and the battle may be still fought out in the legislative halls of the country. Treason, defeated in the field, has only to take possession of Congress and the cabinet.

Your committee do not deem it either necessary or proper to discuss the question whether the late Confederate States are still States of this Union, or can ever be otherwise. Granting this profitless abstraction about which so many words have been wasted, it by no means follows that the people of those States may not place themselves in a condition to abrogate the powers and privileges incident to a State of the Union, and deprive themselves of all pretence of right to exercise those powers and enjoy those privileges. A State within the Union has obligations to discharge as a member of the Union. It must submit to federal laws and uphold federal authority. It must have a government republican in form, under and by which it is connected with the general government, and through which it can discharge its obligations. It is more than idle, it is a mockery, to contend that a people who have thrown off their allegiance, destroyed the local government which bound their States to the Union as members thereof, defied its authority, refused to execute its laws, and abrogated every provision which gave them political rights within the Union, still retain, through all, the perfect and entire right to

resume, at their own will and pleasure, all their privileges within the Union, and especially to participate in its government, and to control the conduct of its affairs. To admit such a principle for one moment would be to declare that treason is always master and loyalty a blunder. Such a principle is void by its very nature and essence, because inconsistent with the theory of government, and fatal to its very existence.

On the contrary, we assert that no portion of the people of this country, whether in State or Territory, have the right, while remaining on its soil, to withdraw from or reject the authority of the United States. They must obey its laws as paramount, and acknowledge its jurisdiction. They have no right to secede; and while they can destroy their State governments, and place themselves beyond the pale of the Union, so far as the exercise of State privileges is concerned, they cannot escape the obligations imposed upon them by the Constitution and the laws, nor impair the exercise of national authority. The Constitution, it will be observed, does not act upon States, as such, but upon the people; while, therefore, the people cannot escape its authority, the States may, through the act of their people, cease to exist in an organized form, and thus dissolve their political relations with the United States.

That taxation should be only with the consent of the taxed, through their own representatives, is a cardinal principle of all free governments; but it is not true that taxation and representation must go together under all circumstances, and at every moment of time. The people of the District of Columbia and of the Territories are taxed, although not represented in Congress. If it is true that the people of the so-called Confederate States had no right to throw off the authority of the United States, it is equally true that they are bound at all times to share the burdens of government. They cannot, either legally or equitably, refuse to bear their just proportion of these burdens by voluntarily abdicating their rights and privileges as States of the Union, and refusing to be represented in the councils of the nation, much less by rebellion against national authority and levying war. To hold that by so doing they could escape taxation would be to offer a premium for insurrection—to reward instead of punishing treason. To hold that as soon as government is restored to its full authority it can be allowed no time to secure itself against similar wrongs in the future, or else omit the ordinary exercise of its constitutional power to compel equal contribution from all, towards the expenses of government, would be unreasonable in itself, and unjust to the nation. It is sufficient to reply that the loss of representation by the people of the insurrectionary States was their own voluntary choice. They might abandon their privileges, but they could not escape their obligations; and surely they have no right to complain if, before resuming those privileges, and while the people of the United States are devising measures for the public safety, rendered necessary by the act of those who thus disfranchised themselves, they are compelled to contribute their just proportion of the general burden of taxation incurred by their wickedness and folly.

Equally absurd is the pretence that the legislative authority of the nation must be inoperative so far as they are concerned, while they, by their own act, have lost the right to take part in it. Such a proposition carries its own refutation on its face.

While thus exposing fallacies which, as your committee believe, are resorted to for the purpose of misleading the people and distracting their attention from the questions at issue, we freely admit that such a condition of things should be brought, if possible, to a speedy termination. It is most desirable that the Union of all the States should become perfect at the earliest moment consistent with the peace and welfare of the nation; that all these States should become fully represented in the national councils, and take their share in the legislation of the country. The possession and exercise of more than its just share of power by any section is injurious, as well to that section as to all others. Its tendency

is distracting and demoralizing, and such a state of affairs is only to be tolerated on the ground of a necessary regard to the public safety. As soon as that safety is secured it should terminate.

Your committee came to the consideration of the subject referred to them with the most anxious desire to ascertain what was the condition of the people of the States recently in insurrection, and what, if anything, was necessary to be done before restoring them to the full enjoyment of all their original privileges. It was undeniable that the war into which they had plunged the country had materially changed their relations to the people of the loyal States. Slavery had been abolished by constitutional amendment. A large proportion of the population had become, instead of mere chattels, free men and citizens. Through all the past struggle these had remained true and loyal, and had, in large numbers, fought on the side of the Union. It was impossible to abandon them, without securing them their rights as free men and citizens. The whole civilized world would have cried out against such base ingratitude, and the bare idea is offensive to all right-thinking men. Hence it became important to inquire what could be done to secure their rights, civil and political. It was evident to your committee that adequate security could only be found in appropriate constitutional provisions. By an original provision of the Constitution, representation is based on the whole number of free persons in each State, and three-fifths of all other persons. When all become free, representation for all necessarily follows. As a consequence the inevitable effect of the rebellion would be to increase the political power of the insurrectionary States, whenever they should be allowed to resume their positions as States of the Union. As representation is by the Constitution based upon population, your committee did not think it advisable to recommend a change of that basis. The increase of representation necessarily resulting from the abolition of slavery was considered the most important element in the questions arising out of the changed condition of affairs, and the necessity for some fundamental action in this regard seemed imperative. It appeared to your committee that the rights of these persons by whom the basis of representation had been thus increased should be recognized by the general government. While slaves they were not considered as having any rights, civil or political. It did not seem just or proper that all the political advantages derived from their becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal. Slavery, by building up a ruling and dominant class, had produced a spirit of oligarchy adverse to republican institutions, which finally inaugurated civil war. The tendency of continuing the domination of such a class, by leaving it in the exclusive possession of political power, would be to encourage the same spirit, and lead to a similar result. Doubts were entertained whether Congress had power, even under the amended Constitution, to prescribe the qualifications of voters in a State, or could act directly on the subject. It was doubtful, in the opinion of your committee, whether the States would consent to surrender a power they had always exercised, and to which they were attached. As the best if not the only method of surmounting the difficulty, and as eminently just and proper in itself, your committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted, without distinction of color or race. This it was thought would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise. Such a provision would be in its nature gentle and persuasive, and would lead, it was hoped, at no distant day, to an equal participation of all, without distinction, in all the rights and privileges of citizenship, thus affording a full and adequate protection to all classes of citizens, since all would have, through the ballot-box, the power of self-protection.

Holding these views, your committee prepared an amendment to the Constitution to carry out this idea, and submitted the same to Congress. Unfortunately, as we think, it did not receive the necessary constitutional support in the Senate, and therefore could not be proposed for adoption by the States. The principle involved in that amendment is, however, believed to be sound, and your committee have again proposed it in another form, hoping that it may receive the approbation of Congress.

Your committee have been unable to find, in the evidence submitted to Congress by the President, under date of March 6, 1866, in compliance with the resolutions of January 5 and February 27, 1866, any satisfactory proof that either of the insurrectionary States, except, perhaps, the State of Tennessee, has placed itself in a condition to resume its political relations to the Union. The first step towards that end would necessarily be the establishment of a republican form of government by the people. It has been before remarked that the provisional governors, appointed by the President in the exercise of his military authority, could do nothing by virtue of the power thus conferred towards the establishment of a State government. They were acting under the War Department and paid out of its funds. They were simply bridging over the chasm between rebellion and restoration. And yet we find them calling conventions and convening legislatures. Not only this, but we find the conventions and legislatures thus convened acting under executive direction as to the provisions required to be adopted in their constitutions and ordinances as conditions precedent to their recognition by the President. The inducement held out by the President for compliance with the conditions imposed was, directly in one instance, and presumably, therefore, in others, the immediate admission of senators and representatives to Congress. The character of the conventions and legislatures thus assembled was not such as to inspire confidence in the good faith of their members. Governor Perry, of South Carolina, dissolved the convention assembled in that State before the suggestion had reached Columbia from Washington that the rebel war debt should be repudiated, and gave as his reason that it was a "revolutionary body." There is no evidence of the loyalty or disloyalty of the members of those conventions and legislatures except the fact of pardons being asked for on their account. Some of these States now claiming representation refused to adopt the conditions imposed. No reliable information is found in these papers as to the constitutional provisions of several of these States, while in not one of them is there the slightest evidence to show that these "amended constitutions," as they are called, have ever been submitted to the people for their adoption. In North Carolina alone an ordinance was passed to that effect, but it does not appear to have been acted on. Not one of them, therefore, has been ratified. Whether, with President Johnson, we adopt the theory that the old constitutions were abrogated and destroyed, and the people "deprived of all civil government," or whether we adopt the alternative doctrine that they were only suspended and were revived by the suppression of the rebellion, the new provisions must be considered as equally destitute of validity before adoption by the people. If the conventions were called for the sole purpose of putting the State government into operation, they had no power either to adopt a new constitution or to amend an old one without the consent of the people. Nor could either a convention or a legislature change the fundamental law without power previously conferred. In the view of your committee, it follows, therefore, that the people of a State where the constitution has been thus amended might feel themselves justified in repudiating altogether all such unauthorized assumptions of power, and might be expected to do so at pleasure.

So far as the disposition of the people of the insurrectionary States, and the probability of their adopting measures conforming to the changed condition of affairs, can be inferred from the papers submitted by the President as the basis

of his action, the prospects are far from encouraging. It appears quite clear that the anti-slavery amendments, both to the State and federal constitutions, were adopted with reluctance by the bodies which did adopt them, while in some States they have been either passed by in silence or rejected. The language of all the provisions and ordinances of these States on the subject amounts to nothing more than an unwilling admission of an unwelcome truth. As to the ordinance of secession, it is, in some cases, declared "null and void," and in others simply "repealed;" and in no instance is a refutation of this deadly heresy considered worthy of a place in the new constitution.

If, as the President assumes, these insurrectionary States were, at the close of the war, wholly without State governments, it would seem that, before being admitted to participation in the direction of public affairs, such governments should be regularly organized. Long usage has established, and numerous statutes have pointed out, the mode in which this should be done. A convention to frame a form of government should be assembled under competent authority. Ordinarily, this authority emanates from Congress; but, under the peculiar circumstances, your committee is not disposed to criticise the President's action in assuming the power exercised by him in this regard. The convention, when assembled, should frame a constitution of government, which should be submitted to the people for adoption. If adopted, a legislature should be convened to pass the laws necessary to carry it into effect. When a State, thus organized, claims representation in Congress, the election of representatives should be provided for by law, in accordance with the laws of Congress regulating representation, and the proof that the action taken has been in conformity to law should be submitted to Congress.

In no case have these essential preliminary steps been taken. The conventions assembled seem to have assumed that the constitutions which had been repudiated and overthrown were still in existence, and operative to constitute the States members of the Union, and to have contented themselves with such amendments as they were informed were requisite in order to insure their return to an immediate participation in the government of the United States. Not waiting to ascertain whether the people they represented would adopt even the proposed amendments, they at once ordered elections of representatives to Congress, in nearly all instances before an executive had been chosen to issue writs of election under the State laws, and such elections as were held were ordered by the conventions. In one instance at least the writs of election were signed by the provisional governor. Glaring irregularities, and unwarranted assumptions of power, are manifest in several cases, particularly in South Carolina, where the convention, although disbanded by the provisional governor on the ground that it was a revolutionary body, assumed to redistrict the State.

It is quite evident from all these facts, and indeed from the whole mass of testimony submitted by the President to the Senate, that in no instance was regard paid to any other consideration than obtaining immediate admission to Congress, under the barren form of an election in which no precautions were taken to secure regularity of proceedings, or the assent of the people. No constitution has been legally adopted except, perhaps, in the State of Tennessee, and such elections as have been held were without authority of law. Your committee are accordingly forced to the conclusion that the States referred to have not placed themselves in a condition to claim representation in Congress, unless all the rules which have, since the foundation of the government, been deemed essential in such cases, should be disregarded.

It would undoubtedly be competent for Congress to waive all formalities and to admit these Confederate States to representation at once, trusting that time and experience would set all things right. Whether it would be advisable to do so, however, must depend upon other considerations of which it remains to treat. But it may well be observed, that the inducements to such a step should

be of the very highest character. It seems to your committee not unreasonable to require satisfactory evidence that the ordinances and constitutional provisions which the President deemed essential in the first instance will be permanently adhered to by the people of the States seeking restoration, after being admitted to full participation in the government, and will not be repudiated when that object shall have been accomplished. And here the burden of proof rests upon the late insurgents who are seeking restoration to the rights and privileges which they willingly abandoned, and not upon the people of the United States who have never undertaken, directly or indirectly, to deprive them thereof. It should appear affirmatively that they are prepared and disposed in good faith to accept the results of the war, to abandon their hostility to the government, and to live in peace and amity with the people of the loyal States, extending to all classes of citizens equal rights and privileges, and conforming to the republican idea of liberty and equality. They should exhibit in their acts something more than an unwilling submission to an unavoidable necessity—a feeling, if not cheerful, certainly not offensive and defiant. And they should evince an entire repudiation of all hostility to the general government, by an acceptance of such just and reasonable conditions as that government should think the public safety demands. Has this been done? Let us look at the facts shown by the evidence taken by the committee.

Hardly is the war closed before the people of these insurrectionary States come forward and haughtily claim, as a right, the privilege of participating at once in that government which they had for four years been fighting to overthrow. Allowed and encouraged by the Executive to organize State governments, they at once place in power leading rebels, unrepentant and unpardoned, excluding with contempt those who had manifested an attachment to the Union, and preferring, in many instances, those who had rendered themselves the most obnoxious. In the face of the law requiring an oath which would necessarily exclude all such men from federal offices, they elect, with very few exceptions, as senators and representatives in Congress, men who had actively participated in the rebellion, insultingly denouncing the law as unconstitutional. It is only necessary to instance the election to the Senate of the late vice-president of the confederacy, a man who, against his own declared convictions, had lent all the weight of his acknowledged ability and of his influence as a most prominent public man to the cause of the rebellion, and who, unpardoned rebel as he is, with that oath staring him in the face, had the assurance to lay his credentials on the table of the Senate. Other rebels of scarcely less note or notoriety were selected from other quarters. Professing no repentance, glorying apparently in the crime they had committed, avowing still, as the uncontradicted testimony of Mr. Stephens and many others proves, an adherence to the pernicious doctrine of secession, and declaring that they yielded only to necessity, they insist, with unanimous voice, upon their rights as States, and proclaim that they will submit to no conditions whatever as preliminary to their resumption of power under that Constitution which they still claim the right to repudiate.

Examining the evidence taken by your committee still further, in connexion with facts too notorious to be disputed, it appears that the southern press, with few exceptions, and those mostly of newspapers recently established by northern men, abounds with weekly and daily abuse of the institutions and people of the loyal States; defends the men who led, and the principles which incited, the rebellion; denounces and reviles southern men who adhered to the Union; and strives, constantly and unscrupulously, by every means in its power, to keep alive the fire of hate and discord between the sections; calling upon the President to violate his oath of office, overturn the government by force of arms, and drive the representatives of the people from their seats in Congress. The national banner is openly insulted, and the national airs scoffed at, not only by an ignorant populace, but at public meetings, and once, among other notable in-

stances, at a dinner given in honor of a notorious rebel who had violated his oath and abandoned his flag. The same individual is elected to an important office in the leading city of his State, although an unpardoned rebel, and so offensive that the President refuses to allow him to enter upon his official duties. In another State the leading general of the rebel armies is openly nominated for governor by the speaker of the house of delegates, and the nomination is hailed by the people with shouts of satisfaction, and openly indorsed by the press.

Looking still further at the evidence taken by your committee, it is found to be clearly shown by witnesses of the highest character and having the best means of observation, that the Freedmen's Bureau, instituted for the relief and protection of freedmen and refugees, is almost universally opposed by the mass of the population, and exists in an efficient condition only under military protection, while the Union men of the south are earnest in its defence, declaring with one voice that without its protection the colored people would not be permitted to labor at fair prices, and could hardly live in safety. They also testify that without the protection of United States troops, Union men, whether of northern or southern origin, would be obliged to abandon their homes. The feeling in many portions of the country towards emancipated slaves, especially among the uneducated and ignorant, is one of vindictive and malicious hatred. This deep-seated prejudice against color is assiduously cultivated by the public journals, and leads to acts of cruelty, oppression, and murder, which the local authorities are at no pains to prevent or punish. There is no general disposition to place the colored race, constituting at least two-fifths of the population, upon terms even of civil equality. While many instances may be found where large planters and men of the better class accept the situation, and honestly strive to bring about a better order of things, by employing the freedmen at fair wages and treating them kindly, the general feeling and disposition among all classes are yet totally averse to the toleration of any class of people friendly to the Union, be they white or black; and this aversion is not unfrequently manifested in an insulting and offensive manner.

The witnesses examined as to the willingness of the people of the south to contribute, under existing laws, to the payment of the national debt, prove that the taxes levied by the United States will be paid only on compulsion and with great reluctance, while there prevails, to a considerable extent, an expectation that compensation will be made for slaves emancipated and property destroyed during the war. The testimony on this point comes from officers of the Union army, officers of the late rebel army, Union men of the southern States, and avowed secessionists, almost all of whom state that, in their opinion, the people of the rebellious States would, if they should see a prospect of success, repudiate the national debt.

While there is scarcely any hope or desire among leading men to renew the attempt at secession at any future time, there is still, according to a large number of witnesses, including A. H. Stephens, who may be regarded as good authority on that point, a generally prevailing opinion which defends the legal right of secession, and upholds the doctrine that the first allegiance of the people is due to the States, and not to the United States. This belief evidently prevails among leading and prominent men as well as among the masses everywhere, except in some of the northern counties of Alabama and the eastern counties of Tennessee.

The evidence of an intense hostility to the federal Union, and an equally intense love of the late confederacy, nurtured by the war, is decisive. While it appears that nearly all are willing to submit, at least for the time being, to the federal authority, it is equally clear that the ruling motive is a desire to obtain the advantages which will be derived from a representation in Congress. Officers of the Union army on duty, and northern men who go south to engage in business, are generally detested and proscribed. Southern men who adhered to

the Union are bitterly hated and relentlessly persecuted. In some localities prosecutions have been instituted in State courts against Union officers for acts done in the line of official duty, and similar prosecutions are threatened elsewhere as soon as the United States troops are removed. All such demonstrations show a state of feeling against which it is unmistakably necessary to guard.

The testimony is conclusive that after the collapse of the confederacy the feeling of the people of the rebellious States was that of abject submission. Having appealed to the tribunal of arms, they had no hope except that by the magnanimity of their conquerors their lives, and possibly their property, might be preserved. Unfortunately, the general issue of pardons to persons who had been prominent in the rebellion, and the feeling of kindliness and conciliation manifested by the Executive, and very generally indicated through the northern press, had the effect to render whole communities forgetful of the crime they had committed, defiant towards the federal government, and regardless of their duties as citizens. The conciliatory measures of the government do not seem to have been met even half way. The bitterness and defiance exhibited toward the United States under such circumstances is without a parallel in the history of the world. In return for our leniency we receive only an insulting denial of our authority. In return for our kind desire for the resumption of fraternal relations we receive only an insolent assumption of rights and privileges long since forfeited. The crime we have punished is paraded as a virtue, and the principles of republican government which we have vindicated at so terrible a cost are denounced as unjust and oppressive.

If we add to this evidence the fact that, although peace has been declared by the President, he has not, to this day, deemed it safe to restore the writ of *habeas corpus*, to relieve the insurrectionary States of martial law, nor to withdraw the troops from many localities, and that the commanding general deems an increase of the army indispensable to the preservation of order and the protection of loyal and well-disposed people in the south, the proof of a condition of feeling hostile to the Union and dangerous to the government throughout the insurrectionary States would seem to be overwhelming.

With such evidence before them, it is the opinion of your committee—

I. That the States lately in rebellion were, at the close of the war, disorganized communities, without civil government, and without constitutions or other forms, by virtue of which political relations could legally exist between them and the federal government.

II. That Congress cannot be expected to recognize as valid the election of representatives from disorganized communities, which, from the very nature of the case, were unable to present their claim to representation under those established and recognized rules, the observance of which has been hitherto required.

III. That Congress would not be justified in admitting such communities to a participation in the government of the country without first providing such constitutional or other guarantees as will tend to secure the civil rights of all citizens of the republic; a just equality of representation; protection against claims founded in rebellion and crime; a temporary restoration of the right of suffrage to those who have not actively participated in the efforts to destroy the Union and overthrow the government, and the exclusion from positions of public trust of, at least, a portion of those whose crimes have proved them to be enemies to the Union, and unworthy of public confidence.

Your committee will, perhaps, hardly be deemed excusable for extending this report further; but inasmuch as immediate and unconditional representation of the States lately in rebellion is demanded as a matter of right, and delay and even hesitation is denounced as grossly oppressive and unjust, as well as unwise and impolitic, it may not be amiss again to call attention to a few undisputed and notorious facts, and the principles of public law applicable thereto,

in order that the propriety of that claim may be fully considered and well understood.

The State of Tennessee occupies a position distinct from all the other insurrectionary States, and has been the subject of a separate report which your committee have not thought it expedient to disturb. Whether Congress shall see fit to make that State the subject of separate action, or to include it in the same category with all others, so far as concerns the imposition of preliminary conditions, it is not within the province of this committee either to determine or advise.

To ascertain whether any of the so-called Confederate States "are entitled to be represented in either house of Congress," the essential inquiry is, whether there is, in any one of them, a constituency qualified to be represented in Congress. The question how far persons claiming seats in either house possess the credentials necessary to enable them to represent a duly qualified constituency is one for the consideration of each house separately, after the preliminary question shall have been finally determined.

We now propose to re-state, as briefly as possible, the general facts and principles applicable to all the States recently in rebellion:

First. The seats of the senators and representatives from the so-called Confederate States became vacant in the year 1861, during the second session of the thirty-sixth Congress, by the voluntary withdrawal of their incumbents, with the sanction and by direction of the legislatures or conventions of their respective States. This was done as a hostile act against the Constitution and government of the United States, with a declared intent to overthrow the same by forming a southern confederation. This act of declared hostility was speedily followed by an organization of the same States into a confederacy, which levied and waged war, by sea and land, against the United States. This war continued more than four years, within which period the rebel armies besieged the national capital, invaded the loyal States, burned their towns and cities, robbed their citizens, destroyed more than 250,000 loyal soldiers, and imposed an increased national burden of not less than $3,500,000,000, of which seven or eight hundred millions have already been met and paid. From the time these confederated States thus withdrew their representation in Congress and levied war against the United States, the great mass of their people became and were insurgents, rebels, traitors, and all of them assumed and occupied the political, legal, and practical relation of enemies of the United States. This position is established by acts of Congress and judicial decisions, and is recognized repeatedly by the President in public proclamations, documents, and speeches.

Second. The States thus confederated prosecuted their war against the United States to final arbitrament, and did not cease until all their armies were captured, their military power destroyed, their civil officers, State and confederate, taken prisoners or put to flight, every vestige of State and confederate government obliterated, their territory overrun and occupied by the federal armies, and their people reduced to the condition of enemies conquered in war, entitled only by public law to such rights, privileges, and conditions as might be vouchsafed by the conqueror. This position is also established by judicial decisions, and is recognized by the President in public proclamations, documents, and speeches.

Third. Having voluntarily deprived themselves of representation in Congress for the criminal purpose of destroying the federal Union, and having reduced themselves, by the act of levying war, to the condition of public enemies, they have no right to complain of temporary exclusion from Congress; but, on the contrary, having voluntarily renounced the right to representation, and disqualified themselves by crime from participating in the government, the burden now rests upon them, before claiming to be reinstated in their former condition, to show that they are qualified to resume federal relations. In order to do this,

they must prove that they have established, with the consent of the people, republican forms of government in harmony with the Constitution and laws of the United States, that all hostile purposes have ceased, and should give adequate guarantees against future treason and rebellion—guarantees which shall prove satisfactory to the government against which they rebelled, and by whose arms they were subdued.

Fourth. Having, by this treasonable withdrawal from Congress, and by flagrant rebellion and war, forfeited all civil and political rights and privileges under the federal Constitution, they can only be restored thereto by the permission and authority of that constitutional power against which they rebelled and by which they were subdued.

Fifth. These rebellious enemies were conquered by the people of the United States, acting through all the co-ordinate branches of the government, and not by the executive department alone. The powers of conqueror are not so vested in the President that he can fix and regulate the terms of settlement and confer congressional representation on conquered rebels and traitors. Nor can he, in any way, qualify enemies of the government to exercise its law-making power. The authority to restore rebels to political power in the federal government can be exercised only with the concurrence of all the departments in which political power is vested; and hence the several proclamations of the President to the people of the Confederate States cannot be considered as extending beyond the purposes declared, and can only be regarded as provisional permission by the commander-in-chief of the army to do certain acts, the effect and validity whereof is to be determined by the constitutional government, and not solely by the executive power.

Sixth. The question before Congress is, then, whether conquered enemies have the right, and shall be permitted at their own pleasure and on their own terms, to participate in making laws for their conquerors; whether conquered rebels may change their theatre of operations from the battle-field, where they were defeated and overthrown, to the halls of Congress, and, through their representatives, seize upon the government which they fought to destroy; whether the national treasury, the army of the nation, its navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, the widows and orphans of those who perished in the war, the public honor, peace and safety, shall all be turned over to the keeping of its recent enemies without delay, and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand.

Seventh. The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. The surrender by Grant to Lee, and by Sherman to Johnston, would have been disasters of less magnitude, for new armies could have been raised, new battles fought, and the government saved. The anti-coercive policy, which, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety.

Eighth. As has been shown in this report, and in the evidence submitted, no proof has been afforded to Congress of a constituency in any one of the so-called Confederate States, unless we except the State of Tennessee, qualified to elect senators and representatives in Congress. No State constitution, or amendment to a State constitution, has had the sanction of the people. All the so-called legislation of State conventions and legislatures has been had under military dictation. If the President may, at his will, and under his own authority, whether as military commander or chief executive, qualify persons to appoint senators and elect representatives, and empower others to appoint and elect them, he thereby practically controls the organization of the legislative

department. The constitutional form of government is thereby practically destroyed, and its powers absorbed in the Executive. And while your committee do not for a moment impute to the President any such design, but cheerfully concede to him the most patriotic motives, they cannot but look with alarm upon a precedent so fraught with danger to the republic.

Ninth. The necessity of providing adequate safeguards for the future, before restoring the insurrectionary States to a participation in the direction of public affairs, is apparent from the bitter hostility to the government and people of the United States yet existing throughout the conquered territory, as proved incontestably by the testimony of many witnesses and by undisputed facts.

Tenth. The conclusion of your committee therefore is, that the so-called Confederate States are not, at present, entitled to representation in the Congress of the United States; that, before allowing such representation, adequate security for future peace and safety should be required; that this can only be found in such changes of the organic law as shall determine the civil rights and privileges of all citizens in all parts of the republic, shall place representation on an equitable basis, shall fix a stigma upon treason, and protect the loyal people against future claims for the expenses incurred in support of rebellion and for manumitted slaves, together with an express grant of power in Congress to enforce those provisions. To this end they offer a joint resolution for amending the Constitution of the United States, and the two several bills designed to carry the same into effect, before referred to.

Before closing this report, your committee beg leave to state that the specific recommendations submitted by them are the result of mutual concession, after a long and careful comparison of conflicting opinions. Upon a question of such magnitude, infinitely important as it is to the future of the republic, it was not to be expected that all should think alike. Sensible of the imperfections of the scheme, your committee submit it to Congress as the best they could agree upon, in the hope that its imperfections may be cured, and its deficiencies supplied, by legislative wisdom; and that, when finally adopted, it may tend to restore peace and harmony to the whole country, and to place our republican institutions on a more stable foundation.

W. P. FESSENDEN.
JAMES W. GRIMES.
IRA HARRIS.
J. M. HOWARD.
GEORGE H. WILLIAMS.
THADDEUS STEVENS.
JUSTIN S. MORRILL.
JNO. A. BINGHAM.
ROSCOE CONKLING.
GEORGE S. BOUTWELL.

JOINT RESOLUTION proposing an amendment to the Constitution of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely:

ARTICLE 14.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation the provisions of this article.

39TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 30, pt. 2.

# RECONSTRUCTION.

JUNE 20, 1866.—Ordered to be printed.

Mr. ROGERS, from the Select Committee on Reconstruction, submitted the following as the

# VIEWS OF THE MINORITY.

The undersigned, a minority of the joint committee of the Senate and House of Representatives, constituted under the concurrent resolution of the 13th of December, 1865, making it their duty to "inquire into the condition of the States which formed the so-called Confederate States of America, and to report whether they or any of them are entitled to be represented in either house of Congress, with leave to report by bill or otherwise," not being able to concur in the measures recommended by the majority, or in the grounds upon which they base them, beg leave to report:

In order to obtain a correct apprehension of the subject, and as having a direct bearing upon it, the undersigned think it all important clearly to ascertain what was the effect of the late insurrection upon the relations of the States where it prevailed, to the general government, and of the people collectively and individually of such States. To this inquiry they therefore first address themselves.

First, as to the States. Did the insurrection at its commencement, or at any subsequent time, legally dissolve the connexion between those States and the general government? In our judgment, so far from this being a "profitless abstraction," it is a vital inquiry. For if that connexion was not disturbed, such States during the entire rebellion were as completely component States of the United States as they were before the rebellion, and were bound by all the obligations which the Constitution imposes, and entitled to all its privileges. Was not this their condition?

The opposite view alone can justify the denial of such rights and privileges. That a State of the Union can exist without possessing them is inconsistent with the very nature of the government and terms of the Constitution. In its nature the government is formed of and by States possessing equal rights and powers. States unequal are not known to the Constitution. In its original formation perfect equality was secured. They were granted the same representation in the Senate, and the same right to be represented in the House of Representatives; the difference in the latter being regulated only by a difference in population. But every State, however small its population, was secured one representative in that branch. Each State was given the right, and the same right, to participate in the election of President and Vice-President, and all alike were secured the benefit of the judicial department. The Constitution, too, was submitted to the people of each State separately, and adopted by them in that capacity. The convention which framed it considered, as they were bound to do, each as a separate sovereignty that could not be subjected to the Constitution except by its own consent. That consent was consequently asked and given. The equality, therefore, of rights was the condition of the original

thirteen States before the government was formed, and such equality was not only not interfered with, but guaranteed to them as well in regard to the powers conferred upon the general government, as to those reserved to the States or to the people of the States.

The same equality is secured to the States which have been admitted into the Union since the constitution was adopted. In each instance the State admitted has been "declared to be one of the United States, on an *equal footing with the original States in all respects whatever.*"

The Constitution, too, so far as most of the powers it contains are concerned, operates directly upon the people in their individual and aggregate capacity, and on all alike. Each citizen, therefore, of every State owes the same allegiance to the general government, and is entitled to the same protection. The obligation of this allegiance it is not within the legal power of his State or of himself to annul or evade. It is made paramount and perpetual, and for that very reason it is equally the paramount duty of the general government to allow to the citizens of each State, and to the State, the rights secured to both, and the protection necessary to their full enjoyment. A citizen may, no doubt, forfeit such rights by committing a crime against the United States upon conviction of the same, where such forfeiture by law antecedently passed is made a part of the punishment. But a State cannot in its corporate capacity be made liable to such a forfeiture, for a State, as such, under the Constitution, cannot commit or be indicted for a crime. No legal proceeding, criminal or civil, can be instituted to deprive a State of the benefits of the Constitution, by forfeiting as against her any of the rights it secures. Her citizens, be they few or many, may be proceeded against under the law and convicted, but the State remains a State of the Union. To concede that, by the illegal conduct of her own citizens, she can be withdrawn from the Union, is virtually to concede the right of secession. For what difference does it make as regards the result whether a State can rightfully secede, (a doctrine, by-the-by, heretofore maintained by statesmen north as well as south,) or whether by the illegal conduct of her citizens she ceases to be a State of the Union? In either case the end is the same. The only difference is that by the one theory she ceases by law to be such a State, and by the other by crime, without and against law. But the doctrine is wholly erroneous. A State once in the Union must abide in it forever. She can never withdraw from or be expelled from it. A different principle would subject the Union to dissolution at any moment. It is, therefore, alike perilous and unsound.

Nor do we see that it has any support in the measures recommended by the majority of the committee. The insurrectionary States are by these measures conceded to be States of the Union. The proposed constitutional amendment is to be submitted to them as well as to the other States. In this respect each is placed on the same ground. To consult a State not in the Union on the propriety of adopting a constitutional amendment to the government of the Union, and which is necessarily to affect those States only composing the Union, would be an absurdity; and to allow an amendment which States in the Union might desire, to be defeated by the votes of States not in the Union, would be alike nonsensical and unjust. The very measure, therefore, of submitting to all the States forming the Union before the insurrection a constitutional amendment, makes the inquiry, whether all at this time are in or out of the Union, a vital one. If they are not, all should not be consulted; if they are, they should be, and should be only because they are. The very fact, therefore, of such a submission concedes that the southern States are, and never ceased to be, States of the Union.

Tested, therefore, either by the nature of our government or by the terms of the Constitution, the insurrection now happily and utterly suppressed has in no respect changed the relations of the States, where it prevailed, to the general

government. On the contrary, they are to all intents and purposes as completely States of the Union as they ever were. In further support of this proposition, if it needed any, we may confidently appeal to the fact just stated, that the very measure recommended, a constitutional amendment to be submitted to such States, furnishes such support; for, looking to and regarding the rights of the other States, such a submission has no warrant or foundation except upon the hypothesis that they are as absolutely States of the Union as any of the other States. It can never be under any circumstances a "profitless abstraction" whether under the Constitution a State is or is not a State of the Union. It can never be such an abstraction whether the people of a State once in the Union can voluntarily or by compulsion escape or be freed from the obligations it enjoins, or be deprived of the rights it confers or the protection it affords.

A different doctrine necessarily leads to a dissolution of the Union. The Constitution supposes that insurrections may exist in a State, and provides for their suppression by giving Congress the power to "call forth the militia" for the purpose. The power is not to subjugate the State within whose limits the insurrection may prevail, and to extinguish it as a State, but to preserve it as such by subduing the rebellion, by acting on the individual persons engaged in it, and not on the State at all. The power is altogether conservative; it is to protect a State, not to destroy it; to prevent her being taken out of the Union by individual crime, not in any contingency to put her out or keep her out.

The continuance of the Union of all the States is necessary to the intended existence of the government. The government is formed by a constitutional association of States, and its integrity depends on the continuance of the entire association. If one State is withdrawn from it by any cause, to that extent is the Union dissolved. Those that remain may exist as a government, but it is not the very government the Constitution designs. That consists of all, and its character is changed and its power is diminished by the absence of any one.

A different principle leads to a disintegration that must sooner or later result in the separation of all, and the consequent destruction of the government. To suppose that a power to preserve may, at the option of the body to which it is given, be used to destroy, is a proposition repugnant to common sense; and yet, as the late insurrection was put down by means of that power, that being the only one conferred upon Congress to that end, that proposition is the one on which alone it can be pretended that the southern States are not in the Union now as well as at first.

The idea that the war power, as such, has been used, or could have been used, to extinguish the rebellion is, in the judgment of the undersigned, utterly without foundation. That power was given for a different contingency—for the contingency of a conflict with other governments, an international conflict. If it had been thought that that power was to be resorted to to suppress a domestic strife, the words "appropriate to that object" would have been used. But so far from this having been done, in the same section that confers it an express provision is inserted to meet the exigency of a domestic strife, or insurrection. To subdue that, authority is given to call out the militia. Whether, in the progress of the effort to suppress an insurrection, the rights incident to war as between the United States and foreign nations may not arise, is a question which in no way changes the character of the contest as between the government and the insurrectionists. The exercise of such rights may be found convenient, or become necessary for the suppression of the rebellion, but the character of the conflict is in no way changed by a resort to them. That remains, as at first, and must from its very nature during its continuance remain, a mere contest in which the government seeks, and can only seek, to put an end to the rebellion. That achieved, the original condition of things is at once restored. Two judicial decisions have been made, by judges of eminent and unquestioned ability, which fully sustain our view. In one, that of the Amy Warbick, before the United

States district court of Massachusetts, Judge Sprague, referring to the supposed effect of the belligerent rights which it was conceded belonged to the government during the rebellion, by giving it, when suppressed, the rights of conquest, declared:

"It has been supposed that if the government have the right of a belligerent, then, after the rebellion is suppressed, it will have the rights of conquest; that a State and its inhabitants may be permanently divested of all political advantages, and treated as foreign territory conquered by arms. This is an error, a grave and dangerous error. Belligerent rights cannot be exercised where there are no belligerents. Conquest of a foreign country gives absolute, unlimited sovereign rights, but no nation ever makes such a conquest of its own territory. If a hostile power, either from without or within, takes and holds possession and dominion over any portion of its territory, and the nation, by force of arms, expel or overthrow the enemy, and suppresses hostilities, it acquires no new title, and merely regains the possession of that of which it has been temporarily deprived. The nation acquires no new sovereignty, but merely maintains its previous rights.

"When the United States take possession of a rebel district, they merely vindicate their pre-existing title. Under despotic governments confiscation may be unlimited, but under our government *the right of sovereignty over any portion of a State is given and limited by the Constitution*, and will be the same after the war as it was before."

In the other, an application for habeas corpus to Mr. Justice Nelson, one of the judges of the Supreme Court of the United States, by James Egan, to be discharged from an imprisonment to which he had been sentenced by a military commission in South Carolina, for the offence of murder alleged to have been committed in that State, and the discharge was ordered, and in an opinion evidently carefully prepared, among other things, said:

"For all that appears, the civil local courts of the State of South Carolina were in the full exercise of their judicial functions at the time of this trial, as restored by the suppression of the rebellion, some seven months previously, and by the revival of the laws and the reorganization of the State in obedience to, and in conformity with, its constitutional duties to the Union. Indeed, long previous to this the provisional government had been appointed by the President, who is commander-in-chief of the army and navy of the United States, (and whose will under martial law constituted the only rule of action,) for the special purpose of changing the existing state of things, and restoring the civil government over the people. In operation of this appointment, a new constitution had been formed, a governor and legislature elected under it, *and the State placed in the full enjoyment, or entitled to the full enjoyment, of all her constitutional rights and privileges.* The constitutional laws of the Union were thereby enjoyed and obeyed, and were as authoritative and binding over the people of the State as in any other portion of the country. Indeed, the moment the rebellion was suppressed, and the government growing out of it subverted, *the ancient laws resumed their accustomed sway, subject only to the new reorganization by the appointment of the proper officer to give them operation and effect.* This organization and appointment of the public functionaries, which was under the superintendence and direction of the President, the commander-in-chief of the army and navy of the country, and who, as such, had previously governed the State, from imperative necessity, by the force of martial law, had already taken place, and the necessity no longer existed."

This opinion is the more authoritative than it might possibly be esteemed otherwise, from its being the first elaborate statement of the reasons which governed the majority of the Supreme Court at the last term, in their judgment in the case of Milligan and others, that military commissions for the trial of civilians are not constitutional. Mr. Justice Nelson was one of that majority, and

of course was advised of the grounds of their decision. We submit that nothing could be more conclusive in favor of the doctrine for which they are cited, than these judgments. In the one the proposition of conquest of a State as a right under the war to suppress the insurrection is not only repudiated by Judge Sprague, but, because of the nature of our government, is considered to be legally impossible. "The right of sovereignty over any portion of a State will," he tells us, "only be the same after the war as it was before. In the other we are told "that the suppression of the rebellion restores the courts of the State, and that when her government is reorganized she at once is "in the full enjoyment, or entitled to the full enjoyment, of all her constitutional rights and privileges."

Again, a contrary doctrine is inconsistent with the obligation which the government is under to each citizen of a State. Protection to each is a part of that obligation—protection not only as against a foreign, but a domestic foe. To hold that it is in the power of any part of the people of a State, whether they constitute a majority or minority, by engaging in insurrection and adopting any measure in its prosecution to make citizens who are not engaged in it, but opposed to it, enemies of the United States, having no right to the protection which the Constitution affords to citizens who are true to their allegiance, is as illegal as it would be flagrantly unjust. During the conflict the exigency of the strife may justify a denial of such protection, and subject the unoffending citizen to inconvenience or loss; but the conflict over the exigency ceases, and the obligation to afford him all the immunities and advantages of the Constitution, one of which is the right to be represented in Congress, becomes absolute and imperative. A different rule would enable the government to escape a clear duty, and to commit a gross violation of the Constitution. It has been said that the Supreme Court have entertained a different doctrine in the prize cases. This, in the judgment of the undersigned, is a clear misapprehension. One of the questions in those cases was, whether in such a contest as was being waged for the extinguishment of the insurrection, belligerent rights, as *between the United States and other nations*, belonged to the former. The court properly held that they did; but the parties engaged in the rebellion were designated as traitors, and liable to be tried as traitors when the rebellion should terminate. If the Confederate States, by force of insurrection, became foreign States and lost their character as States of the Union, then the contest was an international one, and treason was no more committed by citizens of the former against the latter than by those of the latter against the former. Treason necessarily assumes allegiance to the government, and allegiance necessarily assumes a continuing obligation to the government. Neither predicament was true, except upon the hypothesis that the old state of things continued. In other words, that the States, notwithstanding the insurrection, were continuously, and are now, States of the United States, and their citizens responsible to the Constitution and the laws. Second, what is there, then, in the present political condition of such States that justifies their exclusion from representation in Congress? Is it because they are without organized governments, or without governments republican in point of form? In fact, we know that they have governments completely organized with legislative, executive and judicial functions. We know that they are now in successful operation; no one within their limits questions their legality, or is denied their protection. How they were formed, under what auspices they were formed, are inquiries with which Congress has no concern. The right of the people of a State to form a government for themselves has never been questioned. In the absence of any restriction that right would be absolute, any form could be adopted that they might determine upon. The Constitution imposes but a single restriction—that the government adopted shall be "of a republican form," and this is done in the obligation to guarantee every State such a form. It gives no power to frame a constitution for a State. It

operates alone upon one already formed by the State. In the words of the Federalist, (No. 44,) "it supposes a pre-existing government of the form which is to be guaranteed." It is not pretended that the existing governments of the States in question are not of the required form. The objection is that they were not legally established. But it is confidently submitted that that is a matter with which Congress has nothing to do. The power to establish or modify a State government belongs exclusively to the people of the State. When they shall exercise it, how they shall exercise it, what provisions it shall contain, it is their exclusive right to decide, and when decided, their decision is obligatory upon everybody, and independent of all congressional control if such government be *republican*. To convert an obligation of guarantee into an authority to interfere in any way in the formation of the government to be guaranteed is to do violence to language. If it be said that the President did illegally interfere in the organization of such governments, the answers are obvious. First. If it was true, if the people of such States not only have not but do not complain of it, but, on the contrary, have pursued his advice, and are satisfied with and are living under the governments they have adopted, and those governments are republican in form, what right has Congress to interfere or deny their legal existence? Second. Conceding, for argument's sake, that the President's alleged interference was unauthorized, does it not, and for the same reason, follow that any like interference by Congress would be equally unauthorized? A different view is not to be maintained because of the difference in the nature of the powers conferred upon Congress and the President, the one being legislative and the other executive; for it is equally, and upon the same ground, beyond the scope of either to form a government for the people of a State once in the Union, or to expel such a State from the Union, or to deny, temporarily or permanently, the rights which belong to a State and her people under the Constitution.

Congress may admit new States, but a State once admitted ceases to be within its control, and can never again be brought within it. What changes her people may at any time think proper to make in her constitution is a matter with which neither Congress nor any department of the general government can interfere, unless such changes make the State government anti-republican, and then it can only be done under the obligation to guarantee that it be republican. Whatever may be the extent of the power conferred upon Congress in the 3d section, article 4, of the Constitution, to admit new States—in what manner and to what extent they can, under that power, interfere in the formation and character of the Constitution of such States preliminary to admission into the Union, no one has ever pretended that when that is had, the State can again be brought within its influence. The power is exhausted when once executed, the subject forthwith passing out of its reach. The State admitted, like the original thirteen States, becomes at once and forever independent of congressional control. A different view would change the entire character of the government as its framers and their contemporaries designed and understood it to be. They never intended to make the State governments subordinate to the general government. Each was to move supreme within its own orbit; but as each would not alone have met the exigencies of a government adequate to all the wants of the people, the two, in the language of Mr. Jefferson, constituted "co-ordinate departments of one single and integral whole;" the one having the power of legislation and administration "in affairs which concerned their own citizens only;" the other, "whatever concerned foreigners, or citizens of other States." Within their respective limits each is paramount. The States, as to all powers not delegated to the general government, are as independent of that government as the latter, in regard to all powers that are delegated to it, is independent of the governments of the States. The proposition, then, that Congress can, by force or otherwise, under the war or insurrectionary or any other power, expel a State from the

Union, or reduce it to a territorial condition and govern it as such, is utterly without foundation. The undersigned deem it unnecessary to examine the question further. They leave it upon the observations submitted, considering it perfectly clear that States, notwithstanding occurring insurrections, continue to be States of the Union.

Thirdly. If this is so, it necessarily follows that the rights of States under the Constitution, as originally possessed and enjoyed by them, are still theirs; and those they are now enjoying, as far as they depend upon the executive and judicial departments of the government. By each of these departments they are recognized as States. By the one, all officers of the government required by law to be appointed in such States have been appointed, and are discharging, without question, their respective functions. By the other they are, as States, enjoying the benefit, and subjected to the powers of that department; a fact conclusive to show that, in the estimation of the judiciary, they are, as they were at first, States of the Union, bound by the laws of the Union, and entitled to all the rights incident to that relation. And yet, so far they are denied that right which the Constitution properly esteems as the security of all the others—that right, without which government is anything but a republic—is indeed but a tyranny—the right of having a voice in the legislative department, whose laws bind them in person and in property—this, it is submitted, is a state of things without example in a representative republican government; and Congress, as long as it denies this right, is a mere despotism. Citizens may be made to submit to it by force, or dread of force, but a fraternal spirit and good feeling toward those who impose it, so important to the peace and prosperity of the country, are not to be hoped for, but rather unhappiness, dissatisfaction, and enmity. There is but one ground on which such conduct can find any excuse—a supposed public necessity; the peril of destruction to which the government would be subjected, if the right was allowed. But for such a supposition there is not, in the opinion of the undersigned, even a shadow of foundation.

The representatives of the States in which there was no insurrection, if the others were represented, would in the House, under the present apportionment, exceed the latter by a majority of seventy-two votes, and have a decided preponderance in the Senate. What danger to the government, then, can possibly arise from southern representation? Are the present senators and representatives fearful of themselves? Are they apprehensive that they might be led to the destruction of our institutions by the persuasion or any other influence of southern members? How disparaging to themselves is such an apprehension. Are they apprehensive that those who may succeed them from their respective States may be so fatally led astray? How disparaging is that supposition to the patriotism and wisdom of their constituents. Whatever effect on mere party success in the future such a representation may have we shall not stop to inquire. The idea that the country is to be kept in turmoil, States to be reduced to bondage, and their rights under the Constitution denied, and their citizens degraded, with a view to the continuance in power of a mere political party, cannot for a moment be entertained without imputing gross dishonesty of purpose and gross dereliction of duty to those who may entertain it. Nor do we deem it necessary to refer particularly to the evidence taken by the committee to show that there is nothing in the present condition of the people of the southern States that even excuses on that ground a denial of representation to them. We content ourselves with saying that in our opinion the evidence most to be relied upon, whether regarding the character of the witnesses or their means of information, shows that representatives from the southern States would prove perfectly loyal. We specially refer for this only to the testimony of Lieutenant General Grant. His loyalty and his intelligence no one can doubt. In his letter to the President of the 18th of December, 1865, after he had recently visited South Carolina, North Carolina, and Georgia, he says:

"*Both in travelling and while stopping, I saw much and conversed freely with the citizens of those States, as well as with officers of the army who have been among them.* The following are the conclusions come to by me:

"I am satisfied that *the mass of thinking men of the south accept the present situation of affairs in good faith.* The questions which have heretofore divided the sentiments of the people of the two sections—slavery and State rights, or the right of a State to secede from the Union—they regard as having been settled forever by the highest tribunal, arms, that man can resort to. *I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but that now the smoke of battle has cleared away and time has been given for reflection, that this decision has been a fortunate one for the whole country,* they receiving the like benefits from it with those who opposed them in the field and in the cause." * * * * * *

"My observations lead me to the conclusion that the citizens of the southern States *are anxious to return to self-government within the Union* as soon as possible; that while reconstructing, they *want and require protection from the government; that they are in earnest in wishing to do what they think is required by the government, not humiliating to them as citizens,* and that if such a course was pointed out they would pursue it in good faith. *It is to be regretted that there cannot be a greater commingling at this time between the citizens of the two sections, and particularly of those intrusted with the law-making power.*"

Secession, as a practical doctrine ever hereafter to be resorted to, is almost utterly abandoned. It was submitted to and failed before the ordeal of battle. Nor can the undersigned imagine why, if its revival is anticipated as possible, the committee have not recommended an amendment to the Constitution guarding against it in terms. Such an amendment, it cannot be doubted, the southern as well as northern States would cheerfully adopt. The omission of such a recommendation is pregnant evidence that secession, as a constitutional right, is thought by the majority of the committee to be, practically, a mere thing of the past, as all the proof taken by them shows it to be, in the opinion of all the leading southern men who hitherto entertained it. The desolation around them, the hecatombs of their own slain, the stern patriotism of the men of the other States, exhibited by unlimited expenditure of treasure and of blood, and their love of the Union so sincere and deep-seated that it is seen they will hazard all to maintain it, have convinced the south that as a practical doctrine secession is extinguished forever. State secession, then, abandoned, and slavery abolished by the southern States themselves, or with their consent, upon what statesmanlike ground can such States be denied all the rights which the Constitution secures to States of the Union? All admit that to do so at the earliest period is demanded by every consideration of duty and policy, and none deny that the actual interest of the country is to a great extent involved in such admission. The staple productions of the southern States are as important to the other States as to themselves. Those staples largely enter into the wants of all alike, and they are also most important to the financial credit of the government. Those staples will never be produced as in the past until real peace, resting, as it can alone rest, on the equal and uniform operation of the Constitution and laws on all, is attained. To suppose that a brave and sensitive people will give an undivided attention to the increase of mere material wealth while retained in a state of political inferiority and degradation is mere folly. They desire to be again in the Union, to enjoy the benefits of the Constitution, and they invoke you to receive them. They have adopted constitutions free from any intrinsic objection, and have agreed to every stipulation thought by the President to be necessary for the protection and benefit of all, and in the opinion of the undersigned they are amply sufficient. Why exact, as a preliminary condition to representation, more? What more are supposed to be necessary? First, the repudiation of the rebel debt; second, the denial of all obligation to pay for manumit-

ted slaves; third, the inviolability of our own debt. If these provisions are deemed necessary, they cannot be defeated, if the south were disposed to defeat them, by the admission into Congress of their representatives. Nothing is more probable, in the opinion of the undersigned, than that many of the southern States would adopt them all; but those measures the committee connect with others which we think the people of the south will never adopt. They are asked to disfranchise a numerous class of their citizens, and also to agree to diminish their representation in Congress, and of course in the electoral college, or to admit to the right of suffrage their colored males of twenty-one years of age and upwards, (a class now in a condition of almost utter ignorance,) thus placing them on the same political footing with white citizens of that age. For reasons so obvious that the dullest may discover them, the right is not directly asserted of granting suffrage to the negro. That would be obnoxious to most of the northern and western States, so much so that their consent was not to be anticipated; but as the plan adopted, because of the limited number of negroes in such States, will have no effect on their representation, it is thought it may be adopted, while in the southern States it will materially lessen their number. That these latter States will assent to the measure can hardly be expected. The effect, then, if not the purpose, of the measure is forever to deny representatives to such States, or, if they consent to the condition, to weaken their representative power, and thus, probably, secure a continuance of such a party in power as now control the legislation of the government. The measure, in its terms and its effect, whether designed or not, is to degrade the southern States. To consent to it will be to consent to their own dishonor.

The manner, too, of presenting the proposed constitutional amendment, in the opinion of the undersigned, is impolitic and without precedent. The several amendments suggested have no connexion with each other; each, if adopted, would have its appropriate effect if the others were rejected; and each, therefore, should be submitted as a separate article, without subjecting it to the contingency of rejection if the States should refuse to ratify the rest. Each by itself, if an advisable measure should be submitted to the people, and not in such a connexion with those which they may think unnecessary or dangerous as to force them to reject all. The repudiation of the rebel debt, and all obligation to compensate for the loss of slave property, and the inviolability of the debts of the government, no matter how contracted, provided for by some of the sections of the amendment, we repeat, we believe would meet the approval of many of the southern States; but these no State can sanction without sanctioning others, which we think will not be done by them or by some of the northern States. To force negro suffrage upon any State by means of the penalty of a loss of part of its representation will not only be to impose a disparaging condition, but virtually to interfere with the clear right of each State to regulate suffrage for itself without the control of the government of the United States. Whether that control be exerted directly or indirectly, it will be considered, as it is a fatal blow to the right which every State in the past has held vital, the right to regulate her franchise.

To punish a State for not regulating it in a particular way, so as to give to all classes of the people the privilege of suffrage, is but seeking to accomplish incidentally what, if it should be done at all, should be done directly. No reason, in the view of the undersigned, can be suggested for the course adopted, other than a belief that such a direct interference would not be sanctioned by the northern and western States, while, as regards such States, the actual recommendation, because of the small proportion of negroes within their limits, will not in the least lessen their representative power in Congress or their influence in the presidential election, and they may therefore sanction it. This very inequality in its operation upon the States renders the measure, in our opinion, most unjust, and, looking to the peace and quiet of the country, most impolitic. But

the mode advised is also not only without but against all precedent. When the constitution was adopted it was thought to be defective in not sufficiently protecting certain rights of the States and the people. With the view of supplying a remedy for this defect, on the 4th March, 1789, various amendments by a resolution constitutionally passed by Congress were submitted for ratification to the States. They were twelve in number. Several of them were even less independent of each other than are those recommended by the committee. But it did not occur to the men of that day that it was right to force the States to adopt or reject all. Each was, therefore, presented as a separate article. The language of the resolution was, "that the following articles be proposed to the legislatures of the several States as amendments of the Constitution of the United States, ALL OR ANY OF WHICH ARTICLES, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as parts of the Constitution. The Congress of that day was willing to obtain either of the submitted amendments—to get a part, if not able to procure the whole. They thought (and in that we submit they but conformed to the letter and spirit of the amendatory clause of the Constitution,) that the people have the right to pass severally on any proposed amendments. This course of our fathers is now departed from, and the result will probably be that no one of the suggested amendments, though some may be approved, will be ratified. This will certainly be the result unless the States are willing practically to relinquish the right they have always enjoyed, never before questioned by any recognized statesman, and all-important to their interest and security—the right to regulate the franchise in all their elections.

There are, too, some general considerations that bear on the subject, to which we will now refer.

First. One of the resolutions of the Chicago convention, by which Mr. Lincoln was first nominated for the presidency, says, "that the maintenance inviolate of *the rights of the States* is essential to the balance of power on which the prosperity and endurance of our political fabric depend." In his inaugural address of 4th March, 1861, which received the almost universal approval of the people, among other things he said, "*no State of its own mere motion can lawfully get out of the Union;*" and that, "in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States."

Second. Actual conflict soon afterwards ensued. The south, it was believed, misapprehended the purpose of the government in carrying it on, and Congress deemed it important to dispel that misapprehension by declaring what the purpose was. This was done in July, 1861, by their passing the following resolution, offered by Mr. Crittenden: "That in this national emergency, Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged, upon our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease." The vote in the House was 119 for and 2 against it, and in the Senate 30 for and 5 against it. The design to conquer or subjugate, or to curtail or interfere in any way with the rights of the States, is in the strongest terms thus disclaimed, and the only avowed object asserted to be "to defend and maintain the spirit of the Constitution, and to preserve the Union AND THE DIGNITY, EQUALITY, AND RIGHTS OF THE SEVERAL STATES UNIMPAIRED." Congress, too, by the act of 13th July, 1861, empowered the President to declare, by proclamation, "that the inhabitants of such State or States where the insurrection existed are in a state of insurrection against the United States,"

and thereupon to declare that "all commercial intercourse by and between the same, by the citizens thereof and the citizens of the United States, shall cease and be unlawful *so long as such condition of hostility shall continue.*" Here, also, Congress evidently deals with the States as being in the Union and to remain in the Union. It seeks to keep them in by forbidding commercial intercourse between their citizens and the citizens of the other States so long, and so long *only*, as *insurrectionary hostility shall continue.* That ended, they are to be, as at first, entitled to the same intercourse with citizens of other States that they enjoyed before the insurrection. In other words, in this act, as in the resolution of the same month, the dignity, equality, and rights of such States (the insurrection ended) were not to be held in any respect impaired. The several proclamations of amnesty issued by Mr. Lincoln and his successor under the authority of Congress are also inconsistent with the idea that the parties included within them are not to be held, in the future, restored to all rights belonging to them as citizens of their respective States. A power to pardon is a power to restore the offender to the condition in which he was before the date of the offence pardoned.

It is now settled that a pardon removes not only the punishment, but *all* the legal disabilities consequent on the crime. (7 Bac A. B. Tit. Par.) Bishop on Criminal Law (vol. 1, p. 713) states the same doctrine. The amnesties so declared would be but false pretences if they were, as now held, to leave the parties who have availed themselves of them in almost every particular in the condition they would have been in if they had rejected them. Such a result, it is submitted, would be a foul blot on the good name of the nation. Upon the whole, therefore, in the present state of the country, the excitement which exists, and which may mislead legislatures already elected, we think that the matured sense of the people is not likely to be ascertained on the subject of the proposed amendment by its submission to existing State legislatures. If it should be done at all, the submission should either be to legislatures hereafter to be elected, or to conventions of the people chosen for the purpose. Congress may select either mode, but they have selected neither. It may be submitted to legislatures already in existence, whose members were heretofore elected with no view to the consideration of such a measure; and it may consequently be adopted, though a majority of the people of the States disapprove of it. In this respect, if there were no other objections to it, we think it most objectionable.

Whether regard be had to the nature or the terms of the Constitution, or to the legislation of Congress during the insurrection, or to the course of the judicial department, or to the conduct of the executive, the undersigned confidently submit that the southern States are States in the Union, and entitled to every right and privilege belonging to the other States. If any portion of their citizens be disloyal, or are not able to take any oath of office that has been or may be constitutionally prescribed, is a question irrespective of the right of the States to be represented. Against the danger, whatever that may be, of the admission of disloyal or disqualified members into the Senate or House, it is in the power of each branch to provide against by refusing such admission. Each by the Constitution is made the judge of the election returns and qualifications of its own members. No other department can interfere with it. Its decision concludes all others. The only corrective, when error is committed, consists in the responsibility of the members to the people. But it is believed by the undersigned to be the clear duty of each house to admit any senator or representative who has been elected according to the constitutional laws of the State, and who is able and willing to subscribe the oath required by constitutional law.

It is conceded by the majority that "it would undoubtedly be competent for Congress to waive all formalities, and to admit those Confederates States at once, trusting that time and experience would set all things right." It is not, therefore, owing to a want of constitutional power that it is not done. It is not because

such States are not States with republican forms of government. The exclusion must therefore rest on considerations of safety or of expediency alone. The first, that of safety, we have already considered, and, as we think, proved it to be without foundation. Is there any ground for the latter expediency? We think not. On the contrary, in our judgment their admission is called for by the clearest expediency. Those States include a territorial area of 850,000 square miles, an area larger than that of five of the leading nations of Europe. They have a coast line of 3,000 miles, with an internal water line, including the Mississipi, of about 36,000 miles. Their agricultural products in 1850 were about $560,000,000 in value, and their population 9,664,656. Their staple productions are of immense and growing importance and are almost peculiar to that region. That the north is deeply interested in having such a country and people restored to all the rights and privileges that the Constitution affords, no sane man, not blinded by mere party considerations, or not a victim of disordering prejudice, can for a moment doubt. Such a restoration is also necessary to the peace of the country. It is not only important but vital to the potential wealth of which that section of our country is capable, that cannot otherwise be fully developed. Every hour of illegal political restraint, every hour the possession of the rights the Constitution gives is denied, is not only in a political, but a material sense, of great injury to the north as well as to the south. The southern planter works for his northern brethren as well as for himself. His labors heretofore inured as much if not more to their advantage than to his. Whilst harmony in the past between the sections gave to the whole a prosperity, a power, and a renown of which every citizen had reason to be proud, the restoration of such harmony will immeasurably increase them all. Can it, will it be restored as long as the south is kept in political and dishonoring bondage? and can it not, will it not be restored by an opposite policy? By admitting her to all the rights of the Constitution, and by dealing with her citizens as equals and as brothers, not as inferiors and enemies, such a course as this will, we are certain, soon be seen to bind them heart and soul to the Union, and inspire them with confidence in its government by making them feel that all enmity is forgotten, and that justice is being done to them. The result of such a policy, we believe, will at once make us in very truth one people, as happy, as prosperous, and as powerful as ever existed in the tide of time; while its opposite cannot fail to keep us divided, injuriously affect the particular and general welfare of citizen and government, and, if long persisted in, result in danger to the nation. In the words of an eminent British whig statesman, now no more, "A free constitution and large exclusions from its benefit cannot subsist together; the constitution will destroy them, or they will destroy the constitution." It is hoped that, heeding the warning, we will guard against the peril by removing its cause.

The undersigned have not thought it necessary to examine into the legality of the measures adopted, either by the late or the present President, for the restoration of the southern States. It is sufficient for their purpose to say that, if those of President Johnson were not justified by the Constitution, the same may at least be said of those of his predecessor. We deem such an examination to be unnecessary, because, however it might result, the people of the several States who possessed, as we have before said, the exclusive right to decide for themselves what constitutions they should adopt, have adopted those under which they respectively live. The motives of neither President, however, whether the measures were legal or not, are liable to censure. The sole object of each was to effect a complete and early union of all the States; to make the general government, as it did at first, embrace all, and to extend its authority and secure its privileges and blessings to all alike. The purity of motive of President Johnson in this particular, as was to have been expected, is admitted by the majority of the committee to be beyond doubt; for, whatever was their

opinion of the unconstitutionality of his course and its tendency to enlarge the executive power, they tell us that they "do not, for a moment, impute to him any such design, but cheerfully concede to him the most patriotic motives." And we cannot forbear to say, in conclusion, upon that point, that he sins against light, and closes his eyes to the course of the President during the rebellion, from its inception to its close, who ventures to impeach his patriotism. Surrounded by insurrectionists he stood firm. His life was almost constantly in peril, and he clung to the Union, and discharged all the obligations it imposed upon him, even the closer because of the peril. And now that he has escaped unharmed, and by the confidence of the people has had devolved upon him the executive functions of the government, to charge him with disloyalty is either a folly or a slander: folly in the fool who believes it; slander in the man of sense, if any such there be, who utters it.

REVERDY JOHNSON.
A. J. ROGERS.
HENRY GRIDER.

# PART I.

# TENNESSEE.

## SUB-COMMITTEE.

Mr. JAMES W. GRIMES, (of Iowa,) United States Senate.
Mr. JOHN A. BINGHAM, (of Ohio,) House of Representatives.
Mr. HENRY GRIDER, (of Kentucky,) House of Representatives.

Mr. BINGHAM, from the Committee on Reconstruction, reported the following joint resolution:

JOINT RESOLUTION concerning the State of Tennessee.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That whereas the people of Tennessee have made known to the Congress of the United States their desire that the constitutional relations heretofore existing between them and the United States may be fully established, and did, on the twenty-second day of February, eighteen hundred and sixty-five, by a large popular vote, adopt and ratify a constitution of government, republican in form and not inconsistent with the Constitution and laws of the United States, and a State government has been organized under the provisions thereof, which said provisions, and the laws passed in pursuance thereof, proclaim and denote loyalty to the Union; and whereas the people of Tennessee are found to be in a condition to exercise the functions of a State within this Union, and can only exercise the same by the consent of the law-making power of the United States: Therefore, the State of Tennessee is hereby declared to be one of the United States of America, on an equal footing with the other States, upon the express condition that the people of Tennessee will maintain and enforce, in good faith, their existing constitution and laws, excluding those who have been engaged in rebellion against the United States from the exercise of the elective franchise, for the respective periods of time therein provided for, and shall exclude the same persons for the like respective periods of time from eligibility to office; and the State of Tennessee shall never assume or pay any debt or obligation contracted or incurred in aid of the late rebellion; nor shall said State ever in any manner claim from the United States or make any allowance or compensation for slaves emancipated or liberated in any way whatever; which conditions shall be ratified by the legislature of Tennessee, or the people thereof, as the legislature may direct, before this act shall take effect.

# RECONSTRUCTION — TENNESSEE.

## MEMORIAL

OF

## CITIZENS OF TENNESSEE,

PRAYING

*That the present State organization of Tennessee may be recognized and its perpetuity guaranteed.*

FEBRUARY 13, 1866.—Referred to the Joint Select Committee on Reconstruction.
MARCH 5, 1866.—Reported from the Select Committee on Reconstruction, ordered to be printed, and recommitted to the Committee on Reconstruction.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The undersigned, citizens of the United States and of the State of Tennessee, beg leave, respectfully, to represent that by the operations of the recent rebellion the governing officers of their State abdicated their respective posts, and left the government without agents to carry it on. In this attitude of affairs one of our citizens, Andrew Johnson, was, on the 3d of March, 1862, by the President of the United States, appointed military governor of the State, which office he continued to hold until the 3d of March, 1865.

To remedy this state of things, the loyal people of the State, by their delegates, on the 8th of January, 1865, assembled in convention at the capitol, in the city of Nashville, "to take such steps as wisdom might direct to restore the the State of Tennessee to its once honored status in the great national Union."

Certain amendments were proposed to our admirable State constitution, made necessary, in the opinion of the convention, by the altered relations of slavery, and by the action of persons engaged in the rebellion, who had temporarily usurped the machinery of the State government, and by the vacancy of the several State offices, for the filling of which there was no present provision of law. These amendments the convention submitted to the vote of their constituents on the 22d of February, 1865, and they were by them adopted. While this proceeding met with the concurrence and co-operation of the military governor, it was the spontaneous action of the loyal people themselves.

Having thus provided for the reorganization of the government under her pre-existing constitution so amended, the work was completed by the election of a governor and legislature on the 4th of March following, who, on the 3d of April, entered upon the duties of their respective offices.

A copy of the several amendments, incorporated into the organic law of the State, and the proceedings of the legislature at its first session, certified officially by the secretary of State, and published by authority, is herewith appended and adopted as a part of this statement.

The government so organized has had unresisted and uninterrupted jurisdiction of the State ever since.

The undersigned respectfully submit that the said government is republican in form as well as in spirit, and they ask that the same be recognized and its perpetuity guaranteed as the true and proper government of the State of Tennessee, entitled to the same immunities, functions, and prerogatives as the State enjoyed by virtue of an act of Congress approved on the 1st day of June, 1796, until her relations with the government were disturbed by the treason of a portion of her citizens.

EDW'D COOPER,
HORACE MAYNARD,
JNO. W. LEFTWICH,
W. B. STOKES.

FEBRUARY 13, 1866.

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## ACTS OF THE STATE OF TENNESSEE, PASSED AT THE FIRST SESSION OF THE THIRTY-FOURTH GENERAL ASSEMBLY, FOR THE YEAR 1865.

[Published by authority.]

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NUMBER LXIV.—Joint resolution congratulatory at the appointment of Major General Thomas to this military division.

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## INTRODUCTORY DOCUMENTS.

The following papers embrace the commission of Hon. Andrew Johnson as military governor of Tennessee, from the War Department at Washington; his instructions from President Lincoln, in accordance with the 4th section of the 4th article of the federal Constitution; the call of the Executive Union Committee of the State for a State convention, to meet December 19, 1864, at the State capitol; and the call of the same committee for a postponed meeting of the same convention, to meet January 8, 1865, said postponement being rendered necessary in consequence of the siege of Nashville by the rebel army; the alterations and amendments to the State constitution, proposed to the people of Tennessee by that convention, with the accompanying resolutions of that body; the proclamation of Governor Johnson authorizing the opening of the polls throughout the State for the ratification or rejection of said amendments and alterations to the constitution; and the final proclamation of Governor Johnson, declaring said amendments and alterations to be legally adopted as a part of the constitution by formal ratification of the loyal voters of the State

APPOINTMENT OF ANDREW JOHNSON AS MILITARY GOVERNOR OF TENNESSEE BY THE PRESIDENT.

WAR DEPARTMENT, *March* 3, 1862.

*To the Hon. Andrew Johnson:*

SIR: You are hereby appointed 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, tribunals, &c.

EDWIN M. STANTON,
*Secretary of War.*

EXECUTIVE MANSION,
*Washington, D. C., September* 19, 1863.

You are hereby authorized to exercise such powers as may be necessary and proper to enable the loyal people of Tennessee to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and to be protected under such State government by the United States against invasion and domestic violence. All according to the 4th section of the 4th article of the Constitution of the United States.

ABRAHAM LINCOLN.

Hon. ANDREW JOHNSON,
*Military Governor of Tennessee.*

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The following call was published by a committee of Union men in Middle Tennessee. Similar calls were published by Union committees in East and West Tennessee:

*To the Union men of Middle Tennessee:*

The executive committee of Middle Tennessee take this opportunity of requesting the Union men of the middle division of the State to appoint delegates to the convention at Nashville on the 19th of December. The people of East and West Tennessee will be here; it is our duty to meet them. 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.

The dignity of men descended from a race of freemen and heroes, the maintenance of your rights and the interests of your children, all call upon you to act as brave and true men. Come forth in your strength to assert your rights and to organize the loyal sentiment of Tennessee.

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.

LEWIS TILLMAN,
WM. SPENCE,
M. M. BRIEN,
A. V. S. LINDSLEY,
JOS. S. FOWLER,
*Executive Committee Middle Tennessee.*

The presence of the rebel army around Nashville prevented the convention from assembling, and the following call was made accordingly:

NASHVILLE, *December* 19, 1864.

*To the Union men of Tennessee:*

The executive committee of Middle Tennessee have selected the 8th of January, 1865, for the meeting of the State convention at Nashville.

As the anniversary of the battle of New Orleans, the 8th day of January, occurs on Sunday, the convention will not assemble until the 9th.

The committees in East and West Tennessee are requested to make a similar announcement in their respective districts.

M. M. BRIEN,
WM. SPENCE,
LEWIS TILLMAN,
A. V. S. LINDSLEY,
JOS. S. FOWLER,
*Executive Committee Middle Tennessee.*

DECEMBER 5, 1864.

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The convention met and proposed the following alterations and amendmen to the State constitution:

PROPOSED ALTERATIONS AND AMENDMENTS TO THE CONSTITUTION.

Whereas 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 free 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," we, the people of the State of Tennessee and of the United States of America in convention assembled, do propound the following alterations and 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.

ARTICLE I.

SECTION 1. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

SEC. 2 The legislature shall make no law recognizing the right of property in man.

SCHEDULE.

SECTION 1. Section 31 of the second article of the constitution, which is as follows, "The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners," is hereby abrogated.

SEC. 2. "The declaration of independence and ordinance dissolving the federal relations between the State of Tennessee and the United States of America," passed and promulgated by the legislature of Tennessee on the 6th day of May, 1861, by which the State was declared separated from the federal Union, and all laws and ordinances by which Tennessee became a member of the federal Union, annulled and abrogated, was in like manner an act of treason and usurpation, unconstitutional, null and void.

SEC. 3. The convention, agreement, and military league entered into by the commissioners of the State of Tennessee and the commissioners of the so-called

Confederate States of America, made May 7, 1861, and on the same day ratified and confirmed by the legislature, was an act of treason and usurpation, unconstitutional, null and void.

SEC. 4. No statute of limitations shall be held to operate from and after the 6th day of May, 1861, until such time hereafter as the legislature may prescribe, nor shall any writ of error be refused or abated in any cause or suit decided since the 6th day of May, 1861, and prior to this time, by reason of any lapse of time. And in all actions for torts brought, or which may hereafter be brought in the courts in this State by attachment levied upon the property of the defendant, the court shall have power to proceed to judgment and collection of the same, as upon contracts, without personal service of process upon the defendant, until the legislature may see fit to change the law in such cases.

SEC. 5. All laws, ordinances, and resolutions, as well as all acts done in pursuance thereof, under the authority of the usurped State government after the declared independence of the State of Tennessee, on or after the 6th day of May, 1861, were unconstitutional, null and void from the beginning: *Provided*, That this section shall not be construed as to affect any judicial decisions made by the State courts held at times differing from those provided by law prior to May 6, 1861; said judicial decisions being made pursuant to the laws of the State of Tennessee enacted previous to said date, and between parties present in court and litigating their rights.

SEC. 6. All laws, ordinances, and resolutions of the usurped State government, passed on or after the 6th day of May, 1861, providing for the issuance of State bonds, also all notes of the Bank of Tennessee, or any of its branches, issued on or after the 6th day of May, 1861, and all debts created or contracted in the name of the State by said authority, are unconstitutional, null and void; and no legislature shall hereafter have power to pass any act authorizing the payment of said bonds or debts, or providing for the redemption of said notes.

SEC. 7. All civil and military officers which have been or may hereafter be appointed by the acting governor of the State, are hereby ratified and affirmed, and they shall continue to hold and exercise the functions of their respective offices until their successors shall be elected or appointed, and qualified as prescribed by the laws and Constitution of the State and United States.

SEC. 8. That the proposed amendments to the Constitution, and the schedule thereto, be submitted to the people at the ballot-box, on the 22d day of February next, and that upon the adoption thereof, by the people, an election shall be held on the 4th day of March next, for governor and members of the legislature, the latter to be voted for by general ticket, upon the basis prescribed in the act apportioning representation in the State, passed on the 19th day of February, 1852, to assemble at the capitol on the 1st Monday in April next, said officers to continue in office until their successors shall be elected and qualified, under the regular biennial election of 1867.

*Provided*, That said apportionment be so modified as to give to the counties of Johnson, Carter, Campbell, Anderson, Union, Sevier, Macon, and Hancock, each one member, and the district composed of the counties of Fentress, Morgan, Scott, and Cumberland, one additional member in the House of Representatives.

SEC. 9. The qualifications of voters and the limitation of the elective franchise may be determined by the general assembly, which shall first assemble under the amended Constitution.

RESOLUTIONS.

*Resolved*, That at the election in February those in favor of the foregoing amendments and schedule shall deposit a ballot on which shall be written "Ratification," and those who are opposed shall deposit a ballot on which shall be written "Rejection."

*Resolved*, That when the above amendments of the constitution of the State of Tennessee shall be submitted to the people of the State for their ratification or rejection, and at the first election held under said constitution as amended, if ratified by the people, no person shall be permitted to vote unless he first take the following o th at the polls; and the name of each voter shall be written upon the back of his ticket, and it shall be the duty of the judges and clerks of said election to preserve said tickets and file them with the clerks of the county courts of their respective counties for future reference. *Provided*, That this oath shall not be required of the citizens who are well known to the judges of the election to have been unconditional Union men. *Provided, also*, That voters otherwise qualified may vote within any county of the State, and if in the military service, wherever they may be on the day of election; and that the commanding officer of each regiment, battalion, detachment, battery, or hospital, is empowered to hold such elections.

*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 am an active friend of the government of the United States, and the enemy of the so-called Confederate States; that I ardently desire the suppression of the present rebellion against the government of the United States; that I sincerely rejoice in the triumph of the armies and navies of the United States, and in the defeat and overthrow of the armies, navies, and of all armed combinations in the so-called Confederate States; that I will cordially oppose all armistices or negotiations for peace with rebels in arms, until the Constitution of the United States, and all laws and proclamations made in pursuance thereof shall be established over all the people of every State and Territory embraced within the national Union; and that I will heartily aid and assist the loyal people in whatever measures may be adopted for the attainment of those ends; and further, that I take this oath freely and voluntarily and without mental reservation. So help me God.

*Resolved*, That the returns of this election shall be made to the secretary of State, and the result be declared by the proclamation of the acting governor.

*Resolved*, That the convention do nominate and offer to the people a candidate for governor, and that the delegates from the several senatorial and representative districts be requested to nominate and present to the convention candidates for their respective districts, to be placed upon the general legislative ticket: *Provided*, If the Union people of any district shall desire to make another selection, that they have opportunity to do so.

*Resolved*, That it shall be the duty of the executive committee to fill all vacancies that may occur in the list of candidates and officers for holding elections solicited by the convention.

*Resolved*, That the names of such as may be selected shall be forwarded to the chairman at Nashville, on or before the 10th day of February next, when the chairman shall publish the complete list in the papers of the State.

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GOVERNOR'S PROCLAMATION.

Whereas, at a large and respectable convention of the free and loyal people of the State of Tennessee, begun and held in the city of Nashville, on the 9th day of January, 1865, certain articles amendatory of the constitution of the State and the schedule thereto appended, were, with great unanimity, adopted and propounded to the people for ratification or rejection on the 22d of February, 1865; and whereas, the schedule provides that in the event of the ratification of said proposed constitutional amendments, the loyal people of the State shall, on the 4th of March next thereafter, proceed by "general ticket," to elect a governor and members to the general assembly, to meet in the capitol in Nash-

ville, for the transaction of public business, on the first Monday of April, 1865; and whereas, the convention aforesaid, acting in the primary and sovereign capacity of the people, prescribed certain rules and regulations under which the elections should be conducted, and designated, in many of the counties, certain persons to open and hold the same, and in others omitted to name any one, which, to avoid confusion, I have, as far as practicable, caused to be supplied; and in addition thereto, and for the purpose of more effectually carrying out the objects of the convention and enabling the sovereign loyal people of the State to express their judgment freely and fully on the grave question submitted to their decision:

Therefore, I, Andrew Johnson, military governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare that the several persons in the proceedings of the convention named and appointed to open and hold the elections therein provided for, are hereby empowered and directed to open and hold said elections in person in their respective counties, wherever practicable, and to appoint and qualify, if necessary, such judges and inspectors of elections and other officers, as may be necessary to open the polls and conduct the elections in such other parts of their respective counties as the convenience of the people may require, and to make returns to the secretary of the State, as provided by the third resolution of the convention, as nearly as practicable in conformity to the act of assembly, in such cases made and provided.

And I do hereby further declare, and fully authorize and direct the executive committee appointed in each grand division of the State, and referred to in the fourth and fifth resolutions of the proceedings of said convention, to supply, whenever practicable, the places of all such persons as, for any cause, may become vacant in the list of persons hereinbefore qualified to hold said elections; and in such cases, when it is not convenient or practicable for vacancies to be filled as above provided, any loyal citizen of the county is hereby authorized and empowered to open and hold said elections, and make return thereof, which shall be as valid as if done by any of the persons hereinbefore mentioned.

I do furthermore authorize and empower the commanding officer of each regiment, battalion, detachment, battery, or hospital of Tennessee troops, wherever they may be on the day of said elections, to open and hold elections for their respective commands or hospitals, and make due return thereof, under the same rules and regulations above prescribed.

Here I might well close this proclamation, but I will be pardoned for adding that the action of the convention is wisely submitted to the loyal people—the true source of all political power—for approval; and I feel assured, as they appreciate the restoration of good government, and the protection of their lives and property, they will not hesitate to come forward, as one man, and with one voice ratify and confirm the action of the convention. We have been, in Tennessee, torn asunder by civil war, and all our public and private interests broken down, and the folly of the rebellion has surely been sufficiently demonstrated to admonish all classes that they can no longer live in hostility to the national government, and ought no longer to remain without civil authority in the State. Strike down at one blow, the institution of slavery—remove the disturbing element from your midst, and by united action restore the State to its ancient moorings again, and you may confidently expect the speedy return of peace, happiness and prosperity.

In testimony whereof, I, Andrew Johnson, military governor of Tennessee, do hereunto set my hand, and cause the great seal of the State to be affixed at the executive office, in the city of Nashville, on this the 26th day of January, 1865.

[SEAL.] ANDREW JOHNSON.

## OFFICIAL DECLARATION OF THE RATIFICATION OF THE AMENDMENTS TO THE CONSTITUTION—GOVERNOR'S PROCLAMATION.

Whereas, the convention that recently assembled in the city of Nashville proposed certain alterations and amendments to the constitution of the State of Tennessee, and the schedule thereto appended, which, by the direction of the convention, were submitted to the people at the ballot-box on the 22d instant, and by them ratified and confirmed; and whereas the convention further provided, that in the event of the adoption of "the amendments to the constitution, and the schedule thereto," an election for governor and members of the legislature should be held on the 4th of March next following, to assemble at the capitol in Nashville on the first Monday in April next thereafter; and whereas the returns of the election for the ratification or rejection of the proposed amendments of the constitution were, by the 3d resolution adopted by the convention, to be made to the secretary of State, and the result declared by proclamation of the acting governor; and whereas complete returns have not been yet made as provided by the foregoing resolution, but enough is already ascertained to place the result of the election beyond all doubt, and fully to justify the announcement that the following articles amendatory of the constitution of the State and schedule thereto appended have been adopted by the people, viz:

"ARTICLE I.

"SECTION 1. Slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the State.

"SEC. 2. The legislature shall make no law recognizing the right of property in man.

"SCHEDULE.

"SECTION 1. Section 31 of the second article of the constitution, which is as follows: 'The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners,' is hereby abrogated.

"SEC. 2. 'The declaration of independence and ordinance dissolving the federal relations between the State of Tennessee and the United States of America,' passed and promulgated by the legislature of Tennessee on the 6th day of May, 1861, by which the State was declared separated from the federal Union, and all laws and ordinances by which Tennessee became a member of the federal Union annulled and abrogated, was in like manner an act of treason and usurpation, unconstitutional, null, and void.

"SEC. 3. The convention, agreement, and military league, entered into by the commissioners of the State of Tennessee and the commissioner of the so-called Confederate States of America, made May 7, 1861, and on the same day ratified and confirmed by the legislature, was an act of treason and usurpation, unconstitutional, null, and void.

"SEC. 4. No statute of limitations shall be held to operate from and after the 6th day of May, 1861, until such time hereafter as the legislature may prescribe, nor shall any writ of error be refused or abate in any cause or suit decided since the 6th day of May, 1861, and prior to this time, by reason of any lapse of time. And in all actions for torts brought, or which may hereafter be brought in the courts of this State by attachment levied upon the property of the defendant, the courts shall have power to proceed to judgment and collection of the same as upon contracts, without personal service of process upon the defendant, until the legislature may see fit to change the law in such cases.

"SEC. 5. All laws, ordinances, and resolutions, as well as all acts done in

pursuance thereof, under the authority of the usurped State government after the declared independence of the State of Tennessee, on or after the 6th day of May, 1861, were unconstitutional, null, and void, from the beginning: *Provided*, That this section shall not be construed as to affect any judicial decisions made by the State courts, held at times differing from those provided by law, prior to May 6, 1861; said judicial decisions being made pursuant to the laws of the State of Tennessee enacted previous to said date, and between parties present in court and litigating their rights.

"SEC. 6. All laws, ordinances, and resolutions of the usurped State government, passed on or after the 6th day of May, 1861, providing for the issuance of State bonds; also all notes of the Bank of Tennessee, or any of its branches, issued on or after the 6th day of May, 1861, and all debts created or contracted in the name of the State by said authority, are unconstitutional, null, and void; and no legislature shall hereafter have power to pass any act authorizing the payment of said bonds or debts, or providing for the redemption of said notes.

"SEC. 7. All civil and military officers who have been or may hereafter be appointed by the acting governor of the State, are hereby ratified and affirmed, and they shall continue to hold and exercise the functions of their respective offices until their successors shall be elected or appointed and qualified as prescribed by the laws and constitution of the State and United States.

"SEC. 8. The proposed amendments to the constitution, and the schedule thereto, shall be submitted to the people at the ballot-box on the 22d day of February next, and upon the adoption thereof by the people an election shall be held on the 4th day of March next for governor and members of the legislature, the latter to be voted for by general ticket, upon the basis prescribed in the act apportioning representation in the State, passed on the 19th day of February, 1852, to assemble at the capitol on the first Monday in April next, said officers to continue in office until their successors shall be elected and qualified under the regular biennial election of 1867: *Provided*, That said apportionment be so modified as to give to the counties of Johnson, Carter, Campbell, Anderson, Union, Sevier, Macon, and Hancock each one member, and the district composed of the counties of Fentress, Morgan, Scott, and Cumberland one additional member in the house of representatives.

"SEC. 9. The qualification of voters and the limitation of the elective franchise may be determined by the general assembly which shall first assemble under the amended constitution."

And whereas the time at which it is provided the election for governor and members of the general assembly shall be held is so near at hand that I deemed it proper, in advance of full returns, to declare the result of the election adopting the constitutional amendments:

Therefore, I, Andrew Johnson, military and acting governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare that the foregoing alterations and amendments to the constitution of the State of Tennessee, and the schedule thereto annexed, have been ratified and confirmed by the vote of the people of the State, and that said articles now constitute a part of the permanent constitution and supreme law of the State of Tennessee, and as such are hereafter to be so held and regarded by the people thereof.

And I do hereby further declare and fully authorize and direct the several persons in the proceedings of the late convention named and appointed to open and hold the election for the ratification or rejection of the amendments to the constitution, to open and hold an election for governor and members to the general assembly, as in the schedule prescribed, on the 4th of March next; and they are hereby empowered and directed to open and hold said election, in person, in their respective counties, wherever practicable, and to appoint and qualify, if necessary, such judges and inspectors of election, and other officers,

as may be necessary to open the polls and conduct the election in such other parts of their respective counties as the convenience of the people may require; and to make returns to the secretary of state as provided by the third resolution of the convention, as nearly as practicable in conformity to the act of assembly in such cases made and provided.

And I do hereby further declare, and fully authorize and direct the executive committee, appointed in each grand division of the State, and referred to in the fifth resolution of the proceedings of said convention, to supply, whenever practicable, the places of all such persons as may for any cause become vacant in the list of persons hereinbefore declared qualified to hold said election; and in such cases, when it is not convenient or practicable for vacancies to be filled as above provided, any loyal citizen of the county is hereby authorized and empowered to open and hold said election, and make returns thereof, which shall be as valid as if done by any of the persons hereinbefore mentioned.

I do further authorize and empower the commanding officer of each regiment, battalion, detachment, battery, or hospital of Tennessee troops, wherever they may be on the day of election, to open and hold an election for their respective commands or hospitals, and make due return thereof under the same rule and regulations above prescribed.

In closing this proclamation, I sincerely congratulate the people of Tennessee on the happy result of the election, and the opening prospects of a speedy and permanent reorganization of the State government. For nearly three years, in the midst of dangers and difficulties the most complicated and perplexing, I have labored to restore the State to its former proud position in the Union. My constant effort has been to save it—not to destroy it; but the rebellious sentiments 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, insecurity of property, 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 permanent 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.

In testimony whereof, I, Andrew Johnson, military and acting governor of Tennessee, do hereunto set my hand and cause the great seal of the State to be affixed, at the executive office, in Nashville, on this 25th day of February, A. D. 1865.

[SEAL.] ANDREW JOHNSON.

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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
*Nashville, April* 6, 1865.

*Gentlemen of the Senate and House of Representatives:*

In accordance with long established custom, and in obedience to the requirements of the constitution, it becomes my duty to communicate to the legislature the condition of the State, and to recommend for their consideration such matters as I may deem expedient.

When we contemplate the distracted condition of the country, the four dreadful years of trial through which we have passed, and the manner in which it has been preserved, our minds naturally turn to Him whose care has been over us, who has protected and preserved us through scenes of blood and carnage unprecedented in the history of wars. For the preservation of our lives and certain remnants of our property; for the care and protection of Providence over those who have gone forth to battle, and are still risking their lives in defence of the principles upon which our happiness and property rest; for life, health, food and raiment; for our safe conduct through untold changes, by a kind Providence; for the prospect of the restoration of law and order in our distracted State; for the gleam of light, looking to peace, now breaking through the clouds that have enveloped us for the four years past; for these and numerous other blessings of which we have been the recipients, let us, in all humility and sincerity, render thanks to Almighty God, and let us earnestly implore a continuance of his favor.

Secession is an abomination that I cannot too strongly condemn, and one that you cannot legislate against with too much severity. What has it done for our country in the space of four years? It has plunged our country into civil war, paralyzed our commerce, destroyed our agricultural pursuits, suspended the whole trade and business of our country, lessened the value of our property, destroyed many of the pursuits of life, and has involved the South in irretrievable bankruptcy and ruin.

What has it done for Tennessee? It has formed odious and unconstitutional military leagues, passed military bills, and inaugurated a system of oppressive taxation, without consulting the people, and then, in mockery of a free election, has required them by their votes to sanction its usurpation, at the point of the bayonet, under the penalty of imprisonment and death. It has offered a premium for crime, in ordering the discharge of culprits from prison, on condition that they would enter the rebel army, and in recommending the judges to hold no courts for the trial of offenders. It has stained our statute book with the repudiation of honest northern debts, and has palpably violated the Constitution, by attempting, through its unlawful extensions, to do away with the right of suffrage. It has passed laws making it treason to say or do anything in favor of the government of the United States, or against the so-called Confederate States. It has prostrated and overthrown the freedom of speech and of the press; it has involved the whole South in a war whose success is now proven to be utterly hopeless, and which, ere another year roll round, must lead to the ruin of the common people. Its bigoted, murderous, and intolerant spirit

has subjected the people of Tennessee to many grievances. Our people have been arrested and imprisoned; our houses have been rudely entered and shamefully pillaged; our families have been subjected to insults; our women and children have been tied up and scourged, or shot by a ruffian soldiery; our towns have been pillaged; our citizens have been robbed of their horses, mules, grain, and meat, and many of them assassinated and murdered.

Hundreds, yes, thousands of our young men, middle-aged and old men, have been driven from our State, and compelled to enter the federal army, in strange regiments, and their bones now lie bleaching upon the many battle-fields of the south and west, and all this because our people were true to the traditions of their fathers, and refused to worship rebel gods. And to the honor of the people be it known, that more regiments to-day swell the number of the armies of the Union than there are living traitors in the ranks of the enemy.

In this once proud capital of the "Volunteer State," there have been thousands of Union refugees, men, women, and children, broken-hearted, naked and starving; a great many are here still. They have fled from the wicked and murderous guerillas, after being robbed of everything they possessed. They have lived in camps or tents, by fires in the open woods, have dragged out a miserable existence for a time, and died among strangers. Hundreds have suffered from actual want of necessary food, shelter, and clothing, while many residences in this *rebellious city* have been occupied by the families of those who were fighting against their country, or, being *citizen rebels*, and *home traitors*, have fled within the rebel lines. These families have remained here protected, and have wielded an over-ruling social influence. Many of them are wealthy, and live in ease and comfort. They have busied themselves in giving information to the enemy, in carrying delicacies to rebel prisoners who have been confined here for their crimes and treason. And it is stated upon undoubted authority, and the fact is notorious in this capital, that the disloyal families never contributed in the slightest degree to the relief of the poor and distressed women and children, or disabled soldiers thrown upon this population by the operations of the war. I state these facts, which may have the appearance of a personal and local character, that you may know how to shape your course when personal and local legislation is called for.

I have the honor to submit to the general assembly of the State of Tennessee a copy of a joint resolution of Congress, passed by a vote of two-thirds of each house, entitled "A resolution submitting to the legislatures of the several States a proposition to amend the Constitution of the United States," which is in the following words:

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled, (two-thirds of both houses concurring therein,)* That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of said States, shall be valid to all intents and purposes as a part of said Constitution, namely:

"ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

"Approved, February 1, 1863."

The slavery question here comes up in a form hitherto not discussed in our politics. It is not a question as to the right of Congress to exclude slavery from the Territories, to legislate upon the matter themselves, nor does it involve

the discussion of any doubtful powers, but is the simple proposition to amend the Constitution of the United States in the manner prescribed by that sacred instrument, so as to strike down the monster institution which has embroiled the government for half a century, and culminated in the most wicked, uncalled for and bloody war known to the history of the civilized world.

Slavery, secured to the people of the south more permanently by the Constitution of the United States, and the laws enacted in pursuance thereof, than any species of property claimed by them—not even excepting their lands—will now perish by the war it brought about to enlarge its power and perpetuate its existence. Let us do our part in this great work by ratifying the action of Congress, and carrying out the wishes of our people. After the ratification by the people of our State of our amended State constitution, embracing the same proposition, and after your election to the general assembly on this platform, and by the same people, I have not considered an elaborate argument in favor of the proposition submitted by Congress at all necessary. I may be allowed to say, however, that to prohibit slavery in a State requires a change in the State constitution. Pregnant as we find slavery to be of all sorts of politicial mischief, it is not to be got rid of, under the constitution, in any other than a constitutional manner. And, while the sooner this can be done the better, it does not appear in what part of the Constitution of the United States the power of regulating it at all, in times of peace, is to be found. Fortunately for the future happiness of the country, the Constitution has provided a way in which the people can remedy the evil, without any questionable exercise of power, and that is by amending the Constitution, just as Congress has proposed.

Slavery was so far made the subject of constitutional cognizance, by the people of the United States, when they adopted the articles of confederation, that it found a place in the compromises of that instrument, both in fixing the ratio of representation and the apportionment of direct taxes; and also in requiring the people of a free State to surrender so much of this "sovereignty" as not to have the right to protect the slave that sought refuge from bondage—it would seem too late in the day to question the right of the people to adopt amendments to that instrument, in regard to this or other subjects embraced in its provisions. It becomes us, therefore, to approach this subject with an enlightened statesmanship, and with a decree of moral courage that is not afraid to do right, appealing to the ultimate judgment of mankind to vindicate our action.

It is in this way, and in no other, that a uniform rule can be provided, and an end put thereby, in all time to come, to a possibility of reviving that which has been the fatal cause of all the mischief in the country. To insist upon excluding slavery from a State by amending her constitution, before recognizing her again as within the pale of the Union, would look awkward, and fall below the dignity of political sagacity. Our State has shown her hand, and placed herself square upon the record; and I flatter myself that her representatives here assembled are ready for a measure which shall forever exclude slavery from the United States.

Some legislation is necessary for the protection, government and control of the emancipated slaves among us. When this war is over a portion of those who fought to perpetuate slavery will show the emancipated slave no quarter, and especially that class of slaves who have been rude and violent toward their former owners. What the character of this legislation should be, I leave the good-sense, prudence and reflection of the members of the general assembly to determine.

It is certainly proper and right for the legislature of Tennessee to determine to what extent this State shall be overrun with the emancipated slaves of other States. If their presence in any State is a blessing they should be distributed; if an evil, it is but just that we should be taxed only with our own share of them. I am, myself, the advocate of providing for them a separate and appropriate

amount of territory, and settle them down permanently, as a nation of freedmen. In this case, as in most others, it will probably be well to guard against exceptive legislation. The negro has had no agency himself in bringing on our troubles, and does not merit unkind treatment at our hands.

The attention of the legislature is earnestly called to the subject of the roving bands of guerillas, and squads of robbers and murderers who frequent those counties and portions of counties remote from our military forces. The depredations and murders committed by them are of such frequent occurrence as to have created a general feeling of insecurity among our citizens, causing hundreds to sacrifice their property, and abandon their homes and the graves of their parents and loved ones, seeking new homes, among strangers in the northwestern States.

The criminal laws of Tennessee prior to the rebellion were equal to the demands of justice and the wants of society, but they are now inadequate in both the cases. The corruptions of the rebellion have exhibited themselves in every quarter, and the effects of the same have been to demoralize all classes of society, more or less, calling for more stringent enactments, so as to meet the numerous cases arising in our country. I advise that horse stealing, house breaking, and highway robberies be punished with death. Let the proof in all such cases be clear and unquestionable, and then let the offenders be hung, even for the first offence. This character of a law will close out all these acts of perfidy which now render life and property insecure, more or less in all counties of the State; and, when the necessary reform is had, a future legislature can repeal or amend the statute. Such a law may look to others like a bloody act, but it can never affect injuriously an honest man or a law-abiding citizen. And you, gentlemen, should feel no concern for the opposite class of men but to punish and reform them.

The attention of the legislature is especially directed to the militia laws of the State. The occurrences of the past four years have disclosed the fact that our militia laws, as they now are, are very imperfect, and need further amendments to make them effective. The State arms were carried into the rebellion, through the influence of the bad men in authority four years ago, and throughout the length and breadth of the State she has not arms enough to arm a captain's company. This deficiency should be provided for at once. I have no doubt that the federal government, upon a fair presentation of the case, would come to our relief with a liberal hand.

If, in the wisdom of the legislature, an efficient military force, over and above what is provided for in general terms, should be placed at the disposal of the executive, I suggest an appropriation for military contingent expenses. In any rate, the legislature would do well to pass an act providing for a military contingent fund, of a moderate character, confiding it under the control of the executive, and making it his duty to report to the legislature at each session. Should there be no use for the fund, the executive will, of course, make no drafts upon it, and it will be his pleasure to report that the money belonging to the military contingent fund remains in the State treasury unexpended.

I am aware that a proposition to increase the salaries of public officers in the State will meet with opposition; that it is not a popular measure, and that demagogues will use such a vote upon the stump against members voting for an increase. Acting alone from a sense of duty, and desiring to see justice done to those patriotic men who are serving the State, I suggest an increase in the pay of all civil officers whose compensation is fixed by law. Supreme judges should be paid a salary of $5,000; chancellors and circuit judges should be allowed $3,000, and the treasurer, comptroller, secretary of state, attorney general, and other officers should be allowed a corresponding increase in their salaries. And I respectfully, but frankly, suggest that the pay of members of the general as-

sembly be increased, and the more so as such increase could not take effect during your term of office.

It is folly to think of a man in public office now supporting his family on the salary he received four and five years ago. Boarding, clothing, meats, vegetables—in fact, everything has increased to twice former prices. And yet the wages of the public officers are down at the old prices. If any one of the incumbents named is worthy of his office he is worthy of a support from that office. His pay should be made equal to his necessary expenses. The State cannot reasonably expect a man to devote his individual time and his whole energies and talents to an office, when the salary of such office will not defray the necessary expenses of his family. Gentlemen capable of filling such offices are capable of supporting themselves in other vocations, and it is obvious that they will be forced to turn their attention to other pursuits in order to gain a livelihood. The increase of such salaries will add something to our taxes, but the amount will be so small as scarcely to be felt by the people. I doubt not they will cheerfully contribute in this way to aid in sustaining good and competent men in important official positions. I recommend, therefore, that immediate action be taken in this matter.

The financial condition of the State demands the early and prompt attention of this general assembly. The reports of the comptroller and treasurer are to October 1, 1861. From that time to the restoration of the capital to the national authority, February following, and the flight of the State authorities, the information left us is imperfect and insufficient. The subsequent operations will appear from the current report of the comptroller, whose high character for integrity and truth commend him to your confidence. The balance in the treasury on the 1st of October, 1861, according to the treasurer's report, was $185,490 69; besides, warrants for payment remain in the treasury for $60,401 04. Warrants for payment out of the treasury had been issued but not presented for $145,417 12. How far the figures were modified by the operations of the next four months and a half, to the middle of February, 1862, I have no information. Except the military expenses, it is presumed that the balance was not changed, judging from the uniformity apparent in the fiscal operations of the preceding four years. Since that time Middle and West Tennessee have been generally within the federal lines, and East Tennessee since September 1, 1862. Governor Johnson has occupied the capitol, and exercised gubernatorial jurisdiction over those portions of the State held by federal authority. Governor Harris, who adhered to the rebel cause, is very generally understood to have collected revenue in the counties within their military lines. The comptroller will be found to have given in his report the financial history of Governor Johnson's administration. This report is respectfully submitted for your careful consideration, and the recommendations of that officer are approved by me. What moneys were collected by Governor Harris and his subordinates I am unable to state, nor am I prepared to say that it is important for you to inquire. It will be a matter for your consideration whether the arrearage of taxes for the past four years shall be collected in whole or in part. The principal, if not the current, liabilities during that period are the interest on the State debt. The usual payments to common schools and academies, and to several charitable institutions of the State, were not made. The consequences of the failure would not be atoned for by reaching them now. The same is substantially true of various other items of ordinary expenditures.

The State debt, as reported by the comptroller in October, 1861, is said to be $6,896,606 66, and this demands your attention. This includes $3,000,000 of eight per cent. bonds for the "defence of the State," which have recently been discarded by the people at the ballot-box. This unauthorized and most unjust indebtedness repudiated, leaves the indebtedness of the State proper $3,896,606 06, at an annual interest of $212,333 25. The interest is presumed

to have been paid on the 1st of January, 1861. It is not known how much has since been paid, if any. The bonds will show, either by the indorsements or the absence of the coupons. Besides this debt the State has bonds for internal improvement purposes, and has indorsed the bonds of railroad companies to the amount of $16,211,000. For these the State is ultimately liable upon the failure of the companies. These bonds it is believed the State will have to provide for to preserve its credit, making an aggregate indebtedness of $20,005,606 66, and the annual interest $1,185,048 25. Of this debt proper $66,666 66 matured in 1861, $61,250 in 1862, $177,750 in 1863, and $58,500 in 1864—in all, $366,166 66, at once to be provided for. The comptroller states that the bonds maturing in 1861 were "taken possession of and held by the State, subject to adjustment at the end of the war." Besides these the State held bonds, mostly her own, as follows: the Spencer T. Hunt fund, 6; the railroad sinking fund, 161; deposited by the free banks, 341; deposited by foreign insurance companies, 80; and in all, 588 bonds. These bonds, held in trust, were carried away, it is believed, with the valuables of the State treasury, by the State officers, who ingloriously fled on the approach of the national flag. Double payment can probably be avoided. Evidence must be in existence by which they can be identified. The notorious condition of our State affairs has been sufficient to put dealers upon their guard. So that if any of the bonds have been fraudulently sold, payment to the present holders may be justly stopped. Furthermore, it will be well to consider how far it is your duty as agents of the State, not only not to pay the bonds held by those who have been actively engaged in the rebellion to overthrow the government, whether held by them or parties who may seek to conceal them for the benefit of the rebels, as they will likely do, I advise that you adopt measures to prevent their payment. The bonds can in no event compensate for the loss the disloyal holders have occasioned the State. The justice of holding them responsible in this way it is believed cannot be successfully controverted.

The arrearage of interest, amounting to nearly twenty-five per cent. of the principal, is more than the people can easily pay at sight, with the other burdens, public and private, thrown upon them by the war. It will be necessary, therefore, to anticipate the means, so as at the same time to preserve the State credit by satisfying the creditors and to preserve the people from oppressive taxation.

The recent amendment to the State constitution abolishing slavery will require some changes in the revenue laws. The item of slaves will no longer appear in the list of taxables. The census of 1860 shows there were in the State about 275,000. The assessors' returns show that 130,425 were reported for taxation. Their average value had steadily increased from $413 72 in 1846 to $886 40. It is a significant fact that the next year, the first of the war, the average fell to $769 36, taxes being at the low rate of seven cents upon the one hundred dollars, to which our State taxation was reduced in 1860, the slaves averaging a little the rise of sixty-two cents each, amounting to $80,000 in the aggregate. The slaves held no property. Being emancipated, they will now be subjected to a poll-tax. Many of them will soon acquire taxable property far beyond their personal value as slaves.

As soon as this war ceases there is every reason to expect a large accession to our population. Thousands of sensible and practical men have been here, connected with the army, and have looked with astonishment and delight at our productive soil, charming climate, and great advantages of agriculture. They have seen that a farm hand in a northern State is ordinarily worth from thirty to fifty dollars a month—that is to say, he earns that much, or say $600 per annum. In our State a good farm hand can make five bales of cotton of five hundred pounds each, which would make the profits of his labor worth $2,000 per annum, against $600 in a northern State—a better and more certain

business than going to California or any of the gold regions. Therefore it is the value of land with us will be proportionately increased. If the tax of seven cents on the one hundred dollars, to which our burdens had been reduced in 1860, shall be increased to a reasonable extent, it is believed sufficient revenue will be realized in the next three years, over and above the ordinary expenditures, to meet the arrears of interest on the debt, to pay the sum now due, and the further sum of $1,245,090, falling due in 1868.

It is further suggested that the list of taxable property might be increased without being oppressive. By the returns of 1860 it appears that all "other property" subject to taxation, besides land, amounted in value to but $24,362,151—less than one-half the assessed value of the town lots. Before the war our financial resources were so ample, compared with the limited demands upon them, that it was necessary to tax but a few of the principle articles of property. Our affairs are now quite changed, and every interest should be made to bear its proper burdens.

The common school system will, in this connexion, demand your attention. The fund appropriated for this purpose has been squandered by the bad men and dishonest functionaries who fled on the approach of the old flag. What shall be done to replace this great loss? At no period in the history of the State has the young and rising generation appealed so affectingly for legislative aid. Practically denied all scholastic advantages during the last four years, and deprived as thousands have been of their natural protectors, if they are not soon provided for, it will be too late for them. Indeed, not a few have already passed beyond the age to attend school, hopelessly illiterate.

In this connexion your attention is called to an act of Congress providing for the establishment of an agricultural college. Most of the States are in advance of us in accepting the offer, and perhaps we might profit by examining their legislation in regard to this subject.

The currency and the banks are nearly allied to finances, and are in such a demoralized condition as to demand prompt action and most positive legislation. The State owes it to herself to look into the condition of the three old banks—the Bank of Tennessee, the Union and the Planters' banks—each having its parent bank in Nashville, with affiliated branches extending over the State; also several stock banks and the free banks. With, perhaps, one or two exceptions, it is believed they are all hopelessly insolvent. All have, beyond doubt, violated their charters, and may properly be closed up. Nay, where they have value received for their notes and are worth it they should be made to redeem their issues. The policy formed by these banks, even before the war, was to keep their paper at lower quotations than that of any of the surrounding States. Even at home it was at a discount, and in some of the neighboring States it was uncurrent. This imposed upon our commerce the payment of large sums of premiums upon all remittances beyond the State, which in the end came off the people. Such a currency could only result from unsound financial principles; for the balance of trade with most of the surrounding States was decidedly in our favor. It is therefore recommended that all existing banks be wound up at once, and that no more State banks be chartered. The several hundred thousand in real estate owned by the State bank should be cashed without delay. The stock was owned by the State, and it held large deposits of currency and securities. As the Union army advanced to the possession and occupation of the towns where the branches were located the officers fled with the assets beyond the limits of the State, and they are now doubtless irretrievably gone. In the outset of the rebellion this bank was used by the guilty conspirators, and large issues were made to further their schemes of treason. It has been determined by the people that these issues shall not be paid.

There are many notes outstanding of the bank issued after the date specified in your amended constitution, and intended alone for the benefit of the

rebellion. Shall they be redeemed by a tax imposed upon the people? I know of no legal or moral obligation to redeem those notes, even if they occupied such an attitude that such an obligation could be enforced. It is known that when bank notes become uncurrent they are sold by the small holders, who are not in a condition to hold such paper, and bought up by speculators, generally at their own figures. In this way they accumulate in the hands of a few, often at prices almost nominal. The notes of the Bank of Tennessee, it is believed, are held in this way and by this class of dealers. Having lost the principal of this banking capital, and having sold these issues in small quantities at a heavy discount, shall our people be taxed to make these issues good in the hands of speculators? I confess I can see no equity in it. Doubtless instances will occur of individual hardship, and others will be pressed upon your attention, not so much by the parties themselves as by others interested in the adoption of a general policy based upon these existing cases. There remain to the bank large assets, uncollected debts, and the present liabilities of the faithless officers. Suits are understood to be pending against many of these officers of branches. The others should be held to their responsibilities. I content myself with these general suggestions, trusting in your wisdom, if you deem them practicable, to arrange the details.

The national banking system is believed on many accounts to be preferable. This would give us a circulation current all over the country, and subject our banking to more correct principles of finance. Other States are adopting the national banking sytem, and I recommend the same to the legislature of Tennessee. Such an institution could be used profitably as the fiscal agent of the State, and if you can secure the means, one in each of the other grand divisions of the State would work to advantage.

The qualification of voters, and other limitations of the elective franchise, have been intrusted to you by the people. This delicate responsibility will devolve upon you a heavy task, and merits your whole attention. That there should be some additional limitations prescribed few will deny. Many persons in the State, by every act of which they were capable have disfranchised themselves. Probably they neither expected or desired the privilege of again voting, and would not exercise it if granted them. Many others have committed acts deserving disfranchisement, who nevertheless will resist it, and strive for every civil right they enjoyed before the war, and before their treason had involved the State in so much suffering. While I would not recommend you to give way to the impulse of vengeance any more than to the appeals of sympathy and pity, I would urge you to guard the ballot-box faithfully and effectually against the approach of treason, no matter in what character it may come. The loyal people of the State who sent you here expect you to act decisively in the matter, and have no child's play in determining the qualification of voters. The subject has been considered by several of our sister States, whose reform was not any more loudly called for than with us. It is quite probable that this action and its effects may assist you in deciding what to accept and what to avoid.

As you are aware, upon the approach of the national forces and their occupation of our country, the government took possession of our railroads, in most of which the State is a large stockholder. The State is deeply interested in her internal improvements, as she has indorsed bonds at the rate of ten thousand dollars per mile, for nearly all the railroads in Tennessee. And as most of these bonds are held by guardians for the benefit, in many instances, of minors and widows, I think it nothing more than simple justice to pay them the interest already due them.

The Nashville and Chattanooga railroad was taken possession of by the federal authorities on the 7th of March, 1862, and has been held and used ever since, and, regarded as a military necessity, it was proper and right. Presum-

ing the government to have kept the account strictly, she is now about ready to make a settlement. My information is that certain officers of the company visited Washington on two different occasions for the purpose of obtaining a settlement with the quartermaster general. They failed in their efforts, though the President of the United States, who was present on both occasions, expressed his views verbally as favoring the payment of the company for the use of the road. You should now call upon the proper authorities at Washington for payment to this and other companies, requiring the money received to be applied to the payment of interest on their bonds. The amount indorsed by the State for the Nashville and Chattanooga Railroad Company is $1,535,000, and the interest accrued thereon is now nearly $300,000. It is believed that upon a just settlement the government will owe the company largely over that amount. This road cost the company $3,846,900, including its equipments and depots.

The other roads in the State are similarly situated and demand your attention. Those officers of roads and stockholders who fled south, carrying with them the rolling stock and funds, should be held to a strict accountability, and their property and stock should be made in part to atone for these losses to the State and country. The case of the East Tennessee and Georgia railroad and its faithless president requires our special attention.

It is believed the time has now come for the companies again to use their roads—for the government, if need be, under even a military superintendent—thereby effecting a vast saving to the government, asking only the same pay for freights and passengers they are now paying to the Louisville and Nashville Railroad Company. As this war is for the benefit of the whole nation, it is not believed that the general government intends that Tennessee shall pay more than her just proportion of the war debt.

Your attention is called to the fact that the Louisville and Nashville Railroad Company is running a portion of that road in this State, say about sixty miles, with another branch from Bowling Green to Clarksville, and for all that portion of road in our State the government pays the Kentucky company as if the road were in any other loyal State. The information I have is to the effect that the Kentucky company treats with indifference the claims of Tennessee upon that road. It is your duty to let that company know, in decided but respectful terms, what your rights are, and that you dare assert and maintain them.

The duty devolves upon you at this session of electing two senators to the Congress of the United States, and of re-districting the State, so as, without delay, to provide for the election of eight representatives to the next Congress. It is with profound regret that I have observed several republican journals, and some leading politicians of ability and influence are opposed to the admission of senators and representatives from Tennessee. They take the ground that the State should be treated as a Territory and continued under military government, subject to the arbitrary orders of military rule. If their dangerous and revolutionary doctrine is adhered to by any considerable portion of senators and representatives in Congress I shall, for one, dread the consequences. My confidence in the wisdom and patriotism of senators and representatives leads me to believe they will discard, indignantly, any such proposition. The loyal people of Tennessee have resolved through the ballott-box to rule themselves under the federal flag; taking the ground that the State has never been out of the Union, and boldly denying that the unconstitutional and treasonable acts of those in rebellion ever carried them out of the Union. Besides, the inauguration of the Vice-President from this State, and the withdrawal of a military governor to give place to civil authority, fix the status of Tennessee in the estimation of the federal authorities proper. And to your good sense and unyielding firmness I submit this grave question, not doubting that your action will be correct.

Your attention is called to the condition of affairs in the State prison, full and specific details of which are given in the report of the officer who is in charge of that institution. I have every confidence that the legislature will look into the wants of the institution, and do for it what, in the judgment of members, may seem proper. Meanwhile, I suggest the establishment of branches of the penitentiary in the western district and in East Tennessee. The cost of building on a moderate scale would be saved to the State in fifteen or twenty years in the single item of a cash market, in each end of the State, for provisions to sustain, and raw material to keep the convicts employed in manufacturing—such as lumber, marble, iron, coal, leather, &c. The erection of buildings would furnish employment and cash wages to a number of mechanics; and, as there are several salaried officers attached to such an institution, it would distribute the patronage of the State in her three natural divisions. If this be not done, an enlargement of the State prison will be required. The demoralized condition of both our white and colored population will cause scores to be sent to the penitentiary as our courts go into operation.

The Tennessee hospital for the insane, one of the charitable institutions of the State, located in this vicinity, deserves your attention and your aid. The prosperity and success of that noble State charity were all that its friends and the friends of humanity could desire at the breaking out of this wicked rebellion; but the institution has struggled hard to keep above the waves of oblivion for four years past. It kept its deposits in the Bank of Tennessee, and my information is, that when the faithless officers of the bank fled, on the approach of the national flag, they carried with them some $30,000 belonging to the institution. For the details in regard to its past operations and present necessities I refer you to the report of the superintendent and chief surgeon, a faithful and intelligent citizen.

The Tennessee blind school, a State institution in this city, has been utterly destroyed by the federal forces, and the unfortunate pupils, some forty in number, are distributed among their friends and the friends of humanity. It was not a military necessity that called for the destruction of the institution, but it was the work of recklessness; and if this general assembly will present the subject to the government at Washington in this light, it is believed that proper steps will be taken to restore this noble charity. The hopes of those pupils at best are blasted and their cup of bitterness is full when we have done all that lies in our power. We look out upon the world and we know it by its visible beauty; we know our wives by their affectionate looks, our children by their smiles and features, our neighbors by their faces and manner of address; but these, and all other earthly things, are to these blind people shrouded in darkness, and friends, children, and the world are lost to them forever.

The Tennessee deaf and dum school, located at Knoxville, merits your attention, as it is one of the charitable institutions of the State. The exciting events which are daily transpiring in the country should not induce us to lose sight of those whose misfortunes so strongly appeal to us for aid and comfort. The buildings and grounds, erected and purchased at a heavy expense by the State, are now used for hospital purposes by our army. Of the fourteen trustees, nine of them went into the rebellion, and most of them fled south. An equal proportion of the officers and teachers of the school proved to be rebels. An early organization of the institution upon a loyal basis is called for, and it is hoped will attract your attention.

The East Tennessee university, located at Knoxville, is a time-honored institution, and was chartered and endowed by the State in 1807. It has been almost destroyed by the federal army. The library, furniture, and fixtures are hopelessly destroyed. The main buildings are standing, and it is but just to the educational interests of the most loyal portion of the State that the government should place that institution on as good a footing as it found it. A

majority of the board of trustees turned out to be rebels, and their places should be filled with loyal men.

There are doubtless other institutions in the State which deserve the attention of this general assembly, but I am not informed as to their situations. The members representing all the counties will be able to look after their interests, and should feel that the duty devolves upon them.

Having thus fully placed before you the information requisite to enable you to judge of the condition of the State, the evils which environ us, and the measures of legislation needed for averting them and ridding ourselves of them, it remains for me but to invoke your attention to the consideration of those means by which, above all others, we may hope to restore order and prosperity to our country. And if one be more prominent than another, it is the necessity for earnest and cordial co-operation between the State and federal government. To you especially, as senators and representatives, do the loyal people of Tennessee look for encouragement and counsel. And to your action in the halls of legislation will all eyes be turned—not only in Tennessee, but in other States—for examples of what is befitting loyal men. I feel full confidence that you will prove yourselves equal to the emergency, and meet expectations both at home and abroad. I feel assured that, being united in a common and holy cause, you will rise above all selfish considerations, and, bowing submissively to the Divine will, you will unite with all good men in reverently invoking the blessings of our Heavenly Father upon all we say and do while in the service of the State.

It is, perhaps, proper for me to state that since writing this message important facts have come to my knowledge, and upon unquestionable authority, relating to the use of a portion of the funds of the Bank of Tennessee, that may require me to send you, at no distant day, a special message. The interests of the State, and the just rights of the people, should be sacredly and vigilantly guarded, no matter who suffers ruin and disgrace.

WILLIAM G. BROWNLOW.

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*Public acts of the general assembly of the State of Tennessee, passed at the first session of the thirty-fourth general assembly, which was begun and held at Nashville on Monday, the third day of April, in the year one thousand eight hundred and sixty-five.*

## CHAPTER I.

AN ACT to regulate the county court of Shelby county.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That in the county of Shelby, in case of vacancy, removal, or when the county judge shall, from any cause whatever, fail to hold his court, and a majority of the magistrates shall fail to appear and elect a chairman, as is now provided by law, the clerk of said court shall give notice, in writing, to any judge or chancellor of said county, who shall have full power to hold said county court and discharge all the duties as the judge or chairman could do by law.

SEC. 2. This act to take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed April 28, 1865.

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## CHAPTER II.

AN ACT to increase the compensation of judges.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 4538 of the code of this State be so amended that each of the judges of the supreme court of this State, hereafter appointed or elected, shall be entitled to a salary of three thousand dollars per annum, payable quarterly out of the State treasury.

SEC. 2. *Be it further enacted*, That section 4539 of the code of this State be so amended that each chancellor, circuit, and criminal judge of this State, except county judges and judges of special courts, hereafter appointed or elected, shall be entitled to a salary of two thousand dollars per annum.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 8, 1865.

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## CHAPTER III.

AN ACT to increase the pay of public printer.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the public printer be paid an advance of fifty per cent. on the prices now allowed by law.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 10, 1865.

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## CHAPTER IV.

AN ACT to punish all armed prowlers, guerillas, brigands, and highway robbers, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That every man or squad of men, who may hereafter make inroads for plunder upon the peaceable inhabitants of this State, and by force deprive them of their property, or endeavor so to deprive them, by the alarm caused by their being armed, when in fact he or they were not at the time part of any organized army and sharing continuously in its duties, but who sometimes return to their homes, with the assumption of the semblance of peaceful pursuits, divesting him or themselves of the appearance and character of soldiers, are hereby declared guerillas and highway robbers and brigands, and upon his or their conviction shall suffer death by hanging.

SEC. 2. *Be it further enacted*, That scouts or single soldiers, if disguised in the dress of the country, or clothed in the uniform of either army, who shall willfully, maliciously and forcibly take from the possession or person of the peaceful citizens of the State their property by threats of violence, or the actual use of force and violence and under the terror of arms, shall, upon conviction, suffer death by hanging.

SEC. 3. *Be it further enacted*, That all armed prowlers, by whatever name they may be called, who shall willfully, maliciously and forcibly make an attack upon any one of the peaceable citizens of this State for the purpose of robbing him or her, or of stealing his or her property, or of killing him or her, shall, on conviction, suffer death by hanging.

SEC. 4. *Be it further enacted*, That all persons who shall knowingly, willingly, and voluntarily feed any such person or persons as described in the previous sections of this act, or furnish them information for the purpose of aiding and assisting them in their unlawfull and illegal objects, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary for a period of not less than five years nor more than twenty-one years.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 17, 1865.

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## CHAPTER V.

AN ACT to amend the criminal laws of the State of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That whoever shall feloniously take or steal any horse, mule, or ass, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offence is tried shall, if they think proper, commute the punishment to imprisonment in the penitentiary for the period of not less than ten nor more than twenty-one years.

SEC. 2. *Be it further enacted*, That whoever shall feloniously break open the house of another for the purpose of committing a larceny or robbery therein, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offender is tried and convicted may, if they think proper, commute the punishment for the offence to imprisonment in the penitentiary for the period of not less than ten nor more than twenty-one years.

SEC. 3. *Be it further enacted*, That whoever shall feloniously rob another, or steal from his person, shall, on conviction thereof, suffer death by hanging: *Provided*, The jury before whom the offender is tried and convicted may, if they think proper, commute the punishment to imprisonment in the penitentiary for a period of not less than ten nor more than twenty-one years.

SEC. 4. *Be it further enacted*, That any person duly convicted of house or bridge burning, shall suffer death by hanging: *Provided*, The jury, if they think proper, may commute the punishment to imprisonment in the penitentiary for a period of not less than ten nor more than twenty-one years: *And provided, further*, That nothing in this act shall be so construed as repealing the laws now in force for the punishing of the offences mentioned in this act; but all persons who have heretofore committed any of the offences mentioned in this act shall be tried under the existing laws, and, if convicted, shall be punished as now prescribed by law.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 17, 1865.

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## CHAPTER VI.

AN ACT to repeal the 3d article of the 5th chapter, title 5, of the Code of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 3d article of the 5th chapter, title 5, 2d part of the Code of Tennessee, be and is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 18, 1865.

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## CHAPTER VII.

AN ACT to establish the eighth chancery district of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That an eighth chancery district be, and is hereby, established in the State of Tennessee, to be composed of the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn.

SEC. 2. *Be it further enacted*, That the chancellor elected, pursuant to the provisions of this act, shall hold the courts in the several counties composing said district at the times and places in said counties now designated by law, and said chancellor shall have all the powers and emoluments given to other chancellors of this State; and until a chancellor shall be appointed or elected for said district, it shall be the duty of the present chancellor to hold the courts in said counties as heretofore.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 22, 1865.

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## CHAPTER VIII.

AN ACT to amend the revenue laws of the State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 553 of the Code of Tennessee be, and the same is hereby, amended, so that the following rate of taxation shall be levied and collected, as now provided for by law: on every taxable poll, one dollar; on every hundred dollar's worth of taxable property, twenty-five cents; on sales of land, one cent per acre; on sales of town lots, or parts of town lots, for each lot, or part, five dollars; on sales of merchandise by merchants, two cents on the dollar on its

invoice cost at the place where purchased, unless the tax on the same has once before been paid to the State, in which event no additional tax will be paid; on sales of merchandise by a peddler, for each county in which he travels, if on foot, twenty dollars; if on horseback, fifty dollars; if in a vehicle, fifty dollars; and for each vehicle, if he uses more than one, fifty dollars; on the regular business of selling at auction any article, the selling of which is not taxable, fifty dollars; in all other cases the same rate which is imposed on sales of merchandise on commission, on the regular business of selling goods, wares, and merchandise on commission, on the gross amount of sales, public and private, when the amount does not exceed ten thousand dollars, thirty-five dollars; between ten and twenty thousand dollars, sixty dollars; between twenty and thirty thousand dollars, eighty-five dollars; between thirty and forty thousand dollars, one hundred and ten dollars; and in like ratio; on the regular or general business of brokers, one thousand dollars; on granting policies of insurance, by other than companies chartered by the State, twelve hundred and fifty dollars; on the business of banking, by companies operating under the law to authorize and regulate the business of banking, thirty-five cents on each hundred dollars of the capital of each bank; on the business of banking by banks, or associations of persons of other States of the Union, three-fourths of one per cent. on the capital stated in the affidavit filed for the license as intended to be used in the succeeding twelve months; on discounting securities for money, shaving notes, two cents on every dollar employed, but in no case less than ten dollars; on theatrical exhibitions, if the theatre or place of exhibition be in a city, five hundred dollars; if in other places, fifty dollars; on exhibiting for profit a circus, or circus and animal show, feats of activity or strength, if in a city, one hundred dollars for each day and night exhibition; if in any other places than aforesaid, fifty dollars; on keeping a confectionery, ice-cream saloon, and other places of refreshment, seven and a half per cent. on the capital employed, and the keeper shall take out a license as merchants by law are now required, and shall, in addition to said per centum, pay ten dollars for each privilege; on each petition filed in any court of record for the division and distribution of estates, five dollars; on each appeal, writ of error, or certiorari from the circuit or chancery court to the supreme court, five dollars; on each appeal or certiorari, from before a justice of the peace, three dollars and fifty cents; on each presentment or indictment, three dollars and fifty cents; on each original suit in any of the courts of law or equity in this State, five dollars.

SEC. 2. *Be it further enacted*, That the owners of steam, saw, and grist mills, erected upon the lands of another, shall pay an annual tax to the State of one hundred dollars; that all persons who set themselves up as lawyers, and propose to practice law in any of the courts of the State, or held within the State, or before any military commission, shall pay an annual tax to the State of twenty-five dollars; that all persons who propose so to practice shall take out a license from the county court clerk of some county, certifying that the tax has been paid. Any person proposing to, and practicing as aforesaid, failing, or refusing to take out said license, shall pay a double tax, to be recovered before any circuit court of the State where motion is made by the attorney general of any district, upon ten days' notice to said delinquent, either by publication in some newspaper in the State, or in writing.

SEC. 3. *Be it further enacted*, That all persons who set themselves up as doctors of medicine or surgeons (the term doctor, to include all persons who, for pay, propose to cure diseases, public or private, and the term surgeon shall be taken in the general application of the term, and shall include dentists,) shall pay an annual tax to the State of twenty-five dollars; license to be obtained, payment made, and recovery had, as provided for in the second section of this act, governing lawyers.

SEC. 4. *Be it further enacted*, That all persons known as photographers, and dealing in photographic and ambrotype apparatus and material, shall take out a license, and pay the same tax to the State as merchants now pay; and all persons who are or may hereafter set themselves up as artists, for the purpose of taking photographs, ambrotypes, or daguerrean likenesses, if in a city, for each gallery opened, one hundred dollars; at any other place, excepting in the country, twenty-five dollars; if in the country, five dollars; (the term gallery to mean any place where the artist takes pictures;) said tax to be paid to the clerk of the county where the gallery is opened. Any person opening a gallery as aforesaid, without paying the tax, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 5. *Be it further enacted*, That sub-section two of section 691 of the code of the State be, and is hereby, amended, by striking out the words "twenty-five dollars" and inserting the words "fifty dollars," and by striking out the word "ten" and inserting the word "twenty."

SEC. 6. *Be it further enacted*, That the foregoing tax shall be assessed and collected as is now provided by law; that any county which refuses or fails to make the assessment and appoint a tax collector to collect the taxes due the State within the year 1865, unless the governor of the State shall be satisfied that the people of the county made honest efforts so to do, and it was impossible for them to comply with this act, shall pay a double tax; and the governor shall send an assessor of his own appointing to said county, with a sufficient posse to levy and collect said double tax; that the collector so appointed shall seize a sufficiency of the delinquent's personal property to satisfy the taxes and charges, and sell the same in any county of the State where he can get bidders, after giving the notice now re-

quired by law. If the delinquent have no personal property of which to make the taxes, then the collector shall levy on sufficient real estate to pay the same, and shall return the facts to the nearest county having resumed civil functions; and upon return of a written statement of the facts, the circuit court shall, at the second term of the court, condemn the real estate of the delinquent, or so much thereof as will be of value sufficient to satisfy the taxes and costs. And the collector shall, after giving forty days' notice in writing, posted on the court-house door of the county where the land was condemned, as well as in the county where the land is situated, if practicable, sell the same at public outcry to the highest bidder, in the same manner, and with the same conditions, and upon the same terms, as now provided by law; but this section shall not apply to soldiers belonging to the United States army, or soldiers that have served in the same and have been honorably discharged, or their widows or minor children.

SEC. 7. *Be it further enacted*, That the 553d section of the Code of Tennessee be so amended as to read as follows: "On keeping a tract for turf-racing, two hundred dollars; for half-mile tracts, one hundred dollars; for quarter-mile tracts, fifty dollars."

SEC. 8. *Be it further enacted*, That any person of undoubted loyalty residing in a county where the tax has been collected, as provided in this act, shall have the privilege of paying his tax at any time before or at the time the collector comes into the county to collect the double tax provided by this act.

SEC. 9. *Be it further enacted*, That all express companies doing business in the State of Tennessee shall take out a license from the comptroller, and pay over to him one thousand dollars for the privilege of doing business; and, in addition, give bond to the comptroller of five thousand dollars, to account and pay over one-half of one per cent. on their income from their business done in this State.

SEC. 10. *Be it further enacted*, That the tax assessed on lawyers, by this act, shall be collected by the clerk of the county court of the county where the lawyer resides. Said clerk shall issue license.

SEC. 11. *Be it further enacted*, That all persons who are engaged in tanning leather as an occupation, shall pay into the treasury of the State twenty-five dollars as a privilege tax.

SEC. 12. *Be it further enacted*, That, after paying the interest on the State debt, proper and current expenses of the State, the sum of eight hundred thousand dollars be applied to common school purposes, in addition to what is now allowed by law for said purposes. That all the laws of the State upon the subject of taxes, except as altered or repealed by this act, are still in full force and effect. That the county courts of this State shall have the power to embrace in the catalogue of subjects of taxation for county purposes all subjects mentioned in this act. This act shall take effect from and after the date of its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 24, 1865.

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## CHAPTER IX.

AN ACT to more effectually manage the penitentiary, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the salary of the keeper of the penitentiary of the State shall be two thousand dollars a year, and no more; and that section 5442 of the code be, and the same is hereby, repealed, so far as it gives to the keeper one hundred dollars a year for the board of each assistant keeper.

SEC. 2. *Be it further enacted*, That all of the assistants, clerks, guards, and other employés, shall be boarded at the expense of the penitentiary, without any compensation being paid to the keeper; and it is hereby made the duty of the keeper to have the food properly prepared without any additional expense to the penitentiary.

SEC. 3. *Be it further enacted*, That the keeper of the penitentiary shall hereafter be elected by the joint vote of the general assembly of the State of Tennessee, in convention assembled.

SEC. 4. *Be it further enacted*, That the penitentiary shall be enlarged; and for this purpose the inspectors and keeper of the penitentiary are hereby instructed and required to direct the labor of the convicts to that end and object, so as to enclose the ground belonging to the penitentiary now open, or so much thereof as, in their opinion, the necessities of the institution may require.

SEC. 5. *Be it further enacted*, That the attorney general of the State be, and is hereby, instructed and commanded to examine into the item of the account showing that there is due to the penitentiary the sum of fifty thousand one hundred and thirty-two dollars and eighteen cents, by note and account; and if said indebtedness has been created since the year 1858, to institute legal proceedings against the keepers and their securities who have created said in-

debtedness in violation of law; and for this purpose he may procure competent counsel to represent the interests of the State, who shall be paid as the general assembly may hereafter direct.

SEC. 6. *Be it further enacted*, That the office of auditing clerk in the penitentiary be, and the same is hereby, repealed.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 24, 1865.

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## CHAPTER X.

AN ACT to provide for the limitation of actions, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That no statute of limitations shall be held to operate from and after the 6th day of May, 1861, to the 1st day of January, 1867, and from the latter date the statutes of limitations shall commence their operation according to existing laws, and the time between the 6th day of May, 1861, and the 1st day of January, 1867, shall not be computed, nor shall any writ of error be refused or barred in any suit decided since the 6th day of May, 1861, or within one year immediately prior to that date by reason of lapse of time.

SEC. 2. *Be it enacted*, That the statutes of limitations prescribed in chapter 2, article 3, section 2784 of the Code of Tennessee, shall not be held to operate, or the time be computed from the 6th of May, 1861, to the 1st of January, 1867, and from and after the 1st day of January, 1867, said statutes of limitation shall commence its operations according to existing laws.

SEC. 3. *Be it enacted*, That if at any time any cause of action shall accrue against any person who shall be out of this State, the action may be commenced within the time limited therefor, after such persons shall come into the State, and after any cause of action shall have accrued, the person against whom it has accrued shall be absent from, or reside out of the State, the time of his absence or residence out of State shall not be taken as any part of the time limited for the commencement of the action.

SEC. 4. *Be it further enacted*, That in all cases where real estate is subject to redemption, as prescribed in chapter 5, section 2124 to 2137, inclusive, of the Code of Tennessee, the time between the 6th day of May, 1861, and the 1st day of January, 1867, shall not be held to operate, or be computed, and all persons entitled to redeem such real estate shall have six months from and after the 1st day of January, 1867, to redeem the same according to existing laws.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 30, 1865.

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## CHAPTER XI.

AN ACT to fix the fees to be paid by commissioners of deeds resident in other States.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the secretary of state shall be allowed a fee of five dollars for affixing the great seal of the State to the commission of each commissioner of deeds for this State.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 31, 1865.

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## CHAPTER XII.

AN ACT for the relief of indigent families of soldiers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county courts of this State shall have power, at any quarterly term, a majority of the justices of the peace of the county being present, to levy a tax on property privileges and polls, to raise a fund for the relief of indigent families of soldiers in the United States army; said fund to be collected and paid to the trustee, as now provided for by law: *Provided*, That the widowed

mothers, wives, and minor children of soldiers who have died in the federal service shall have the benefit of this act in common with the families of those still living.

SEC. 2. *Be it further enacted*, That the fund raised under the provisions of the first section of this act shall be under the control of the county court of the county where raised, and shall be used only for the purpose for which it was raised, unless the necessity for which it was intended ceases, then it shall become a part of the general fund of the county.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. ROGERS,
*Speaker of the Senate.*

Passed May 31, 1865.

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## CHAPTER XIII.

AN ACT to amend the corporation of the city of Shelbyville, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the sheriff of Bedford county shall open and hold, upon ten days' notice, an election for mayor and aldermen, and other officers of the town of Shelbyville, according to existing laws, who, when elected, shall have all the powers, until their successors are elected at the next regular election and qualified as required by law, that are conferred by law on said mayor and aldermen, and other officers of the corporation of said town of Shelbyville.

SEC. 2. *Be it further enacted*, That the sheriff of each county in the State shall open and hold, upon ten days' notice, an election for mayor and aldermen, and other officers in any incorporated town, village, or city, according to existing laws; who, when elected, shall have all the powers conferred on them by their respective charters of incorporation, and until their successors are elected and qualified, as required by law.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. ROGERS,
*Speaker of the Senate.*

Passed May 31, 1865.

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## CHAPTER XIV.

AN ACT to change the times of holding the chancery courts at Athens and Benton, in this State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the chancery court at Athens, McMinn county, Tennessee, shall hereafter be holden on the fourth Mondays of May and November in each year, instead of third Mondays of February and August, as now provided by law. The first court after the passage of this act shall be holden on the third Monday of February next, as heretofore, but forever thereafter the chancery courts at Athens shall be holden, commencing on the fourth Mondays of May and November, as above provided.

SEC. 2. *Be it further enacted*, That hereafter the chancery courts at Benton, in Polk county, Tennessee, shall be holden on the third Mondays of June and December in each year, instead of the first Mondays of February and August, as now provided by law; and the first court after the passage of this act shall be holden on the third Monday of June, 1865.

SEC. 3. *Be it further enacted*, That the chancery courts for the eighth chancery division of this State shall be held at the following times and places each and every year: fourth Mondays of May and November at Athens, McMinn county, Tennessee; first Mondays of June and December at Madisonville, Monroe county, Tennessee; fourth Mondays of June and December at Maryville, Blount county, Tennessee; Thursday after the third Mondays of April and October at Kingston, Roane county, Tennessee; first Mondays of April and October at Knoxville, Knox county, Tennessee; second Mondays of April and October at Sevierville, Sevier county, Tennessee; first Mondays of May and November at Clinton, Anderson county, Tennessee.

SEC. 4. *Be it further enacted*, That hereafter all process issued from any of said chancery courts, in the eighth chancery division of this State, shall be made returnable to the times and places mentioned in this act, and that the next chancery court at Maryville, Blount county, Tennessee, shall be holden on the fourth Monday of December, 1865, instead of the time heretofore provided for by law.

SEC. 5. *Be it further enacted*, That the chancellor of the eighth chancery division of this State, shall have full power and authority to hold the circuit courts of the counties composing said chancery division, whether by interchange with a circuit judge or not; and such circuit courts as he may hold, and such causes as he may try and determine in such circuit, shall be

good and valid, to all intents and purposes, and he shall have and exercise all the powers of circuit judges.

SEC. 6. *Be it further enacted*, That the chancery court at Taylorsville, for Johnson county shall be held on the third Mondays of April and October.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 2, 1865.

## CHAPTER XV.

AN ACT to repeal an act passed on the 19th day of March, 1860, to repeal section 4766 of the code, and to re-enact section 4766 of the code.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That whoever shall be guilty of uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or general government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together to contrive, invent, suggest, or incite rebellious conspiracies, riots, or any manner of unlawful feud or differences thereby to stir people up maliciously to contrive the ruin and destruction of the peace, safety, and order of the government, or shall knowingly conceal such evil practice, shall be punished by fine and imprisonment at the discretion of the court and jury trying the case, and may be compelled to give good and sufficient sureties for his or her good behavior during the court's pleasure, and shall be incapable of bearing any office of honor, trust, or profit in the State government for the space of three years.

SEC. 2. *Be it further enacted*, That it shall be the duty of the judges to give this act in charge to the grand jury, and no prosecutor shall be required to an indictment under this act.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 3, 1865.

## CHAPTER XVI.

AN ACT to limit the elective franchise.

Whereas 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 free governments are founded on their authority and instituted for their peace, safety, and happiness; 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; and whereas a large and respectable convention of the free and loyal people of the State of Tennessee met in the city of Nashville, on the 9th day of January, 1865, and proposed certain alterations and amendments to the constitution of the State of Tennessee, for rejection or ratification by the loyal people on the 22d of February following; and whereas said amendments and schedule were solemnly ratified with great unanimity by the authoritative voice of the people; and whereas the 8th section of said schedule provided for the election of a governor and members of the legislature on the 4th day of March, 1865, and who, in accordance therewith, were elected by the ballots of the loyal people; and whereas the same authoritative voice, in section 9th of the schedule, delegated to the general assembly meeting *first* under this amended constitution, the right to fix the qualification of voters and the limitation of the elective franchise; therefore, acting faithfully under and in accordance with this delegation of supreme power—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the following persons, to wit:

1. Every white man twenty-one years of age, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, and publicly known to have entertained unconditional Union sentiments from the outbreak of the rebellion until the present time; and

2. Every white man, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, having arrived at the age of twenty-one years since March 4, 1865: *Provided*, That he has not been engaged in armed rebellion against the authority of the United States voluntarily; and

3. Every white man of lawful age coming from another State, and being a citizen of the United States, on proof of loyalty to the United States, and being a citizen of the county wherein he may offer his vote six months next preceding the day of election; and

4. Every white man, a citizen of the United States and a citizen of this State, who has served as a soldier in the army of the United States, and has been or may be hereafter honorably discharged therefrom; and

5. Every white man of lawful age, a citizen of the United States and a citizen of the county wherein he may offer his vote six months next preceding the day of election, who was conscripted by force into the so-called confederate army, and was known to be a Union man, on proof of loyalty to the United States, established by the testimony of two voters under the previous clauses of this section; and

6. Every white man who voted in this State at the presidential election in November, 1864, or voted on the 22d of February, 1865, or voted on the 4th of March, 1865, in this State, and all others who had taken the "oath of allegiance" to the United States, and may be known by the judges of election to have been true friends to the government of the United States, and would have voted in said previously mentioned elections if the same had been holden within their reach, shall be entitled to the privileges of the elective franchise.

SEC. 2. *Be it further enacted*, That all persons who are or shall have been civil or diplomatic officers or agents of the so-called Confederate States of America, or who have left judicial stations under the United States or the State of Tennessee to aid, in any way, the existing or recent rebellion against the authority of the United States, or who are or shall have been military or naval officers of the so-called Confederate States, above the rank of captain in the army or lieutenant in the navy; or who have left seats in the United States Congress or seats in the legislature of the State of Tennessee to aid said rebellion, or have resigned commissions in the army or navy of the United States, and afterwards have voluntarily given aid to said rebellion; or persons who have engaged in treating otherwise than lawfully, as prisoners of war, persons found in the United States service as officers, soldiers, seamen, or in any other capacities; or persons who have been or are absentees from the United States for the purpose of aiding the rebellion; or persons who held pretended offices under the government of States in insurrection against the United States; or persons who left their homes within the jurisdiction and protection of the United States, or fled before the approach of the national forces and passed beyond the federal military lines into the so-called Confederate States, for the purpose of aiding the rebellion, shall be denied and refused the privilege of the elective franchise in this State for the term of fifteen years from and after the passage of this act.

SEC. 3. *Be it further enacted*, That all other persons, except those mentioned in section 1 of this act, are hereby and henceforth excluded and denied the exercise of the privilege of the elective franchise in this State for the term of five years from and after the passage of this act.

SEC. 4. *Be it further enacted*, That all persons embraced in section 3 of this act, after the expiration of said five years, may be readmitted to the privilege of the elective franchise by petition to the circuit or chancery court, on proof of loyalty to the United States, in open court, upon the testimony of two or more loyal citizens of the United States.

SEC. 5. *Be it further enacted*, That so long as any of the white citizens of the State of Tennessee, who by this act are entitled to exercise the elective franchise, shall be connected with the army of the United States, or with the military force of this State in actual service, the governor shall issue writs of election to the commanding officers of such brigades, regiments, or detachments of Tennessee soldiers, wherever located, who shall open and hold the election, and receive the votes of their respective commands, and return the same to the secretary of state, and which shall be counted in the same way and manner as if said votes had been cast in any of the counties of the State to which the soldiers belonged.

SEC. 6. *Be it further enacted*, That it shall be the duty of the county court clerk, in each county, to open and keep a registration of voters, and before whom proof, under oath, that the voter falls within the provisions of article 1 of this act, shall be made: *Provided*, No man of publicly known Union sentiments shall be required to make oath in doing the same; and said clerk shall receive such compensation as the county court in each county may deem proper; and also said clerk shall issue to all such persons a certificate of registration, and no one shall be permitted by the judges of election to vote unless so registered.

SEC. 7. *Be it further enacted*, That any voter may be challenged by an admitted voter of section 1 of this act, on offering his vote; and thereupon the judges of election shall peremptorily administer to the person so challenged, before permitting him to vote, the following oath, said oath also to be taken by all judges of election and candidates for office:

"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 am an active friend of the government of the United States; that I will heartily aid and assist the loyal people in whatever measures may be adopted under the Constitution of the United States, and under all laws and proclamations made in pursuance thereof, to establish the national authority over all the people of every State and Territory embraced in the national Union; and that I will faithfully and most heartily support and defend the constitution of the State of Tennessee, and the amendments and schedule thereunto appended and adopted by the people on the 22d day of February, 1865; and also all acts of the general assembly assembled in accordance

therewith; and that I take this oath freely, voluntarily, and without mental reservation: So help me God."

SEC. 8. *Be it further enacted*, That any person taking this oath falsely shall be guilty of perjury, and shall suffer the pains and penalties attached to that crime.

SEC. 9. *Be it further enacted*, That the power is reserved to alter, amend, or change the provisions of this act at any time when, in the opinion of this general assembly of the State, it is right and proper to do so.

SEC. 10. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

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## CHAPTER XVII.

AN ACT to repeal an act incorporating a military department in Andrew College, and the Memphis Arms Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the acts incorporating a military department in Andrew College, and the Memphis Arms Company, which were passed January 30, 1861, be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted*, That an act passed January 31, 1861, authorizing the mayor of the city of Memphis and the sheriff of Shelby county to call out the 154th regiment to suppress insurrection, riot, or invasion, at the expense of the city and county, be, and the same is hereby, repealed.

SEC. 3. *Be it further enacted*, That an act to incorporate the Memphis Light Dragoon Company, which was passed January 31, 1861, be, and is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

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## CHAPTER XVIII.

AN ACT to amend section 117 of the code, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the criminal court of the county of Montgomery be, and the same is hereby, abolished; and that the jurisdiction of said court be, and the same is hereby, conferred upon the circuit court of Montgomery county as fully and completely as can by law be done.

SEC. 2. *Be it further enacted*, That all of the causes in the criminal court of Montgomery county shall be transferred to the circuit court of Montgomery county, and all bonds taken for the appearance of defendants be returnable to the first Tuesday after the second Monday in September, 1865, before said circuit court.

SEC. 3. *Be it further enacted*, That the circuit judge of the tenth judicial circuit of the State of Tennessee shall have full power to try all such criminal causes as may be thus transferred to it, or that may hereafter arise in the county of Montgomery; and that he is hereby clothed with full power to fix a day at each term of his court when all such business shall be taken up.

SEC. 4. *Be it further enacted*, That there shall be regularly empanelled a grand jury for the county of Davidson, which shall be elected, sworn, and empanelled by the circuit court of Davidson county, and shall have its sittings during the regular session of said court, and with full power of all other grand juries in the State; and that the bills and presentments so made by the grand jury thus empanelled and returned, shall be regularly transferred to the criminal court of Davidson county for process to issue, and trial to be had, as in other criminal cases.

SEC. 5. *Be it further enacted*, That the circuit court of Montgomery county shall have full power, with all other criminal courts of the State, to organize and empanel a grand jury as now provided for by law.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

## CHAPTER XIX

AN ACT to authorize the investment of trust funds, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the courts of law and equity in this State be, and they are hereby, authorized to have the money and funds in the hands of clerks and receivers, or trustees, in litigation, or under the control of said courts, invested in the public stocks or bonds of the United States, under such rules and orders in each case as may be legal and just.

SEC. 2. That guardians, executors, administrators, and trustees shall also be authorized and empowered to invest money and funds in their hands in the public stocks or bonds of the United States, and make report thereof to the county court of the county where such guardian, executor, administrator, or trustee resides, unless another mode of investment is required by will or deed of the testator or other person who has established the funds.

SEC. 3. This act to be in force from and after its passage.

WILLIAM REISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

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## CHAPTER XX.

AN ACT to establish a claim agency of Tennessee in the city of Washington.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the governor, by and with the advice and consent of the Senate, be, and he is hereby, directed to appoint an agent for the State of Tennessee, learned in the law and faithful in business, who shall keep his office in the city of Washington, whose duty it shall be, whenever requested by the party or parties interested, to prosecute before the Court of Claims at Washington, or before any of the departments at Washington, any claim or demand growing out of the existing war which the State of Tennessee, or any citizen or soldier thereof, has against the government of the United States: *Provided*, That the person appointed under this act shall hold no other office or appointment under the United States or the State of Tennessee.

SEC. 2. *Be it further enacted*, That it shall be the duty of said agent to answer all communications addressed to him by any Tennessee soldier or citizen, or any officer of the State government, in regard to any matter of business in any of the departments at Washington.

SEC. 3. *Be it further enacted*, That said agent shall perform such other duties as may from time to time be required of him by the governor, and may be removed by the governor whenever, in his opinion, the interest of the people of Tennessee require it.

SEC. 4. *Be it further enacted*, That the agent appointed under this act shall not, directly or indirectly, receive or charge any fee for services rendered under this act to Tennessee soldiers, their widows, heirs, and legal representatives; nor shall he purchase, trade, or deal in any claim against the United States, whether the same is or is not in his hands for collection.

SEC. 5. *Be it further enacted*, That any violation by said agent of the provisions of the preceding section shall be a misdemeanor in office, and punishable by fine or imprisonment, or both, at the discretion of the jury. He may be indicted in the circuit court of the county where the claimant or soldier resides, or in the circuit court of the county in which the agent resides.

SEC. 6. *Be it further enacted*, That, before entering on the discharge of the duties of his office, he shall take the oath that other officers of this State are required, under the Constitution, to take, and shall execute a bond with sufficient security, to be approved of by the governor, conditioned that he will faithfully and diligently discharge the duties of his office; make full, fair, and complete returns of all claims and funds which may come into his hands or may be intrusted to him, and pay over to the claimant all money, vouchers, and effects, which he may receive for any claimant; and that he will not, directly or indirectly, purchase, trade, or deal in any claim whatever against the United States; which bond shall be filed and preserved in the office of the secretary of state, and upon which any one aggrieved may maintain a suit for any breach thereof, and any recovery on the same shall not bar any other suit upon the same for any other and distinct cause of action.

SEC. 7. *Be it further enacted*, That the agent shall receive, as compensation for his services under this act, a salary of fifteen hundred dollars, payable out of the State treasury.

SEC. 8. *Be it further enacted*, That for prosecuting the claims of the State, or the claims of soldiers, their widows, heirs, and legal representatives, said agent shall receive no other compensation than the salary herein allowed, but for prosecuting and collecting the claims of other persons, citizens of Tennessee, he is allowed to charge any fee agreed upon between him and the claimant not exceeding five per centum on the amount of the claim allowed, where such allowance is one hundred dollars or less; if over one hundred and not exceeding

one thousand dollars, five dollars on the first hundred dollars and three per centum on the residue may be charged, and if more than one thousand dollars, then two and a half per centum on the excess over one thousand dollars collected: *Provided*, The agent shall not attend to the prosecution of the claims of any other State, and for a violation of this section he shall be dismissed from his office by the governor, and on indictment in the circuit court of the county where the claimant resides, fined in a sum not exceeding five times the amount of fees charged.

SEC. 9. *Be it further enacted*, That the agent shall hold his office for a period not exceeding two years from the first day of October, 1865; and in the event of his death, resignation, or removal from office, the governor may appoint a successor for the unexpired term, who shall receive the office, books, papers, and claims of his predecessor, and be governed by the provisions of the foregoing sections of this act.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage, and shall continue in force until the first day of October, eighteen hundred and sixty-seven.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

## CHAPTER XXI.

AN ACT for the benefit of discharged Union soldiers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That all discharged Union soldiers, who have served either as State or Federal soldiers, and have been honorably discharged the service, and all citizens who have always been loyal, shall be permitted to carry any and all necessary side-arms, being their own private property, for their personal protection and common defence.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

## CHAPTER XXII.

AN ACT accepting on the part of the State of Tennessee a grant of lands made by the United States to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That an act of Congress of the United States, approved July 5, 1862, entitled an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, and the grant of land and land scrip thereby made be, and the same is hereby, accepted on the part of the State of Tennessee.

SEC. 2. *And be it enacted*, That the said grant of land and land scrip is hereby accepted for the purposes and upon the conditions in said act of Congress specified, and the assent of the State of Tennessee to the several conditions and provisions in said act contained is hereby signified and expressed.

SEC. 3. *And be it enacted*, That the governor of this State, and such person as he shall appoint for that purpose, are hereby appointed commissioners for the State to receive from the Secretary of the Interior, or other officer of the United States, the land scrip to which the State of Tennessee is or may be entitled under the act of Congress aforesaid; said scrip to be held by said commissioners for the State until provision is made by law for the sale thereof and investment of the proceeds in accordance with the provisions of said act of Congress.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

## CHAPTER XXIII.

AN ACT to provide for the payment of certain counsel fees.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That in all cases where suits have been brought, or may hereafter be brought, against any persons that have been connected as president, cashier, directors, debtors, or in any way liable to the

Bank of Tennessee or branches, by attorneys, instructed by the attorney general of the State to bring said suits, said attorneys shall be paid such compensation for their services as the governor, secretary of the State, and the attorney general of the State may deem just; the same to be paid out of any money in the treasury not otherwise appropriated, upon the certificate said officers certifying the amount to the comptroller.

SEC. 2. *Be it further enacted*, That in all cases where the interest of the State requires (in the judgment of the governor and attorney general of the State) additional counsel to the attorney general of the State or district attorney, the governor shall employ such counsel, who shall be paid as provided in the first section of this act. This act to take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 7, 1865.

## CHAPTER XXIV.

AN ACT for the protection of sheriffs and other civil officers of the State.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the sheriffs of the sevl counties in this State are hereby authorized to raise a posse of men, not to exceed twenty-five in number, as a county patrol, and to aid the sheriff and all other civil officers of the county in enforcing civil law and order; and, further, the sheriffs of the different counties in this State shall, in all cases of emergency, have discretionary power to summon, in addition to the posse granted by this act, as many more men as will, in his judgment, be sufficient to either capture or disperse all opposing forces.

SEC. 2. *Be it further enacted*, That the above county guards shall consist of the citizens of the county, and none shall be eligible to serve but such as have a good moral character and unquestionably loyal to the United States and State of Tennessee.

SEC. 3. *Be it further enacted*, That the expense of raising and keeping in said service the above force shall be paid by the county in which it is raised, and the clerk of said county shall keep a current account of all such expenses, and report the same to the comptroller of the State, and that the county court shall have power to disband the same when in their opinion the causes for which they were raised shall have passed away.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 7, 1865.

## CHAPTER XXV.

AN ACT "to regulate the stock of the county of Sumner in the Nashville and Louisville railroad, and for other purposes."

Whereas, under the authority of an act of the general assembly of the State of Tennessee, the citizens of Sumner county voted to subscribe $300,000 stock in the Louisville and Nashville railroad; and whereas, by a subsequent act of the legislature, said subscription was paid by the issuance of the bonds of the county, payable in twenty years, with six per cent. interest, payable semi-annually in the city of New York, $100,000 of which are dated the 1st of June, 1854, $100,000 of which are dated 1st of June, 1855, and the remaining $100,000 the 1st of June, 1856; all of which were delivered to the president of the Louisville and Nashville railroad, and for which the county received a certificate of stock in said railroad to the amount of $300,000; and whereas there has been no provision made for the redemption of the bonds of the county, issued as aforesaid to pay off the interest that has accrued since the 1st day of January, 1861:

Now, therefore, in order to enable the people of said county to free themselves from said indebtedness,

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county judge of Sumner county shall have the power, and it is hereby made his duty, to advertise in some one of the papers published in the city of Nashville and Louisville, requesting the holders of the bonds of Sumner county to file in his office their amount, date, and number, and to open a negotiation with said holders for the payment of said bonds in the stock of said county in the Louisville and Nashville railroad, at par; and in all cases where the holders of any of said bonds shall agree to take said stock, or a regular transfer thereof, dollar for dollar, then the said county judge shall make said exchange, and by power of attorney acknowledged before the clerk of the county court, or in person, transfer, said stock upon the

books of the company to such holder, or his, her, or their order, and receive in lieu of said stock such bond or bonds so paid; and he shall report to the next term of the county court all of the bonds so taken up. As he shall so receive a bond, he shall write in legible letters across its face cancelled, with the date and his official signature; and it shall be his duty, in the presence of the clerk thereof and such justices of the peace as may be present, to cancel said bonds, and record shall be made upon the minutes of said court of said cancellation.

SEC. 2. *Be it further enacted*, That, to meet any interest due on said bonds, the county judge of Sumner county is authorized and required to ascertain from said company what is the amount of dividends due the county on said stock; and after giving three months' notice to holders of coupons in the papers aforesaid, he will *pro rata* the same among said holders who shall present the same as notified, and give such parties delivering up their coupons authority to draw their portion of said dividends, and as coupons shall be thus taken up, they shall be cancelled in like manner *provided for the cancellation of the bonds: Provided, however*, That in case any holder of a bond with interest due thereon from the 1st of January, 1861, shall be willing to exchange his bond and interest for the like amount of stock and such dividends as may be due, then said county judge shall make said exchange and deliver the necessary transfers; all of which shall be reported as aforesaid.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate*

Passed June 7, 1865.

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## CHAPTER XXVI.

AN ACT to accept the surrender of the charter of the Bank of Middle Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the surrender of the charter of the Bank of Middle Tennessee, at Lebanon, be accepted, and that the stockholders in said bank have three years to settle or liquidate the business; and that all persons holding the notes of said bank shall present them to said bank for payment within three years, or afterwards they will be barred; that said stockholders shall have all the privileges conferred by their charter which are necessary to the collecting the debts and liquidating said bank, and that said bank be exempted from the tax imposed by its charter during the three years granted by this act.

SEC. 2. *Be it further enacted*, That no bank in this State shall be employed to act as a fiscal agent of the State whose president and cashier and directors have not been since the beginning of the rebellion, and are now, unconditional Union men.

SEC. 3. *Be it further enacted*, That all stock banks in this State shall be allowed to surrender their charters upon the same terms, and have the same time allowed them in which to wind up their business as is allowed by this act to the Bank of Middle Tennessee: *Provided*, That each application shall be accompanied by a special exhibit of the bank, showing its ability to meet all its liabilities.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXVII.

AN ACT to repeal the law apportioning money to division fairs and county societies.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That section 284 of article 3, chapter 4, title 3, of the code be, and is hereby, repealed.

SEC. 2. *Be it further enacted*, That section 296 of article 4, chapter 4, title 3, of the code be, and is hereby, repealed.

SEC. 3. *Be it further enacted*, That no money shall be paid out of the treasury for any annual appropriation to division fairs and county societies that may be due them, or which they may claim for any past year or years; and that this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8 1865

## CHAPTER XXVIII.

AN ACT to supply lost deeds and title papers.

Whereas, under the casualties of war, many of the records belonging to the several offices of the registers of the different counties in the State have been lost and destroyed, and it is necessary to preserve, as far as possible, the muniments of title to land: Therefore,

*Be it enacted by the general assembly of the State of Tennessee*, That the present or any subsequent owner of land in this State may, for the purpose of perpetuating the evidence of his title to his land, carry to any of the registers of the counties in this State where his land or lands are situated the original conveyances which may be in his possession, or the possession of any one else, and have the same recorded by said register in the register's books, together with the certificate attached to said original conveyances showing that it had been previously duly registered; and if the owner of the land should be informed of the existence of any original conveyance in the possession of any third party who will not voluntarily produce it for registration, then the register, on the application of the owner of the land in writing, may cause a subpœna *duces tecum* to issue to compel the holder to produce said deed or conveyance, so that it may be registered for the security of the title of the claimant or owner. The register shall receive the same fees as now fixed by law for similar services, to be paid by the applicant. And this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXIX.

AN ACT to modify the oath prescribed for liquor dealers.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the oath prescribed in article 6, section 691, of the code be, and is hereby, so amended as to read as follows, to wit:

"I do solemnly swear (or affirm) that I will not, under the license which I am about to obtain, knowingly permit or connive at any gaming for money, or any other valuable consideration, in the house in which I may retail spirits, or in any other place of which I may have control, either directly or indirectly; and if any person should game or bet to my knowledge, (and I will exercise due diligence to know,) I will give information thereof to the grand jury of my county at the next term of the court: So help me God."

SEC. 2. *Be it further enacted*, That all persons now holding license under said section (691) may return the same to the clerk of their respective county courts, and demand in lieu thereof (on payment of the usual clerk's fee for a new license) a license for their unexpired time, in conformity with this act.

SEC. 3. *Be it further enacted*, That so much of said section as is in conflict with this act be, and the same is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 8, 1865.

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## CHAPTER XXX.

AN ACT to release the citizens from paying the State and county taxes for the years 1862, 1863, and 1864.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the people of the State of Tennessee be, and are hereby, released from the payment of the State tax for the years 1862, 1863, and 1864: *Provided*, That nothing in this act shall be so construed as to refund to the people any taxes already collected for said years.

SEC. 2. *Be it further enacted*, That the county courts of the respective counties in this State may release the people of their counties from the payment of the county taxes for the years specified in the first section of this act: *Provided*, Nothing in this section shall be so construed as to refund any county taxes already collected.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate*

Passed June 8, 1865.

## CHAPTER XXXI.

AN ACT to amend "An act to reform and regulate banking in Tennessee," passed February 6, 1860.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 32d section of said act be so amended as that the surrender of charters of banks therein provided for may be made to the governor of the State of Tennessee, at any time when the legislature of said State is not in session, and that such surrender shall be, to all intents and purposes, as good and valid as if made to the legislature.

SEC. 2. *Be it further enacted*, That the same privileges mentioned in the first section of this act are conferred upon all stock banks in the State, and each and every bank in the State is hereby authorized and empowered to make an assignment of the effects of said bank or banks, to any trustee or trustees, receiver or otherwise: *Provided*, That said assignment is made so as to give the preference to the bill-holders thereof, over all other creditors of such bank or association: *And provided*, The assets so transferred and assigned are made secure in the hands of the trustee, receiver, or agent.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXXII.

AN ACT to declare and make valid certain acts of certain officers of this State.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That all process, original, mesne or final, issued since the first day of September, 1863, by clerks de facto, acting in good faith, of the county, circuit, or chancery courts, holden under the true and lawful government of the State, or under authority of the United States, be, and is hereby declared, good and valid in law.

SEC. 2. *Be it further enacted*, That all process issued from said courts, since said period of time, served or executed by any sheriff, coroner, or constable de facto, and acting in good faith, be, and is hereby, declared to be legally served and executed in law, and shall be held good and valid in law: *Provided*, No execution of any order, judgment or decree, or sale thereunder, shall be deemed or taken to be good or valid in law, unless said court had jurisdiction thereof, and said order, judgment or decree, or sale thereunder, was valid and binding in law.

SEC. 3. *Be it further enacted*, That the governor of the State be, and is hereby, authorized to commission all officers elected in the county of Carroll, under the proclamation of Andrew Johnson, military governor of the State of Tennessee, on the first Saturday in March, 1864, and that the county and circuit courts of said county take all proper bonds of th said officers, and qualify them according to law.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXXIII.

AN ACT to provide for the payment of the governor's staff.

*Be it enacted by the general assembly of the State of Tennessee*, That the comptroller of the State shall keep an account with the officers composing the governor's staff, and shall settle with them every two months, and shall issue his warrant upon the treasurer for the amount due them from time to time; and that this act shall take effect from and after the date of its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 9, 1865.

## CHAPTER XXIV.

AN ACT to apportion the representation in the Congress of the United States.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Hancock, Green, Cocke, Jefferson, Granger, and Sevier shall compose the first congressional district of this State.

The counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane shall compose the second congressional district of this State.

The counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress shall compose the third congressional district of this State.

The counties of Rutherford, Cannon, Coffee, Franklin, Lincoln, Bedford, Marshall, and Giles shall compose the fourth congressional district of this State.

The counties of Williamson, Davidson, Wilson, Sumner, Robertson, and Cheatham shall compose the fifth congressional district of this State.

The counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart shall compose the sixth congressional district of this State.

The counties of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale, Henderson, and Carroll shall compose the seventh congressional district of this State.

The counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Madison, and Haywood shall compose the eighth congressional district of this State.

SEC. 2. *Be it further enacted*, That sections two, three, and four of an act of the general assembly of this State, passed the 20th day of February, 1852, entitled "An act to apportion the representation in the Congress of the United States," be, and the same is hereby, revived, and the same shall govern and control all persons therein named.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 9, 1865.

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## CHAPTER XXXV.

AN ACT to secure the funds provided for public education.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the present funds in coin belonging to the Bank of Tennessee be invested by the governor, secretary of State, and comptroller, in United States or Tennessee bonds, and be subject to future legislative control.

SEC. 2. *Be it further enacted*, That the governor, secretary of state, and comptroller of the State be authorized to employ such agencies as they may deem necessary for the purpose to investigate into the assets of the Bank of Tennessee, and to ascertain and schedule the amount and value thereof; and that the sum of ($1,500) fifteen hundred dollars, if so much be necessary, be, and it is hereby, appropriated, out of the treasury of the State, to meet the services provided for by this section.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 9, 1865.

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## CHAPTER XXXVI.

AN ACT to pay the current expenses of this session of the general assembly, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the comptroller of the treasury issue his warrant to each member of the senate and house of representatives for the sum stated to be due to each in the annexed report of the committee on finance.

SEC. 2. *Be it further enacted*, That the comptroller issue his warrant to the officers of the senate and house of representatives, viz: To E. P. Cone, principal clerk, senate, 71 days, $426; H. G. Flagg, engrossing clerk, senate, 71 days, $426; G. O. Cate, doorkeeper, senate, 71 days, $284; H. W. Barr, messenger, senate, $64; James T. Shelley, principal clerk,

house of representatives, 38 days, $228; E. A. James, principal clerk, house of representatives, 33 days, $198; Joseph P. Galbraith, assistant clerk, house of representatives, 71 days, $426; G. W. Blackburn, engrossing clerk, house of representatives, 71 days, $426; A. Hill, doorkeeper, house of representatives, 71 days, $284; J. L. Martin, assistant doorkeeper, house of representatives, 71 days, $284.

SEC. 3. *Be it further enacted*, That the comptroller of the treasury issue his warrants to the following persons for stationery, &c., &c.: To John Wallace & Co., ninety-one dollars; to Thomas Wells, three hundred and fifty-five dollars and fifty cents; to William T. Berry & Co., four hundred and fifty-one dollars and sixty-five cents.

SEC. 4. *Be it further enacted*, That the comptroller issue his warrant to Samuel R. Rodgers, speaker of the senate, for the benefit of Abraham Smith, a free man of color, for attending to the water-closet during the session, for the sum of two dollars per day.

SEC. 5. *Be it further enacted*, That the comptroller of the treasury issue his warrant to Samuel R. Rodgers, speaker of the senate, for two hundred and eighty-four dollars for the services of David Skaggs, for attending in the senate as porter and messenger, seventy-one days.

SEC. 6. *Be it further enacted*, That the comptroller of the treasury issue his warrant to William Heiskell, speaker of the house of representatives, for the sum of one hundred and forty-two dollars; and two hundred and thirteen dollars for the services of Bryce B. Roulston and Buck Lewis, for attending upon the house of representatives.

SEC. 7. *Be it further enacted*, That the principal clerk of the senate shall remain a sufficient time after the adjournment to file the papers of the senate in the office of the secretary of State, and close his business, for which he shall be allowed his per diem; and that the said clerk be allowed thirty cents per page for copying the unfinished journal, and that the comptroller issue his warrant for the same.

SEC. 8. *Be it further enacted*, That E. A. James, principal clerk of the house of representatives, shall remain a sufficient time after the adjournment to file the papers of the house of representatives in the office of the secretary of State and close his business, for which he shall be allowed his per diem, and that the said clerk be allowed thirty cents per page for copying the unfinished journal, and that the comptroller issue his warrant for the same.

SEC. 9. *Be it further enacted*, That the comptroller issue his warrant and pay the several publishers of the city papers for the papers actually furnished the general assembly and laid upon the tables of each member every day of the session, at the current subscription price of the same: *Provided*, Said payment shall be in accordance with a resolution passed by the present session of the general assembly regulating the number of papers each member shall receive at the expense of the State.

SEC. 10. *Be it further enacted*, That the comptroller of the treasury issue his warrant to cover the cost and expenses of sundry articles furnished for the use of the capitol, ordered by his predecessor.

SEC. 11. *Be it further enacted*, That the secretary of state cause one copy of the acts and journals of the present general assembly to be bound for each member of both the houses and the officers of the same, and distribute with the other acts and journals.

SEC. 12. *Be it further enacted*, That the comptroller issue his warrant to E. P. Cone, principal clerk of the senate, and E. A. James, principal clerk of the house of representatives, for fifty dollars for preparing an index to senate journal, and fifty dollars for preparing an index to house journal of the present session of the legislature.

SEC. 13. *Be it further enacted*, That the governor and comptroller of the treasury examine the accounts of job printing executed for the general assembly, and pay the same according to the rate specified by law, out of any money in the treasury not otherwise appropriated.

SEC. 14. *Be it further enacted*, That the sum of one thousand dollars be allowed the treasurer for the purpose of procuring necessary office furniture for the preservation of the records of his office, and that the comptroller issue his warrant for the same.

SEC. 15. *Be it further enacted*, That the comptroller of the treasury issue his warrant to E. A. James for two hundred and fifty dollars for extra clerk-hire.

SEC. 16. *Be it further enacted*, That the comptroller issue his warrant to the treasurer for the sum of one hundred dollars per annum, as compensation for preserving the furniture of the senate chamber and the house of representatives.

SEC. 17. *Be it further enacted*, That the comptroller of the treasury issue his warrant to William Heiskell, for the use of the family of Samuel M. McCammon, elected as a member of the house of representatives, who came to Nashville to take his seat from Knoxville, but died without doing so, for eighty-three dollars and fifty cents, for his mileage from Knoxville, a distance of five hundred and twenty-two miles.

SEC. 18. *Be it further enacted*, That the comptroller issue his warrant to the Nashville Gaslight Company for any amount due them for gas furnished at the capitol.

SEC. 19. *Be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated for the purpose of purchasing material for the prisoners in the penitentiary, so as to enable the keeper and inspectors to put them to work, and for the payment of the necessary expenses of said penitentiary, and that they report to the general assembly as to how the money has been expended, and the treasurer pay the amount so appropriated out

of any money in the treasury not otherwise appropriated, and that the inspectors receive five dollars per day for each and every day when engaged in the performance of their duties.

SEC. 20. *Be it further enacted*, That the further sum of twenty thousand dollars be, and the same is hereby, appropriated for the expenses and support of the Tennessee hospital for the insane for the current year, in addition to the sums received from pay patients of that institution.

SEC. 21. *Be it further enacted*, That the comptroller, under the supervision of the governor of the State, take and state an account of the receipts and disbursements of the superintendent of the blind school, and on the exhibition of vouchers of a properly authenticated character, and upon being entirely satisfied that a balance is due said superintendent, the comptroller issue a warrant upon the treasurer for the same, not, however, to exceed the sum of eleven hundred dollars.

SEC. 22. *Be it further enacted*, That the sum of five thousand dollars is hereby appropriated for the repairing and putting into operation the deaf and dumb school at Knoxville, said appropriation to be under the direction of the governor and the loyal trustees of said institution; and the comptroller shall issue his warrant upon the treasurer, from time to time, for such sums as the governor and said trustees may direct.

SEC. 23. *Be it further enacted*, That the comptroller examine the accounts of Sampson & Co., for coal furnished the general assembly, and, under the supervision of the governor, issue his warrants for any amounts due them.

SEC. 24. *Be it further enacted*, That the secretary of state be, and is hereby, authorized to employ a porter to the capitol, at the rate of two dollars per day, to hold his office at the pleasure of the said secretary; that the comptroller issue his warrant to said employé, from time to time, for the amounts due him, upon the certificate of the secretary of state.

SEC. 25. *Be it further enacted*, That the comptroller issue his warrant to A. J. Adams for one hundred and forty dollars, for his services as assistant engrossing clerk, for thirty-five days, at four dollars per day.

SEC. 26. *Be it further enacted*, That the comptroller issue his warrant to George O. Cate, doorkeeper of the senate, for one hundred dollars, for performing the duties of messenger of the senate.

SEC. 27. *Be it further enacted*, That the comptroller of the treasury issue his warrant to Cone & Tunnell, for thirteen hundred and two dollars and forty-six cents, for stationery furnished the two houses of this general assembly.

SEC. 28. *Be it further enacted*, That the secretary of state be, and is hereby, authorized to furnish the adjutant general and quartermaster's offices with necessary stationery to carry on the business of said offices; and the comptroller shall issue his warrant, from time to time, to the treasurer of the State, for the necessary amounts to pay for said stationery.

SEC. 29. *Be it further enacted*, That the comptroller issue his warrant to Stokely, a colored man, for services in waiting on the senate, for the sum of seventy-four dollars.

SEC. 30. *Be it further enacted*, That the comptroller issue his warrant for the sum of sixteen hundred and twenty-three dollars and eight cents, for repairs and other expenses.

SEC. 31. *Be it further enacted*, That the comptroller issue his warrant to A. J. Fletcher, secretary of state, for ninety dollars, for clerk hire.

SEC. 32. *Be it further enacted*, That the board of trustees of the Tennessee hospital for the insane shall audit and examine the accounts outstanding against said institution, counted from the 14th day of March, 1862, up to the time W. P. Jones was made and appointed superintendent; and the accounts, when so ascertained, shall, upon the order of the chairman of the board of trustees, be paid; and the comptroller shall issue his warrant for the same, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 33. *Be it further enacted*, That section twelve of an act passed January 19, 1838, entitled "An act to establish a State bank to raise a fund for internal improvements and to aid in the establishment of a system of common schools," be, and the same is hereby, repealed.

SEC. 34. *Be it further enacted*, That section 2807 of the code is hereby repealed.

SEC. 35. *Be it further enacted*, That Willis Grantham be allowed the sum of one hundred and forty-one dollars and sixty cents, being his mileage and per diem, as contestant for a seat in the house, up to the 12th April, 1865, and that the comptroller issue his warrant, and the treasurer pay the same.

SEC. 36. *Be it further enacted*, That the comptroller be ordered to issue his warrant for the sum of two hundred dollars, for mileage and per diem to the 13th April, 1865, to Samuel Tigh of Shelby county, while contesting his seat in this body.

*Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives at the first session of the 34th general assembly, and the aggregate amount of each.*

| Names of senators and representatives. | No. of days. | Per diem. | Miles travelled. | Mileage. | Total am't. |
|---|---|---|---|---|---|
| SENATORS. | | | | | |
| Butler, R. R | 71 | $284 | 560 | $89 60 | $373 60 |
| Bosson, William | 71 | 284 | 85 | 27 20 | 311 20 |
| Bowen, John W | 71 | 284 | 100 | 16 00 | 300 00 |
| Cate, A. M | 71 | 284 | 342 | 54 72 | 338 72 |
| Cypert, Thomas J | 71 | 284 | 800 | 128 00 | 412 00 |
| Case, Almon | 71 | 284 | 700 | 112 00 | 396 00 |
| Frazer, Z. W | 71 | 284 | 50 | 8 00 | 292 00 |
| Frierson, J. B | 71 | 284 | 106 | 16 96 | 300 96 |
| Hurst, Fielding | 71 | 284 | 1,000 | 160 00 | 444 00 |
| Hall, W. K | 71 | 284 | 900 | 144 00 | 428 00 |
| Keith, G. W | 71 | 284 | 620 | 99 20 | 383 20 |
| Lasater, Robert E | 71 | 284 | 120 | 19 20 | 303 20 |
| McKinney, C. J | 71 | 284 | 660 | 105 60 | 389 60 |
| McElwee, Thomas B | 71 | 284 | 412 | 65 92 | 349 92 |
| Muse, Thomas A | 71 | 284 | 424 | 67 24 | 351 24 |
| Nun, David A* | | | | | |
| Peart, B. R | 71 | 284 | 130 | 20 80 | 304 80 |
| Randolph, J. H | 71 | 284 | 570 | 91 20 | 375 20 |
| Senter, D. W. C | 71 | 284 | 576 | 95 36 | 379 36 |
| Spence, William | 71 | 284 | 60 | 9 60 | 293 60 |
| Smith, J. W | 71 | 284 | 1,000 | 160 00 | 444 00 |
| Trimble, John | 71 | 284 | | | 284 00 |
| Wisener, W. H | 71 | 284 | 126 | 20 16 | 304 16 |
| Rodgers, S. R., speaker | | | | | |
| Vincent, Myers | | | 620 | 99 20 | 99 20 |
| REPRESENTATIVES. | | | | | |
| Anderson, G. W | 71 | 284 | 200 | 32 00 | 316 00 |
| Arnell, S. M | 71 | 284 | 100 | 16 00 | 300 00 |
| Barton, William | 71 | 284 | 88 | 14 08 | 298 08 |
| Bond, William P* | | | | | |
| Brittle, Gilbert | 71 | 284 | 90 | 14 40 | 298 40 |
| Cowart, R. H | 71 | 284 | 560 | 87 60 | 373 60 |
| Cooper, Ed | 71 | 284 | 126 | 20 16 | 304 16 |
| Crutchfield, Thomas* | | | | | |
| Copeland, W. J | 71 | 284 | 390 | 52 40 | 336 40 |
| Carter, S. J | 71 | 284 | | | 284 00 |
| Dillen, Joseph R | 33 | 132 | 600 | 96 00 | 228 00 |
| Duggan, Wilson | 71 | 284 | 600 | 96 00 | 380 00 |
| Donaldson, J. H | 71 | 284 | 400 | 64 00 | 348 00 |
| Dowdy, Rufus | 30 | 120 | 320 | 51 20 | 171 20 |
| Doughty, James A | 71 | 284 | 560 | 89 60 | 373 60 |
| Elliott, W. Y | 71 | 284 | 60 | 9 60 | 293 60 |
| Fuson, John A | 71 | 284 | 120 | 19 20 | 303 20 |
| Faulkner, Asa | 71 | 284 | 150 | 24 00 | 308 00 |
| Gaut, Jesse H | 71 | 284 | 360 | 57 60 | 341 60 |
| Grove, G. H | 71 | 284 | 596 | 95 36 | 379 36 |
| Gillem, A. C | 15 | 60 | | | 60 00 |
| Garner, W. A | 71 | 284 | 180 | 28 80 | 312 80 |
| Gilmer, Jeremiah | 71 | 284 | 120 | 19 20 | 303 20 |
| Gaines, G. W | 71 | 284 | 446 | 71 36 | 355 36 |
| Garrett, A. E | 71 | 284 | 240 | 38 40 | 322 40 |
| Griffith, Samuel E | 71 | 284 | 720 | 115 20 | 399 20 |
| Grimmett, W. A | 71 | 284 | 90 | 14 40 | 298 40 |
| Hood, James R | 71 | 284 | 302 | 48 32 | 332 32 |

* Did not take his seat.

*Report of the Committee on Finance*—Continued.

| Names of senators and representatives. | No. of days. | Per diem. | Miles travelled. | Mileage. | Total am't. |
|---|---|---|---|---|---|
| Henderson, J. M | 71 | $284 | $418 | 66 88 | $350 88 |
| Hermans, Theodore | 71 | 284 | 108 | 17 28 | 301 28 |
| Hudson, Joseph | 71 | 284 | 50 | 8 00 | 292 00 |
| Inman, Charles | 17 | 68 | 600 | 96 00 | 164 00 |
| Jones, Turney | 35 | 140 | 624 | 99 84 | 239 84 |
| Jones, James | 71 | 284 | 672 | 107 52 | 391 52 |
| Jarvis, L. M | 71 | 284 | 650 | 104 00 | 388 00 |
| Kercheval, T. A | 71 | 284 | 180 | 28 00 | 312 80 |
| Maxwell, Thomas | 71 | 284 | 800 | 128 80 | 412 00 |
| McNair, J. E | 71 | 284 | 800 | 128 00 | 412 00 |
| Minnis, J. B | 71 | 284 | 572 | 91 52 | 275 52 |
| Mason, Thomas G | 71 | 284 | 472 | 75 52 | 359 52 |
| Mulloy, J. S | 71 | 284 | 90 | 14 40 | 298 40 |
| Mullunix, William | 43 | 172 | 744 | 119 04 | 191 04 |
| Moss, A. W | 71 | 284 | 36 | 5 76 | 289 76 |
| Melton, James M | 71 | 284 | 600 | 96 00 | 380 00 |
| Mullins, James | 71 | 284 | 126 | 20 16 | 304 16 |
| Norman, John | 71 | 284 | 500 | 80 00 | 364 00 |
| Nicks, A. D | 71 | 284 | ..... | 11 20 | 295 20 |
| Puckett, I. N | 71 | 284 | 110 | 17 60 | 301 60 |
| Porter, John | 71 | 284 | 800 | 128 00 | 412 00 |
| Pearson* | ..... | ..... | ..... | ..... | ..... |
| Rogers, Reuben | 71 | 284 | 606 | 96 36 | 380 36 |
| Raulston, R. S | 71 | 284 | 252 | 40 32 | 324 32 |
| Ryder, M. T | 71 | 284 | 1,000 | 160 00 | 444 00 |
| Richards, P. S | 71 | 284 | 1,000 | 160 00 | 444 00 |
| Shultz, J. R | 71 | 284 | 640 | 102 40 | 386 40 |
| Simmons, W | 71 | 284 | 164 | 26 24 | 310 24 |
| Smith, W. J | 71 | 284 | 1,100 | 176 00 | 460 00 |
| Smith, F. A | 71 | 284 | 550 | 88 00 | 372 00 |
| Steele, Abner A | 71 | 284 | 130 | 20 80 | 304 80 |
| Snodderly, A. A | 71 | 284 | 580 | 92 80 | 376 80 |
| Simmerly, E | 71 | 284 | 760 | 121 60 | 405 60 |
| Steagald, John | 71 | 284 | 744 | 159 04 | 403 04 |
| Scales, William | 71 | 284 | 300 | 48 00 | 332 00 |
| Thornburgh, D. G | 71 | 284 | 572 | 91 52 | 375 52 |
| Tighe, Samuel | ..... | 40 | 1,000 | 160 00 | 200 00 |
| Thomas, J. F | 71 | 284 | 140 | 22 40 | 306 40 |
| Thomas, Dorsey B | 71 | 284 | 134 | 21 44 | 305 44 |
| Underwood, C | 71 | 284 | 500 | 80 00 | 364 00 |
| Williams, Pleas | 71 | 284 | 774 | 123 84 | 407 84 |
| Willis, W. W | 71 | 284 | 660 | 105 60 | 389 60 |
| Wagner, Joseph | 71 | 284 | 822 | 131 52 | 415 52 |
| Waters, Wallace | 71 | 284 | 1,196 | 191 36 | 475 36 |
| Warren, S. L | 71 | 284 | 240 | 38 40 | 322 40 |
| Waters, Wilson L | 71 | 284 | 90 | 14 40 | 298 40 |
| Wines, William | 71 | 284 | 130 | 20 80 | 304 80 |
| Woodcock, W. M | 71 | 284 | 150 | 24 00 | 308 00 |
| Wright, William | 71 | 284 | 52 | 8 32 | 292 32 |
| Woods, James | ..... | ..... | ..... | ..... | ..... |
| Walker, John P | 71 | 284 | 370 | 59 20 | 343 20 |
| Woods, W. W | ..... | ..... | ..... | ..... | ..... |

* Did not take his seat.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 10, 1865.

## CHAPTER XXXVII.

AN ACT to change the eleventh, twelfth, and fourteenth judicial circuits of this State, and for other purposes.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That the counties of Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin shall compose the twelfth judicial circuits; that the counties of Lawrence, Giles, Maury, Lewis, and Marshall shall compose the eleventh judicial circuit; and that the circuit courts in the county of Lawrence shall hereafter be held on the fourth Mondays in February, June, and October, and that the counties of Haywood, and Madison shall be attached to the fifteenth circuit; and the fourteenth judicial circuit is hereby abolished.

SEC. 2. *Be it further enacted*, That hereafter the circuit courts for the twelfth circuit shall be holden as follows: In Henderson county, first Mondays in March, June, and September; McNairy, second Mondays in March, June, and September; Hardin, third Mondays in March, June, and September; Wayne, fourth Mondays in March, June, and September; Hickman, fourth Mondays in April, July, and October; Decatur, first Mondays in May, August, and November.

SEC. 6. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. ROGERS,
*Speaker of the Senate.*

Passed June 10, 1865.

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## *Private acts.*

## CHAPTER I.

AN ACT for the benefit of J. G. Frazier, clerk of the supreme court for the middle district of Tennessee.

*Be it enacted by the general assembly of the State of Tennessee*, That the treasurer of the State of Tennessee pay to J. G. Frazier the sum of two hundred dollars, out of any money in the treasury not otherwise appropriated. This act to take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 1, 1865.

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## CHAPTER II.

AN ACT to incorporate the East Tennessee Iron, Coal, and Petroleum Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John Caldwell, John Baxter, W. R. Patterson, L. S. Trowbridge, and R. H. Armstrong, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the East Tennessee Iron, Coal, and Petroleum Company, and by that name shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of equity or law whatever: to have and use a common seal, and to alter the same at pleasure: to establish and change any by-laws for the government of said company: to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal oil, and personal property, as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine and vend said minerals, coal, iron, oil, and products thereof, and issue such numbers of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company, to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest or interests in all real estate, as may be necessary to purchase or lease for the operation of the works of the company; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed or mines or minerals, lands or leases, iron, coal or petroleum, or leases, situated in this State, or elsewhere, a separate and distinct interest of each mine, bed, field, vein, or deposit, or lease,

may be created under some name to distinguish the same, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this act.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 12, 1865.

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## CHAPTER III.

### AN ACT to incorporate the Raulston Oil and Salt Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Hugh L. W. Raulston, George F. Smith, D. H. Throup, J. M. Judson, Samuel Canby, D. T. Cockrill S. H. Judson, Charles B. Ingles, and R. S. Raulston, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Raulston Coal, Iron, Oil and Salt Company," and by that name and style shall have succession, with power to contract and be contracted with, sue and be sued in that name in all courts and places; to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals; and with manufacturing, refining, and selling oil, salt, and other products of said business, and of the lands owned, or which may hereafter be owned by them, in this State; to hold their meetings, and transport and sell their oil, salt, and other products, within or without the State, and to have all other powers needful and proper for the successful prosecution of the business, and for the execution of the power herein granted.

SEC. 2. *Be it further enacted*, That said corporation may organize said company by the appointment of a president, and such other officers and managers as they may deem necessary, at such times and places as they may designate by notice previously given, and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and that said company shall have power to increase the same, from time to time, not exceeding one million dollars.

SEC. 4. *Be it further enacted*, That said company may buy, lease, or rent, any suitable lands, mines, oil, or salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, households, mining, and boring rights, and rights of way, in payment of such part of subscription as they may deem advisable. Said company may erect and build on any of the lands such buildings, engines, machinery, and fixtures, as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this charter shall expire or cease at the expiration of ninety-nine years after its passage, and the right to repeal, alter, or amend this charter, is reserved to the general assembly.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed upon similar corporations in this State.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 25, 1865.

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## CHAPTER IV.

### AN ACT to develop the various oil and mineral interests of the State of Tennessee, and for other purposes.

SEC. 1. *Be it enacted by the general assembly of the State of Tennesee*, That D. C. Trewhitt, James R. Hood, Thomas W. Yarley, P. M. Ferrington, John A. Spooner, A. A. Pearson, Edward S. Jones, William E. Merrill, George D. Emerson, and Freemorton Young, who now constitute a voluntary association under the name and style of "The East Tennessee Petroleum Company," and their successors, be, and are hereby, incorporated a body politic, under the name and style of "The East Tennessee Petroleum Company," under and

by which name said body politic shall transact its business, and by which name said corporation shall be known, sue and be sued, plead and be impleaded, and shall have a common seal.

SEC. 2. *Be it further enacted*, That said corporation, as such, is hereby freely authorized and empowered to acquire by lease or purchase any and all such lands and mineral interests for the purpose of raising, producing, and manufacturing petroleum, coal, iron, salt, silver, copper, and any and every other valuable mineral within the State of Tennessee and such other places as said company may deem to their interest; and do and perform any and all such other acts and things as may be necessary and expedient to prosecute successfully the business of said corporation.

SEC. 3. *Be it further enacted*, That said company shall also have power, for the government of said company and its business, to elect one president and such other officers as said company may desire and deem expedient, and prescribe their qualification and term of office.

SEC. 4. *Be it further enacted*, That the principal office of said company shall be at Chattanooga, with power vested in the company to establish such branches at such other places as they may direct, and also to change the principal office of the company at such time and to such other place as the directors or the company may desire.

SEC. 5. *Be it further enacted*, That the capital stock of said company shall be one million dollars, divided into one hundred thousand shares of ten dollars each. This company shall have and is hereby invested with power to make such by-laws, rules, and regulations, consistent with the charter, as they may see proper for the government and control of the company. The company has power to reopen books for subscription and sale of stock, and other purposes, at such times, places, and manner as the directors may direct, and may make such sales and transfers of stock as the directors of the company may direct.

SEC. 6. *Be it further enacted*, That this company shall have power to increase the capital stock of the company to any amount, and at any time the company may desire to do so, to the extent of five million dollars.

SEC. 7. *Be it further enacted*, That this corporation franchise and privilege shall continue, be, and exist for the period of ninety-nine years to the persons above named as incorporated and their successors.

SEC. 8. *Be it further enacted*, That the property and effects and vested rights of the several parties herein incorporated as they exist under said voluntary association are hereby transferred to and secured to this corporation.

SEC. 9. *Be it further enacted*, That the stockholders are, jointly and severally, individually liable, at all times, for all moneys due and owing to their laborers, employés, and apprentices, for services performed for such corporation.

SEC. 10. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations.

SEC. 11. This act to take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 30, 1865.

## CHAPTER V.

AN ACT to incorporate the Bridgeman Oil and Salt Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Benjamin F. Bridgeman, David Clege, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of "Bridgeman Coal Oil and Salt Company," and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with; sue and be sued in that name in all courts and places; to have a common seal; to engage in mining and boring for petroleum or rock oil, salt water, and other valuable minerals, and in the manufacturing, refining, preparing for market, transporting and selling oil and salt, and other products of said business, and of the lands now owned or which may hereafter be owned by them in this State; to hold their meetings and transport and sell their oil, salt and other products within or without the State; and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted.

SEC. 2. *Be it further enacted*, That said corporation may organize said company by the appointment of a President and such other officers and managers as they may deem necessary at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules, and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and said company shall have power to increase the same from time to time, not exceeding one million of dollars.

SEC. 4. *Be it further enacted*, That the said company may buy, lease, or rent any suitable lands, mines, oil and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, leaseholds, mining and boring rights, and rights of way, in payment of such part of subscriptions as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this charter shall expire at the expiration of ninety-nine years from its passage, and that the right to repeal, alter, or amend this charter is reserved to the general assembly.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 30, 1865.

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## CHAPTER VI.

### AN ACT to charter the Tennessee Express Company.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That A. Blizard, M. L. Phillips, G. W. Ross and their associates, are hereby incorporated as a body politic and incorporate, under the name and style of the "Tennessee Express Company," for the purpose of carrying and shipping goods, wares, and merchandise, letters and private matter, money, or anything else which may be desired of said company to carry, ship, or transport on any railroad or railroads in the State of Tennessee or elsewhere.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, more or less, as may be necessary to carry out the object of said company, and one hundred dollars shall constitute one share of stock in said company; and so soon as said sum of ten thousand dollars shall have been subscribed, the company may meet at such time and place as they may deem proper, for the purpose of electing a president, secretary, and treasurer, who shall forever thereafter hold their offices for one year and until their successors are elected and qualified; and by that name shall be capable in law and equity of purchasing, holding, selling, leasing, and conveying estate, real, personal, and mixed, so far as the same may be necessary for the purposes of said corporation to carry on and conduct the business of said company to the advantage of the stockholders; and by that name may sue and be sued and plead and be impleaded, and shall exercise all the powers, rights, privileges, and immunities which other corporate bodies may lawfully do for the purposes mentioned in this act.

SEC. 3. *Be it further enacted*, That the officers mentioned in the second section of this act shall be elected by the stockholders of the company, and each stockholder shall be entitled to cast one vote in person or by proxy for each share of stock owned by him; and the president, secretary, and treasurer shall be stockholders of said company; and the company shall have power to make such by-laws and rules as they may deem proper for the government of the company and the business thereof, not inconsistent with the constitution and laws of this State or of the United States, and shall also have power to use a common seal, and to alter or change the same at pleasure.

SEC. 4. *Be it further enacted*, That it shall be the duty of said company to keep all such books as may be necessary for the transaction of its business; and all transfers of stock by any stockholder shall be made upon the books of said company, for the inspection of all the stockholders, and a majority of all the stockholders, including the president, at any meeting, shall be competent to act and transact the business of the company.

SEC. 5. *Be it further enacted*, That said company shall be deemed and held liable for any loss or damage caused by the negligence, carlessness, or wilful misconduct of the same, or any of its officers, agents, or employés, to be recovered by any person aggrieved thereby.

SEC. 6. *Be it further enacted*, That it shall be the duty of said company to carry and convey all goods, wares, and merchandise and packages received by them for shipment, in the turn in which the same was received by them, and in default thereof, and loss or damage is sustained by the owner of the same, said company shall be held liable for such injury: *Provided*, Such delay or irregular shipment was not caused by the request of the owner of said goods or packages or his agent. And said company or agents shall receipt the owner for all goods or packages whatever when received.

SEC. 7. *Be it further enacted*, That nothing in this act shall be so construed as to give banking privileges to said company.

SEC. 8. *Be it further enacted*, That the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 3, 1865.

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## CHAPTER VII.

AN ACT to incorporate the Memphis Ladies' Institute, of Memphis, Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That J. D. Williams, Mrs. F. P. McGehee, and Mrs. M. P. Southworth be, and they are hereby, constituted a body corporate and politic, under the name and style of "The Memphis Ladies' Institute, of Memphis, Tennessee," and shall have succession for a period of ninety-nine years, unless said corporation is sooner dissolved; and shall have all the powers and be subject to all the obligations and restrictions incident to private corporations, as provided in article 4, chapter 2, and title 9, of the code of laws of the State of Tennessee.

SEC. 2. *Be it further enacted*, That said corporation is hereby authorized to confer such literary honors and degrees as are usually conferred by the colleges and universities of the United States, and in testimony thereof to grant diplomas under the seal of said corporation: *Provided*, This power and authority shall be under legislative control.

SEC. 3. *Be it further enacted*, That in said institution, and in all literary societies connected therewith, the Bible shall be the standard of morals, and no officer or teacher shall use his or her influence for sectarian or party ends or purposes.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

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## CHAPTER VIII.

AN ACT to incorporate the Tennessee Colonial Company, for the purpose of promoting emigration, to establish vineyards, develop the mineral and other resources of the State of Tennessee.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That George M. Mowbray, of Titusville, Pennsylvania; George Wade, of the city of New York; Henry Wise, of New Jersey; A. B. Shanklin, and Dr. Hudson of the city of Nashville, Tennessee, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Tennessee Colonial, Agricultural, Mining, and Manufacturing Company;" and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary and proper to carry out the provisions of this act, and promote the objects and designs of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of fifty dollars each, and the persons above named shall open books for the subscription of stock, and when fifty thousand dollars shall have been subscribed the stockholders may meet and elect five directors, and said directors shall elect one of their number president, and also a secretary.

SEC. 3. *Be it further enacted*, That the officers of said company shall be managed by a board of directors, consisting of not less than five stockholders, and such agents and officers as they may appoint. The president and secretary shall be elected annually by the directors, and all vacancies happening in said board, or in any of said offices, may be filled by the acting directors for the remainder of the term for which they are elected or appointed. The board shall establish or change any by-laws for the government of said company, which by-laws shall not be inconsistent with the Constitution of the United States, or the constitution and laws of the State of Tennessee.

SEC. 4. *Be it further enacted*, That the said company shall have full power to purchase, hold, and dispose of real estate, lease lands, and do all that is necessary for the welfare and promotion of the Tennessee Colonial, Agricultural, Mining, and Manufacturing Company, viz: That said company may raise vineyards and do a general mining, boring, and manufacturing business on lands owned and leased by said company, to mine, bore, forge, roll,

smelt, manufacture, transport, and vend in wines, minerals, coal, iron, salt, oil, &c. The land to be held by the company shall form a common stock, and shall be divided into shares of fifty dollars each, and apportioned by the said company among the owners and subscribers of said stock according to their respective interests.

SEC. 5. *Be it further enacted*, That the officers and stockholders of said company and those emigrating on their lands shall enjoy all the rights, privileges, and protection guaranteed by the State of Tennessee under the Constitution of the United States.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

## CHAPTER IX.

AN ACT to incorporate the Cairo and New Orleans Pilots' Benevolent Association.

Whereas a number of steamboat pilots, engaged in the navigation of the Mississippi river, have formed an association for the laudable purpose of increasing the skill and information, improving the character and habits, and promoting the interests of all those pilots intrusted with the control and safety of steamers and other vessels; and

Whereas the immense and increasing commerce and navigation of the said river demands that suitable legislative encouragement should be given by this general assembly to intelligent and judicious efforts to lessen the dangers of the transportation of persons and property upon the said river; and

Whereas the intrusting of the vessels used in said navigation only to the care of sober, attentive, skilful, and experienced pilots, who have had a regular and thorough training in the business, would greatly tend to enhance the security of life and property constantly at risk on the steamboats and other vessels plying upon the western rivers: Therefore, in order to further the objects and encourage the efforts of an institution so useful and praiseworthy as the above-named association, and to give efficiency, perpetuity, and dignity to the same—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Harrison Blasdel, J. W. Pittman, James D. Perry, Green S. Snow, F. B. Montany, James W. Sayers, William Huston, W. C. Page, Garrison Wasson, James C. Rhoads, W. A. Wilds, W. A. Hale, and their associates and successors, are hereby created a body corporate and politic, by the name and style of the "Cairo and New Orleans Pilots' Benevolent Association;" and by that name shall have succession for a period of twenty years, and shall be capable of suing and being sued, both at law and in equity, in all courts and places whatsoever; and that they and their successors may have a common seal, and may alter, change, or destroy the same at will; and shall also be capable of acquiring, holding, conveying, and pledging property, real, personal, and mixed, as may be required for the purpose of the association.

SEC. 2. *Be it further enacted*, That said corporation shall have power to make a constitution and by-laws, and to alter, change, or annul the same at pleasure, in whole or in part: *Provided*, That nothing therein contained shall be repugnant to the constitution and laws of this State or of the United States.

SEC. 3. *Be it further enacted*, That said corporation shall have power to erect a hall and buildings suitable for its uses; to purchase, own, and enjoy a good library, philosophical, chemical, and other apparatus, and such things as may be calculated to advance the objects contemplated by this charter, which shall be exempt from taxation; to procure the delivery of lectures; to found and maintain a school; to grant diplomas, and to withdraw and annul the same; to impose fines upon its members for the breach of any of the provisions of the constitution or by-laws of this association; to levy contributions upon members; to create a fund to be applied to the relief of indigent or distressed members, or their families, and to the other objects named in this section; to censure, suspend, fine, or expel a member, for any good cause, calculated to bring discredit upon said association; and generally to do all such other good things as may be necessary to carry out the objects of this association.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

## CHAPTER X.

AN ACT incorporating the Great Southwestern Oil and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That James W. Milroy, William Glenny, Shela Waters, James G. Pratt, Benjamin Gonzales, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Great Southwestern Oil and Mining Company," and by that name and style shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of law or equity whatever; to have and use a seal, and alter the same at will; to make and change any by-laws necessary for the government of the company; to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, and personal property as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine, and sell said minerals, coal, iron, oil, or other products thereof, in or out of this State, and issue such number of shares of stock of said company at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interests in real estate or machinery for manufacturing as may be necessary to purchase or lease for the successful management of the business of said company; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines, minerals, lands, or leases, situated in this State or elsewhere, a separate and distinct interest of each mine, lead, field, lien, deposit, or lease, may be created under such name as may be adopted, to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL E. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

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## CHAPTER XI.

AN ACT to change a railroad fund into a county fund, for Blount county.

Whereas an act was passed by the general assembly of the State of Tennessee, on the 27th of January, 1854, to authorize the county court of Blount county, through their chairman, to subscribe stock to the Knoxville and Charleston Railroad Company, and levy a tax on said county to pay the same on certain conditions; and

Whereas the county court of said county, in good faith, did subscribe said stock, and levy said tax, and proceed to collect the same, to the amount of eight or ten thousand dollars, in the years 1855, 1856, 1857, and 1858, and the same was collected and paid over to the county treasurer, as provided by said act; and

Whereas the railroad company failed to carry out the provisions of said act, as specified therein, the courts of said county did then proceed to loan said fund, which was done, taking notes with approved security; and

Whereas said fund is still lying in said condition, and likely to be lost, or a portion of it: Therefore—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the fund as set forth in the foregoing preamble, collected under the act as set forth, may be changed from the railroad fund into a county fund, for the use and benefit of Blount county, and to be under the control and management of the county court of Blount county as a general county fund.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of Blount county, at the first quarterly term after the passage of this act—and a certified copy of the same being present—to appoint or elect a suitable person to collect said fund, in the name of the chairman of said county court, according to the face of the notes, as executed by the parties borrowing said fund, which notes are now in the hands of the trustee of said county.

SEC. 3. *Be it further enacted*, That it shall be the duty of said county court to require such person so appointed or elected to give bond and approved security for his faithful performance in the collection and paying over said fund into the county treasury, as other county moneys.

SEC. 4. *Be it further enacted*, That the county court of said county allow said collector a reasonable allowance for his services, not to exceed six per cent. on the amount collected.

SEC. 5. *Be it further enacted*, That it shall be the duty of said court to require the trustee of said county to give bond and approved security for the faithful keeping and paying over said fund, according to the order of said court.

SEC. 6. *Be it further enacted*, That nothing in this act shall be construed so as to interfere with the original act passed on the 27th day of January, 1854. This act is only intended to change that part of the fund collected under the said act and paid into the treasury of Blount county in the years of 1855-'6-'7-'8, and no further.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

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## CHAPTER XII.

AN ACT to incorporate the Tennessee Fire and Marine Insurance Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That B. W. Sharp, Rual Hough, James E. Murryman, John W. Leftwick, Calvin Kelsey, L. Helman, and Frank Taff, of the city of Memphis, together with those who may hereafter become stockholders, as hereinafter provided for, are hereby created a corporation and body politic, by the name and style of the president and directors of the "Tennessee Fire and Marine Insurance Company," and shall continue from the first day of May, 1865; and by that name are hereby made capable and able at law to have, purchase, receive, possess, and enjoy, retain, and control, to them and their successors, lands, tenements, rents, goods, chattels, and effects, to an amount not exceeding two hundred thousand dollars, and the same to sell, convey, and dispose of; to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in all courts and places in this State or elsewhere; may make and use a common seal, and the same to break, alter, or renew at will; to ordain, establish, and put into execution such by-laws, ordinances, and regulations as shall be deemed necessary and convenient for the government of said corporation, not contrary to the laws of this State, and generally to do all acts and things that a corporation may lawfully do.

SEC. 2. That the persons named in the first section of this act, or a majority of them, shall open books of subscription for the stock in said company, which stock shall consist of two thousand shares of one hundred dollars each, payable in the lawful currency of the United States, and at the time of subscribing they shall have the right to demand and receive twenty dollars on each share subscribed for, and have secured the residue to the satisfaction of the corporation, payable in six and twelve months, which obligations may be renewed from time to time, either in whole or in part, or for such portion thereof as the president and directors of the company shall determine; and it shall be the duty of the president and directors to give at least thirty days' notice of any call which they may make for the payment of the capital stock so subscribed; and if any stockholder shall fail to meet said call, or to secure the payment of the remainder as aforesaid, it shall be lawful for the president and directors to sell such delinquent's shares, and transfer the same to the purchaser, or declare the same forfeited to the company, together with all previous payments thereon. No transfer of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which he is indebted to the said company is secured to the satisfaction of the president and directors thereof, and the stock of every stockholder shall be held as collateral security for the payment of whatever sum he may be indebted by notes or otherwise to said company.

SEC. 3. That the share or stockholders shall meet at the place of opening the books for the subscription of stock in said company on the first day of August, 1865, and at the office of the company on the first Monday of August in each succeeding year thereafter, and elect a president, vice-president, and seven directors, who shall continue in office until the first Monday in August of each ensuing year, and until their successors shall have been elected, of which said election previous notice shall be given in a newspaper printed in the city of Memphis for at least two weeks previous to said election. Any vacancy that may occur in the board of directors shall be filled by the president and directors until the next annual election. No person shall be a director who is not the owner of at least ten shares of the capital stock.

SEC. 4. That in all elections by the stockholders each share to the number of five shall be entitled to one vote, and every ten shares in addition shall entitle the holder to one additional vote; that no person who is not a resident of the State of Tennessee shall have the right to vote at any election for president and directors unless he shall have been the holder or owner of stock at least six months previous to such election by a regular transfer upon the books of the company; but shares may be voted upon by the executors or administrators of a deceased owner and by proxy.

SEC. 5. That the president and directors for the time being may and shall have power to appoint such officers and agents under them at such places as shall be necessary for executing the business of said company, and to allow such compensation therefor as may be agreed upon, and to require and take bond and security for the faithful performance and

discharge of their respective duties and trust; and the said president and directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter, and amend the same. The president and three directors shall constitute a quorum to do business, or five directors in the absence of the president, one of whom shall be vice-president, may do and perform all such acts as might be done and performed by the president and the quorum aforesaid.

SEC. 6. That the president and directors for the time being shall have power and authority in the name of the company to make insurance at such rate of insurance premium or interest as may be agreed upon by the parties, upon buildings, machinery, manufacturing establishments, goods, wares, and merchandise of every description, of all classes and qualities of property transported by land or water in the United States; also to make insurance on steamboats and other water-craft used for transportation of goods, wares, and merchandise therein contained and to be transported or shipped, and to make all such proper contracts for the insurance of other valuable property as may be embraced within the name of personal property, and all such contracts shall be in writing or printed, and shall be made by the authority of the company, by and through their proper and legally constituted officers and agents appointed for that purpose.

SEC. 7. It shall be the duty of the president and directors on the first Monday of August and March in each year to make a dividend of so much of the profits of said corporation as to them or a majority of them shall appear advisable; and in any case of loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, arising from the profits of said corporation, shall have been added to the capital stock of said corporation.

SEC. 8. Said corporation shall not commence business to the making or issuing of any policies of insurance until two hundred shares are subscribed and paid for, or secured to be paid, as provided for in the second section.

SEC. 9. That whenever said company shall be notified of any loss sustained which may be covered by any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or insured in such policy within sixty days after being so notified: *Provided*, There shall have been no violation of the condition of the policy on the part of the insured.

SEC. 10. Said corporation shall be subject to such tax as may be imposed on similar corporations.

SEC. 11. *Be it enacted*, That John Wilson, Anson Nelson, John Lansden, and David C. Love, and their associates, shall be and are hereby declared a body politic and corporate by the name and style of the State Insurance Company of Nashville, and by that name shall be intrusted with all the powers, rights, privileges, and emoluments conferred upon the Tennessee Marine and Fire Insurance Company of Memphis.

SEC. 12. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 5, 1865.

## CHAPTER XIII.

AN ACT to incorporate a literary society of Nashville, known as the "Agnomen Club."

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That a society of young men of the city of Nashville, organized in March, 1865, and known as the "Agnomen Club," having for its object the general promotion of the arts, literature, science, and the amateur drama, as well as the moral improvement of its members, be incorporated under the name of the "Agnomen Club."

SEC. 2. *Be it further enacted*, That said club shall make such rules and by-laws for the regulation of its business and the conduct of its members as it may see fit, not conflicting with the laws of the State or the city of Nashville.

SEC. 3. *Be it further enacted*, That said club shall be empowered to give such amateur dramatic entertainments, open to the public at such times and places as may be designated by its members, not inconsistent with the laws of the State or city of Nashville.

SEC. 4. *Be it further enacted*, That nothing in this act shall be so construed as to give to the club so incorporated the privilege of public exhibition for money, unless they shall first pay the tax, as now provided by law, for exhibitions of a similar character.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

## CHAPTER XIV

AN ACT to authorize and instruct the comptroller of he treasury to audit, and the treasurer to pay, the salary due the Hon. Samuel D. Frierson, chancellor.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the comptroller of the treasury shall audit, and the treasurer of the State shall pay, the quarterly salary due on the 4th March, 1862, and on the 4th day of June, 1862, to the Hon. Samuel D. Frierson, chancellor of the fourth chancery division of the State, because of the same never having been paid, and because of his well-established loyalty to the government of the United States and to the State of Tennessee.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

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## CHAPTER XV.

AN ACT to amend an act passed on the 26th of February, 1858, entitled "An act to charter the Cleveland and Ducktown railroad."

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the charter granted to the Cleveland and Ducktown Railroad Company, by an act of the legislature of the State of Tennessee, passed on the 26th day of February, 1858, be so amended that the following named persons be appointed commissioners of said company, instead of those persons therein mentioned, to wit: Thomas H. Calloway, William M. Biggs, Samuel Parks, N. L. Foute, James Gamble, W. H. Craigmiles, John F. Hayes, Julius E. Raht, Simeon E. Browder, William P. Copeland, Pleasant M. Craigmiles, D. C. McMillen, John B. Cate, Ake. Henry, Y. J. Esterbrook, A. P. McClay, L. McLeod, and G. Greer, and they are hereby constituted and appointed a board of commissioners, seven of whom shall be authorized and competent to act and transact business, and said commissioners and company are clothed with the same rights, powers and privileges, and immunities, which are granted in said charter, of which this is an amendment, and said commissioners shall appoint a time for the stockholders to meet, at such place as they may designate, for the purpose of electing a president and ten directors to manage the affairs of said company.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

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## CHAPTER XVI.

An act to incorporate the Nashville Barbers' Association.

Whereas the barbers of Nashville have formed an association for the aid of its members in case of sickness, and for the improvement of its members in virtue and knowledge: Therefore—

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Frank Parrish, Nelson Walker, D. S. Lapsley, E. Woods, and their associates, be, and are hereby, incorporated under the name of "The Nashville Barbers' Association," for the benevolent purposes aforesaid, and have a seal, right to sue and be sued, and such powers as may be necessary and proper to carry into effect the end for which this charter is granted, for the term of ten years, subject to amendment or repeal by any future legislature.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

## CHAPTER XVII.

AN ACT to incorporate the Tennessee Oil, Mining, and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John D. Thomas, Joseph S. Fowler, Wilson L. Waters, William L. White, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Oil, Mining, and Manufacturing Company," and by that name and style shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of law or equity whatever; to have and use a seal, and alter the same at will; to make and change any by-laws for the government of the company; to purchase, hold, and dispose of such real estate, lease, mines, minerals, iron, coal, oil, and personal property, as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, work, manufacture, refine, and sell said minerals, coal, iron, oil, or other products thereof, in or out of the State, and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest in real estate or machinery for manufacturing purposes as may be necessary; to purchase or lease for the successful operation of business engaged in; and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines, minerals, lands, or leases, situated in this State or elsewhere, a separate and distinct interest of each mine, land, field, lien, deposit, or lease, may be created under such name as may be adopted to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That Alexander J. Mackay, Jonathan D. Hall, and John G. Parkhurst, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Eagle Oil, Mining, and Manufacturing Company," with all the rights and privileges granted by the provisions of this act to the "Tennessee Oil, Mining, and Manufacturing Company."

SEC. 4. *Be it further enacted*, That John P. Cook, Philo Wilson, William B. Wilson, Edwin A. Howard, and Ed. S. Wheat, and their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Petroleum, Mining, and Manufacturing Company," with all the rights and privileges granted by the provisions of this act to the "Tennessee Oil, Mining, and Manufacturing Company."

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 6, 1865.

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## CHAPTER XVIII.

AN ACT to incorporate the Memphis City Railroad Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That William R. Moore, J. M. Hill, S. B. Beaumont, R. Hough, William M. Farrington, Frank Taft, G. P. Ware, S. R. Wood, Fielding Hurst, P. E. Bland, Joseph Bruce, Abner Taylor, Thomas R. Smith, H. B. Wells, Joseph W. Eystra, William C. Bryan, W. P. Hepburn, and Frank Brooks, and their associates, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Memphis City Railroad Company," and by that name may have succession for the term of thirty years, may sue and be sued, plead and be impleaded with, may have and use a common seal, may purchase and hold such personal and real estate as in the opinion of the directors may be necessary for carrying on the business of the corporation, and the same to sell and dispose of at pleasure; may make all needful by-laws for their government not inconsistent or in conflict with the laws of the State of Tennessee and the United States.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, with the right and privilege on the part of said company to make it five hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the same may be subscribed to and made subject to such calls and terms of payment as said directors, hereinafter provided for, shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall, within one year after this act, meet and elect five of their number by ballot, to act as directors of said company,

and thereupon said directors shall choose one of their number to act as president, and may elect such other officers as they may think necessary, and fix the salary of the same—said officers to remain in office one year, and until their successors shall be duly elected; and at the end of one year after the election of such directors, and annually thereafter, after thirty days' notice, to be given by the president and secretary, or either of them, in a newspaper published in the city of Memphis, of the time and place of such election, the stockholders shall meet and elect five directors for the ensuing year—each stockholder to have one vote for each share of stock held by him or her. Said directors shall thereupon proceed to organize, as above provided for the organization of said first board of directors, and so on annually, during the existence of this charter. Said stockholders may vote in person or by proxy. Three of said directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That said company, by their said directors and officers, shall have power to make, complete, and execute all contracts and agreements entered into with the city of Memphis, or other parties, for any purpose whatever, connected either directly or indirectly with the construction, maintaining, or operating said railway, and may alter or enlarge the term of the same with said parties, and may construct, maintain, use, and operate street railways by animal power, on all or any of the streets in the city of Memphis, in the State of Tennessee, for that purpose using all necessary machinery and equipments; said company to use neatly constructed, commodious, and safe cars, to be well adapted to such use and purpose; may enter into all necessary contracts for the building and operating of said railway, and declare dividends on the capital stock of the same.

SEC. 5. *Be it further enacted*, That this act shall be so construed as to authorize said company to construct, maintain, and operate said railway in the streets of the towns or villages of Chelsea and Fort Pickering, in all respects the same as in the city of Memphis: *Provided*, That this act shall be so construed as not to grant either the indorsement of the State or the loan of any bonds.

SEC. 6. *Be it further enacted*, That each stockholder shall be individually liable to the creditors of said company to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of said company, until the whole amount of the capital stock so held by him shall have been paid to the company, and all the stockholders of said company shall be jointly liable for all the debts due or owing to any of its laborers and servants, for services performed for said corporation, but shall not be liable to an action therefor before any execution shall be returned unsatisfied, in whole or in part, against the said corporation, and then the amount due on such execution shall be the amount recoverable, with cost, against such stockholders.

SEC. 7. *Be it further enacted*, That said railroad shall be constructed on the most approved plan for the construction of city railroads, and shall be run as often as the convenience of passengers may require, and shall be subject to such reasonable rules and regulations, in respect thereto, as the common council of the city of Memphis may, from time to time, by ordinance prescribe, and to the payment to the city of such license annually, for each car run thereon, as they may, by ordinance, prescribe; and the persons and their assigns are hereby authorized to charge at the rate of five cents for the conveyance of passengers for the whole or any part of the route from the depot to the terminus of said railroad.

SEC. 8. *Be it further enacted*, That whenever the said tracks shall be placed on the roads, the same shall be laid with such rails and in such manner as shall not obstruct carriage travel, and said company shall cause said tracks to conform to the grade of the roads as they now are, or as it may be by them, and at their expense, changed or altered, and said company shall keep the surface of such roads inside the rails, and for two feet outside on each side thereof, in good order and repair.

SEC. 9. *Be it further enacted*, That the act entitled "An act to incorporate the People's Passenger Railroad Company of the city of Memphis," passed February, 1860, be, and the same is hereby, repealed, together with all acts and parts of acts inconsistent with this act.

SEC. 10. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 7, 1865.

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## CHAPTER XIX.

AN ACT to incorporate the Tennessee and Kentucky Petroleum, Mining, and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That C. H. Smith, Dr. Joshua Coff, George L. Lewis, George Hillman, W. J. McCor, W. J. Costner, and their associates, be, and are hereby, created a body politic and corporate, by the name of the "Tennessee and Kentucky Petroleum, Mining, and Manufacturing Company," and shall have succession for ninety-nine years. At any time after organization within twelve

months, the directors of said company may, if desired, change the name of said company to any other name; and by having a declaration of the same, signed and acknowledged by their president, and recorded, as a deed for land, in the county where the business meeting is held, said new name shall become the corporate name of said body.

SEC. 2. *Be it further enacted*, That said company, in their corporate name, may sue and be sued, plead and be impleaded, in any court of law or equity; may adopt and use a common seal, changeable at their pleasure; may contract and be contracted with, and have and enjoy all the privileges and rights incident to corporations.

SEC. 3. *Be it further enacted*, That said company may acquire and hold, by purchase or lease, any real or personal property necessary or proper to carry on their business; may sell, convey, exchange, rent, or lease the same, or any part thereof, at any time or times during the continuance of this charter; and shall have and enjoy all the rights, privileges, and immunities granted by this legislature to any petroleum, or mining, or manufacturing company.

SEC. 4. *Be it further enacted*, That said corporation shall have power to explore any of the land acquired or held by them by digging, tunnelling, boring, mining, or otherwise, for petroleum, salt, coal, iron, lead, copper, or other material or product; and to prepare, by manufacturing or otherwise, any material or product so found for market; to use or vend the same, either crude or manufactured; to erect such houses and machinery as they may deem requisite to carry on any part of said business. Said company may make, or have executed to them, mortgages or deeds of trust on real or personal property, when necessary in their business, or in order to secure debts due or to become due by or to said corporation.

SEC. 5. *Be it further enacted*, That this company may ordain and establish, from time to time, alter or amend, such by-laws, rules, and regulations for the government of their affairs as they may deem proper, and which shall not contravene this charter and the laws of the land.

SEC. 6. *Be it further enacted*, That the capital stock of this corporation shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, consisting of shares estimated at twenty dollars each.

SEC. 7. *Be it further enacted*, That any five of said corporators may open books for subscriptions of stock in said company at such times and places as they may choose. When the sum of ten thousand dollars has been subscribed, then said company may organize and elect officers.

SEC. 8. *Be it further enacted*, That the officers of said association shall consist of a president, a secretary, and seven directors, who shall serve for one year, and until their successors are qualified and inducted into office. The elections shall be at such time and place, and on such notice, as the by-laws may prescribe.

SEC. 9. *Be it further enacted*, That the officers shall be elected annually as aforesaid, by a majority of the votes cast at such election; and in elections, each share shall entitle the owner thereof to one vote.

SEC. 10. *Be it further enacted*, That, for cause deemed by them sufficient, the directors may dismiss any officer or agent, and appoint a successor to act until the next regular election, or for a shorter term, as they may determine.

SEC. 11. *Be it further enacted*, That each subscriber for stock in said corporation shall be individually liable *only* for the amount subscribed for by such person, and *only* until the same is paid in.

SEC. 12. *Be it further enacted*, That nothing in this act shall be so construed as to give banking privileges to said company; and that the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature.

SEC. 13. *Be it further enacted*, That Sol. Hesse, N. Hoffelner, Adolph Loeb, H. T. Tomlinson, J. Nathan, J. S. Menkin, Henry Sussel, and their associates, are hereby incorporated a body politic and corporate, under the name and style of the "Memphis Club," in the city of Memphis, county of Shelby, and State of Tennessee, with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, purchase and hold real and personal property, stock, and incorporate hereditaments; and may dispose of the same in such manner as said association may deem most expedient.

SEC. 14. *Be it further enacted*, That the said "Memphis Club" may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order and government of said society, not inconsistent with the Constitution of the United States or the State of Tennessee, and do and perform all other acts for their benefit not inconsistent with the privileges herein granted.

SEC. 15. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 7, 1865.

## CHAPTER XX.

AN ACT to amend an act authorizing John C. Haley to establish a turnpike road, passed October 28, 1833.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That F. A. Henager, Jas. R. Rigsby, George W. Rider, and Abel A. Pearson be, and they are hereby, authorized to open, establish, and keep in repair a turnpike road across what is known as the Qualls Trace of Walden's Ridge, beginning at or near where J. L. Hutchison formerly lived, in Rhea county, and from thence to Benjamin F. Bridgeman's mill, at the foot of the mountain, in Bledsoe county; and that the said proprietors have the charter for said road for the same length of time, and upon the same terms and conditions in all respects that a charter for a turnpike road was given to John C. Haley, by an act passed October 28, 1833, and that John Lee, of Bledsoe county, and John P. Walker, of Rhea county, be appointed commissioners on said road, who shall take the same oath, and perform the same duties, and be entitled to the same privileges and emoluments that are enjoined upon and extended to the commissioners of said John C. Haley's turnpike road by the act aforesaid; the charter hereby granted to be void unless the road be opened and completed within four years from the passage of this act.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 7, 1865.

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## CHAPTER XXI.

AN ACT to incorporate the Memphis and Mound City Arkansas Steam Packet Company, of Memphis.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That G. P. Ware, C. C. Burk, Wm. M. Farrington, Wm. R. Moore, John D. Ware, and their associates, shall be, and they are hereby, constituted a body politic and corporate under the name and style of the People's Passenger and Freight Steam Packet Company of Memphis and Mound City; and by that name may have succession for the term of thirty years; may sue and be sued, plead and be impleaded; may have and use a common seal; may purchase and hold such personal and real estate as may be necessary for carrying on the business of the corporation; and the same to sell or dispose of at pleasure; may make all needful by-laws for their government not inconsistent or in conflict with the laws of the United States, the State of Tennessee, or the city of Memphis and county of Shelby.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the same may be subscribed to and made subject to such calls and terms of payment as the directors hereinafter provided for shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall open books for the subscription of stock, and when one hundred shares are subscribed, and ten dollars on each share paid in, the stockholders may then meet and elect five of their number directors of said company, and thereupon said directors shall choose one of their number to act as president, and may elect such other officers as they may think necessary, and fix the salaries of the same, said officers to remain in office one year, or until their successors are duly elected and installed into office, at which time, after three weeks' notice in one newspaper published in the county of Shelby, State aforesaid, the stockholders of said company shall meet and elect the directors aforesaid, each stockholder having one vote for each share of stock held by him or her. Said directors shall thereupon elect their said president and other officers, and said election shall take place annually. Said stockholders may vote in person or by proxy. Three of said directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That said company, by their directors and officers, shall have power to complete and execute all contracts or agreements entered into with the city of Memphis, or other parties, for the use of a landing or wharf of said city, and may alter or enlarge the terms of same. Said parties may enter into all necessary contracts for the building and operating said steam packet company, and declare dividends on the capital stock of the same, provided that the capital stock is not diminished thereby.

SEC. 5. *Be it further enacted*, That said company, in establishing a tariff of freight and passage to and from Memphis and Mound City, will submit the same to the county court of Shelby county, state aforesaid, for the approval of the same before any of its provisions can be enforced: *Provided*, this act shall not be so construed as to grant either the indorsement of the State or the loan of any bonds.

SEC. 6. *Be it further enacted*, That the stockholders of said company shall be individually liable for the amount of their stock subscribed until the same is paid.

SEC. 7. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations of this State.

SEC. 8. *Be it further enacted*, That nothing herein contained shall be so construed as to authorize the corporation of the city of Memphis or the county court of Shelby county to grant any privilege or make any contract with said company that will in any way interfere with the vested rights of any party or parties whatever as now fixed by law.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXII.

AN ACT to incorporate Tennessee Mountain Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Dr. T. A. Atchison, Capt. W. H. H. Ayres, Capt. L. H. Thrikston, S. H. Tar, J. W. Plummer, capt. and provost marshal district Middle Tennessee, H. W. Hart, and their associates, successors and assigns, be, and they are hereby, constituted a body corporate and politic by the name and style of "Tennessee Mountain Petroleum and Mining Company;" and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with, sue and be sued, in that name in all courts and places; to have a common seal; to engage in mining, manufacturing and boring for petroleum, salt, and other valuable minerals, and in the manufacturing, refining, and preparing for market, transporting and selling the same, and other products of said business, and of the land now owned or which may hereafter be owned by them in the State; to hold their meetings, and transport and sell their oil or other minerals or other products, within or without the state, and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted.

SEC. 2. That said corporation may organize said company by the appointment of a president and such other officers and managers as they may deem necessary at such times and places as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

SEC. 3. The capital stock of said company shall be five hundred thousand dollars, and said company shall have power to increase the same from time to time, not exceeding one million dollars.

SEC. 4. The company may buy, lease, or rent any suitable lands, mines, oil and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, leasehold, mining and boring rights and rights of way, in payment of such part of subscription as they may deem advisable. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

SEC. 5. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations in this State.

SEC. 6. *Be it further enacted*, That a violation of this charter shall authorize the legislature to alter or repeal the same, and that nothing therein contained shall be so construed as to allow any banking privileges to said company.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXIII.

AN ACT to incorporate the East Tennessee Union Petroleum, Coal, Iron, and Salt Company

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That O. P. Temple, Green Adams, R. R. Butler, John B. Brownlow, David K. Young, L. C. Houk, and their associates, successors, and assigns, be, and are hereby, constituted a body corporate, by the name and style of the "East Tennessee Union Petroleum, Coal, Iron, and Salt

Company," and by that name shall have succession for ninety-nine years; and shall be competent to sue and be sued in any court of law or equity; to have and use a common seal, and to alter the same at pleasure; to establish, ordain, and change any by-laws, not inconsistent with the constitution and laws of Tennessee, that may be necessary for the government of the company; to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, salt, and personal property, as they may desire, or that may be necessary for the legitimate transaction of their business; to mine, bore, forge, sell, smelt, transport, work, manufacture, refine and vend the same; to issue such number of shares of the stock of said company, at the representative par value thereof, as may be indorsed by a vote of said company; to determine the par value of shares, and have the right to pay in of stock of the corporation for such running interest or interests, in real estate, as may be necessary; to purchase or lease for the operation of the works of the company; to lay and conduct pipes and construct railroads from their wells to navigable rivers, or railroads now constructed or to be constructed, and to make connexions and turnouts for their purposes, &c.; that the capital stock of said company be one million dollars, to be divided in such shares as the company may determine, which may be increased or diminished, as the company may determine; that the president and directors shall regulate the proportion of stock which may be issued to each member on application; the company to have, enjoy, and exercise all the rights and privileges belonging and incident to corporations, except the right to issue notes, or engage in the business of banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines or minerals, lands or leases, iron, coal, or petroleum leases, situated in this State or elsewhere, a separate and distinct interest of each mine, bed, field vein, deposit or lease may be created under some name to distinguish the same, and in like manner may organize under, and enjoy as a distinct branch, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That Horace Maynard, Wm. F. Ray, Thomas J. Vanguilder, James B. Howard, Francis S. Price, James N. Clark, Isaac C. Price, John C. Flanders, Wm. McKey, Joseph L. Cooper, Charles W. Cohen, and S. R. Rodgers be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Knoxville Oil Mining Company," and in that name they may sue and be sued, &c.

SEC. 4. *Be it further enacted*, That said company or body corporate shall have all the rights, powers, and privileges granted to the "Cumberland Basin Petroleum and Mining Company," and subject to like limitations and restrictions.

SEC. 5. *Be it further enacted*, That James H. Vaughn, J. M. Robb, John H. Ligon, H. F. Banks, and H. S. Craine, their associates and successors, are hereby constituted a body politic and corporate, for a period of ninety-nine years, by the name of the "Tennessee Oil and Mineral Company," for the purpose of exploring for oil, copper, gold, lead, silver, iron, zinc, coal, and other ores, metals and minerals, and for the purpose of developing, mining working, refining, smelting, purchasing, and vending the same, with the capital, and clothed with all the powers, rights, and privileges granted in the foregoing charter incorporating the "East Tennessee Union Petroleum, Coal, Iron, and Salt Company." Said corporators and their associates shall organize by the election of six directors of their number, who shall elect a president, vice-president, secretary, and treasurer, who shall perform such duties and exercise such powers as may be prescribed by the by-laws.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXIV.

AN ACT to incorporate the Manchester and Barren Fork Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That W. T. Garrett, J. C. McCrory, and D. P. Rathbone, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Manchester and Barren Fork Mining and Manufacturing Company," and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded with, and generally to do every act and thing necessary and proper to carry out the provisions of this act, and to promote the object and designs of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons above named shall open books for the subscription of stock, and when fifty thousand dollars shall have been subscribed the stockholders may meet and elect five directors, and said directors shall elect one of their number president, and also elect a secretary.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors, consisting of not less than five, and such agents and officers as they may appoint. The secretary and president shall be elected every year by the directors, and all vacancies happening in said board, or in any of said offices, may be filled by the acting directors for the remainder of the term for which they were elected or appointed. The board shall have power to establish by-laws for the government of said company, and to alter the same whenever it may be deemed proper for them to do so. The directors shall have power to require security for the payment of all stock subscribed and not paid in.

SEC. 4. *Be it further enacted*, That the said company shall have full power and authority to purchase and lease lands or real estate, and to dispose of the same, and to do a general mining and manufacturing business on lands owned and leased by said company; to mine, forge, roll, smelt, manufacture, transport, and to vend minerals, iron, coal, petroleum oil, salt, and to hold property of every species necessary for the carrying on of the business of said company, and said company shall have power to make contracts under the corporate seal, signed by the president and attested and signed by the secretary or other officer who may be appointed by the directors for that purpose.

SEC. 5. *Be it further enacted*, That, should the said company at any time fail to meet its engagements, each person holding stock at the time of such failure shall be individually liable for the debts of the company to the amount of the balance of the unpaid stock of such stockholder.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations of this State.

SEC. 7. *Be it further enacted by the general assembly of the State of Tennessee*, That E. C. Schultze, L. C. Platt, C. M. Northrup, Charles Koehler, Joseph W. Currier, Lewis Benton, and John A. Smith, shall be, and are hereby, constituted a body politic and corporate, for the purpose of purchasing, selling, mining, improving, and settling with loyal owners, land in the State of Tennessee, known by the name and style of "The New York and Tennessee Mining and Farmland Company," and by that name may have succession for ninety-nine years; may sue and be sued; may contract and be contracted with; may have a common seal and power to change the same at will; may purchase and hold such personal and real estate as they shall deem necessary for carrying out the objects of the corporation, and may sell or dispose of the same at pleasure, and receive pay, security, or mortgages therefor; may mine, work, or otherwise develop the mineral resources, and may construct such machinery and improvements on the land of the corporation as they shall think proper, and have power to sell, lease, or otherwise dispose of the same; and may make all necessary by-laws for their government not inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 8. The capital stock of said company shall consist of five thousand shares of the par value of one hundred dollars each, with the privilege of increasing, if necessary, to forty thousand shares, and the trustees shall designate and determine what portion of said stock shall be paid in land and its value, and what portion in cash, which stock shall be deemed personal estate, and transferable in such manner as the by-laws of the company shall direct.

SEC. 9. That the affairs of said company shall be managed by a board of trustees, chosen by the stockholders, who shall hold their office for one year, and until their successors are elected. Every member of said board of trustees shall be a stockholder. In every election, and at every meeting of stockholders, each share of stock on which no call or assessment is due, past, and unpaid, shall entitle the holder thereof to one vote, either in person or by proxy. The board of trustees may choose a president, vice-president, secretary and treasurer, and such other officers and agents as may be necessary, and fix their salaries. A failure to hold any election on the day designated shall not work a dissolution of the corporation, but such election may be held at a subsequent time, to be designated by the board of trustees.

SEC. 10. If any subscriber for stock shall fail to pay the amount subscribed in such manner as may be prescribed by the by-laws, the same may be recovered by action of debt in any court having jurisdiction, or such stock may be sold, and declared forfeited by the company, on such terms as the board of trustees shall determine and prescribe.

SEC. 11. That the aforesaid persons, or any number of them, or any other person duly authorized by the board of trustees, may, at any time or place, open books for the subscription of stock.

SEC. 12. *Be it further enacted*, That James Mullens, William H. Wisner, Philemon Gosling, and John C. Coldwell, jr., be, and are hereby, created a body politic and corporate, with succession for ninety-nine years, to be known and designated as "The Cascade Mining and Manufacturing Petroleum Company," with all the powers and privileges of this act, as conferred upon the previous corporations in this act.

SEC. 13. *And be it further enacted*, That this act shall take effect and be in full force from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

## CHAPTER XXV.

AN ACT to amend An act entitled An act to incorporate the East Tennessee and Virginia Railroad Company, passed the 27th day of January, 1848.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the 7th section of said act be so amended that the affairs of said company shall be managed by a board of directors, to consist of nine instead of fifteen, as now required by law.

SEC. 2. *Be it further enacted*, That the seventeenth section be so amended that a stockholder, in his own right, of ten shares, shall be eligible to the office of president or director of said company, with all the rights and privileges that they are now allowed by law: *Provided*, he be a loyal citizen of the United States government.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXVI.

AN ACT to incorporate the Tennessee Mining and Manufacturing Company.

Whereas it has been represented to this general assembly that the property known as the Washington County Iron Works, in Washington county, of this State, upon which there now are a furnace, forges, rolling mill, and other improvements, is capable, by the application of the requisite capital, of much further development:

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Charles J. McKinney, of Hawkins county; Calvin Hoss, of Washington county; and such other persons as they may associate with them, as owners of the shares hereinafter authorized, ~~to be issued~~, be, and the same are hereby, made a body politic and corporate, under the name and style of the Tennessee Mining and Manufacturing Company, and as such, in that name, may have continued succession, and may purchase, have, hold, use, and acquire, by any lawful means, any estate, real and personal, in as full and ample manner as any individual may or might do; and the same may use, lease, let, mortgage, sell, and convey, or otherwise dispose of; and may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and the same may change at pleasure; and make by-laws, not inconsistent with the constitution and laws of Tennessee, and regulations for the management of their affairs; and may have and use all the rights, powers, and privileges which are or may be necessary for them to have as an incorporated company.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall consist of shares of ten dollars each, of which the said property, known as Washington County Iron Works, shall constitute a part, at a price to be agreed upon by and between the parties interested, and when two hundred thousand dollars shall have been subscribed, the shareholders may proceed to organize the company by the election of five or more directors; and the directors for the time being may have, exercise, and enjoy, in the name and behalf of the company, all the rights, powers, and privileges which are given or intended to be given herein, and may, from time to time, increase their resources by borrowing money on a pledge of their property, or without such pledge, or by new subscriptions; and the subscribers shall be bound, each for himself or herself, to pay the sums by them respectively subscribed; and when the sums due, or to become due, thereon shall have been paid, such shareholder shall not be liable for any further payment on account thereof.

SEC. 3. *Be it further enacted*, That the by-laws may prescribe the number of and the manner in which the officers and agents of the company shall be appointed, their terms of service, powers, and duties, and may require that they shall take an oath faithfully to discharge their respective duties And inasmuch as the Nolachucky river is not navigable above the site of the said iron works, and the water power, for manufacturing purposes, may be greatly increased by erecting one or more dams across the said river above the site aforesaid, the company may, and they are hereby authorized to, erect one or more dams across the said river, if the same, in their opinion, be necessary and proper to aid in the establishment of manufactures of iron, or other articles or commodities; subject, nevertheless, to the payment of any damages which may be assessed by a jury empanelled by a court having competent jurisdiction; and *provided* that the erection of said dam or dams shall not interfere with the navigation of said river.

SEC. 4. *Be it further enacted*, That this act shall be in force for thirty years from and after its passage, and until the same be modified and repealed; and all acts and parts of acts conflicting with this act shall be and are hereby repealed: *Provided*, That nothing in this act shall be so construed as to give, grant, or allow to said company banking privileges.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

## CHAPTER XXVII.

AN ACT incorporating the Tennessee and Cumberland Oil and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That A. G. Wells, C. L. Hequembough, Wm. C. Bunts, Wm. B. Campbell, Wm. H. Gordon, Delaino F. Smith, Edward Donohoe, George Richardson, F. H. Cotton, their associates, successors, and assigns, be and are hereby created, constituted and declared a body politic and corporate, under the name and style of the "Tennessee and Cumberland Oil and Mining Company," with full privileges and powers to and for the purpose of prospecting, boring, exploring for, raising, mining, digging, transporting and selling oil, petroleum, kerosene, asphaltum, naphtha, salt, coal, iron, and all other minerals in this State or elsewhere, on any lands they may acquire by purchase, lease or gift; and to manufacture dyes and colors, refine and convert it to such other uses by distillation, refining and manufacturing, as science, chemistry and philosophy has or may hereafter make known and discover; also the privilege and power to manufacture iron from the ore into pig metal, and rolled iron in all its qualities and forms; to erect all necessary machinery, buildings, furnaces, warehouses, docks and levees as shall or may be conducive to the successful operation of their said business in all of its various departments and ramifications; also to lay and conduct pipes, and construct railroads, turnpikes and canals from their lands and works to any navigable river or railroad now constructed or hereafter constructed, and to make the necessary switches and connexions for the purpose of transporting said articles, mined and manufactured, and importing such articles and materials as said company may require for the conducting of their said business: *Provided, however*, That in constructing said roads, canals, &c., they do not interfere with any vested rights; and by said name and style are hereby made a body capable in law, as individual citizens, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to final judgment, in the State and elsewhere, in all courts of law and equity; to make, have and use a common seal, and change the same at will; with full power and authority to purchase, lease, and receive in donation, and enjoy and possess estate, real, personal and mixed, and to lease, rent, sell, alienate, convey, and otherwise dispose of the same; with all rights, powers and privileges necessary and proper for them as an incorporate company; and by such name and style shall have succession for the full term of ninety-nine years: *Provided*, That nothing in this act shall interfere with the vested rights of any other company under the laws of the State of Tennessee.

SEC. 2. *Be it further enacted*, That the incorporators, in person or by proxy, shall, as soon after the passage of this act as convenient, meet and organize by the election of a board of directors of not less than seven nor more than ten in number, who shall have the management and control of the affairs of the company, a majority of whom shall constitute a quorum for the transaction of business, and each being a stockholder to the amount of twenty-five shares at least, who, as well as their successors, shall hold their office for the term of one year, and until their successors are elected. Said directors shall annually thereafter, by public notice for thirty days, in one or more newspapers published in the city of Nashville, next preceding the first Monday of June, to the stockholders to meet at the office of the company, in Nashville, in person or by proxy, to elect directors for the next ensuing year, at which elections three of the stockholders, appointed by those present, shall be the judges. If the directors shall fail or neglect to give notice as aforesaid, any two of the stockholders may give said notice, and elect directors in like manner as if the directors had given notice as prescribed by this act. The persons receiving a majority of the votes cast at said elections shall be declared duly elected; and in case of a tie vote a majority of the directors elect shall determine and give one vote, which shall be the casting vote. Each stockholder shall have one vote for each and every share he or she may own; and any shareholder, not present at any such election, may vote by proxy, said proxy being a shareholder and attending such election, and presenting from his principal authority in writing, signed and sealed by said principal and attested by two witnesses.

SEC. 3. *Be it further enacted*, That if it should happen that an election of directors should not be made on the day designated in the notice, the said corporation shall not for that cause be deemed dissolved; but it shall and may be lawful to make and hold an election for directors on some other designated day, of which notice may be given.

SEC. 4. *Be it further enacted*, That the said directors shall elect annually from their number a president, vice-president, secretary, and treasurer, and other such officers, agents, clerks, and employés, from among the stockholders or from other sources, as the interest of the company may require: and may take of each of them such bond or bonds, with security, conditioned for the faithful performance of the duties assigned them; allow such compensation as they may think proper, and may remove and dismiss them, or any of them, at pleasure; and shall fill all vacancies in their number caused by death, resignation, or otherwise, by such persons from among the stockholders as they may elect. And the said directors, or a majority of them, may, from time to time, make, ordain, and establish such by-laws and regulations for the government of said corporation in its proceedings, and for the management of its stock and property, as may by them be deemed necessary and convenient:

*Provided, however*, the same be not repugnant to and inconsistent with the constitution and laws of this State and of the United States.

SEC. 5. *Be it further enacted*, That the meetings of the board of directors shall be at such times and places as they may themselves determine; and special meetings thereof may be called by the president or a majority of the directors, and at all meetings thereof a majority shall constitute a quorum for the transaction of business.

SEC. 6. *Be it further enacted*, That said directors shall keep, or cause to be kept, proper books of stock and accounts of the business and affairs of said company, which shall be subject at all times to the inspection of the stockholders, and they shall annually, at the expiration of their term of office, make a full and correct report to the stockholders of the transactions of the year, showing the amounts of property and means received, and whence received, the amount disbursed, and for what purpose disbursed, the amount on hand, together with such other information as may be required by the stockholders or deemed important to the interests of the company.

SEC. 7. *Be it further enacted*, That the capital stock of the company shall be two million dollars, divided into one hundred thousand shares of twenty dollars each, which capital stock may be increased or diminished as the directors may determine; and the president and directors shall regulate the proportion of stock which may be issued to each member on application.

SEC. 8. *Be it further enacted*, That the stock and property of said company and corporation, of whatever nature, shall be assignable and transferable on the books of said corporation in such manner as the regulations and by-laws thereof may prescribe.

SEC. 9. *Be it further enacted*, That the dividends of the profits of said corporation shall be made at such times among the stockholders as the dividends may determine.

SEC. 10. *Be it further enacted*, That the board of directors shall have no power to bind the corporation by any contract or agreement to a greater amount than the capital stock subscribed; and in case of their attempting to do so, the directors so participating in such an attempt shall be responsible in their private property to the parties injured.

SEC. 11. *Be it further enacted*, That said corporation may receive real estate, leasehold, mining and boring interests and rights, and right of way, in payment of such part of subscription to stock as may be by the directors deemed advisable.

SEC. 12. *Be it further enacted*, That said corporation shall not be dissolved, unless by a vote of two-thirds of the whole capital stock.

SEC. 13. *Be it further enacted*, That the right to alter, change, or repeal this act is hereby reserved to any subsequent legislature; and nothing shall be so construed as to grant said company banking privileges.

SEC. 14. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXVIII.

AN ACT to charter the East Tennessee Female College.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That a female institution be, and the same is hereby, chartered and incorporated, by the name of "The East Tennessee Female College," to be located at Cleveland, Tennessee.

SEC. 2. *Be it further enacted*, That the following persons be appointed trustees of said institution: G. B. Thompson, M. D., Rev. Wm. C. Daily, Robert N. Fleming, M. D., Rev. Hiram Douglass, William Hunt, M. D., Rev. Robert Sneed, J. H. Brown, M. D., J. H. Gaut, esq., P. M. Craigmills, M. D., L. P. Gaut, esq., J. H. Craigmills, D. P. O'Neil, Thomas H. Colloway, H. B. Davis, William Cate, James M. Henderson, Thomas L. Cate, Joseph H. Davis, Jonathan C. Tipton, and Isaac Lowe, and they and their successors, as hereafter provided, shall constitute a corporation for ninety-nine years.

SEC. 3. *Be it further enacted*, That said corporation shall be able and liable, in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended in all courts and places, as any other legally and regularly constituted corporation; may have a common seal, may alter or change the same at pleasure, and also shall be able to take by purchase, grant or devise, or in any other names, and to hold any real, personal, or mixed estate whatever: *Provided always*, The clear yearly value of the real estate shall not exceed the sum of fifty thousand dollars: *And provided also*, That the principal and interest of the whole fund be used and applied for the use and promotion of education at said college, and to no other purpose.

SEC. 4. *Be it further enacted*, That said trustees and their successors in office shall have full power and authority to collect and receive all funds that have in any way been contributed or pledged for the establishment enlargement, maintenance, or benefit of said institution, or for any of its purposes, and apply the same; and give, grant, bargain, sell, or dispose of all, or any, of said real, personal, or mixed estate, as to them may seem best for the interest of said institution.

SEC. 5. *Be it further enacted*, That the number of trustees shall at no time exceed twenty; seven of whom shall constitute a quorum, with power to transact all the business of the institution, except to sell real estate, in which case a majority of the board must act.

SEC. 6. *Be it further enacted*, That the trustees and their successors in office shall have full power and authority to direct, manage, and control the funds of the institution, for the benefit of the same, to prescribe the course of study and the discipline to be observed in the institution.

SEC. 7. *Be it further enacted*, That the trustees and their successors in office shall have power to select and elect, whenever a majority of them may think proper, a president of the institution, and such professor or professors, tutor or tutors, as they may consider necessary for the institution, and these, when elected, shall constitute a faculty for the education and government of the students, under the restrictions hereinbefore and hereafter enacted.

SEC. 8. *Be it further enacted*, That the faculty elected, as provided in the seventh section of this act, shall hold office during the pleasure of the trustees: *Provided*, That no member of the faculty shall be dismissed by the trustees without just cause, previously stated to him in writing, and a full opportunity for defence allowed him before at least ten (10) of the trustees: *Provided*, That if complaint shall be made to said trustees, or any of them, or they or any of them have knowledge of misconduct on the part of any member of the faculty, it shall be the duty of the trustees to immediately call a meeting of their body to investigate the charges, and if they think proper, by a majority vote of the members present, if five or more, suspend said officer until he be notified and tried, as herein provided.

SEC. 9. *Be it further enacted*, That no member of the faculty shall be eligible to the office of trustee except the president, who shall, by virtue of his office, be a member of the board trustees.

SEC. 10. *Be it further enacted*, That said trustees shall, under the regulations provided in this act, have power, upon the death, resignation, or the removal of one of its members, to supply the vacancy by the election of some other person. They shall also have power to make vacant the seat of any member of the board who shall fail to attend its meetings for the term of twelve months, or for bad or any want of good character.

SEC. 11. *Be it further enacted*, That said trustees shall have power to meet from time to time upon their own adjournment, and as often as they shall be summoned by the chairman or president, or in his absence by the secretary.

SEC. 12. *Be it further enacted*, That the president of the board of trustees, as well as any other officer that may be necessary for the proper organization of such body, may be elected once in every year, at such time as the board shall fix by a majority vote; and the officer elected must be a member of the board of trustees.

SEC. 13. *Be it further enacted*, That the trustees, and their successors in office, have power and authority to grant and confer all such literary degrees and honors as are usual in any similar institution in the Union, and to give suitable diplomas, under the signatures of the faculty and five of the board of trustees, which diploma shall entitle the possessor to the same immunities and privileges allowed by usage and statute to the possessors of diplomas from any similar institution: *Provided*, That this section be subject to legislative control.

SEC. 14. *Be it further enacted*, That said trustees, and their successors in office, have power and authority to make all ordinances and by-laws for the government of their institution which they may deem expedient for carrying the design of the institution into effect: *Provided*, That none of the by-laws shall be inconsistent with the constitution and laws of the State or of the United States.

SEC. 15. *Be it further enacted*, That at a meeting of the board, a quorum being present, said board may, in the absence of the president, name one of its members chairman, whose acts shall be as valid as the acts of the president, and all acts of the board, under such circumstances, shall be as regular and effectual as if the president had been present and presided over the meeting.

SEC. 16. *Be it further enacted*, That all the property belonging to said institution, or which may hereafter belong to it, be, and is hereby, exempt from taxation.

SEC. 17. *Be it further enacted*, That this act shall take effect from its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

## CHAPTER XXIX.

AN ACT to change the line between the counties of Anderson and Campbell.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the county line between the counties of Anderson and Campbell be so changed as to include the present residence and farm of Silas L. Arthur in the county of Anderson.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXX.

AN ACT to incorporate the Cumberland Basin Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That John T. Wilder, W. O. Osgood, W. Hunt, William E. Prall, J. H. Fessenden, S. A. Crittenden, James W. Clark, P. C. Leary, William McMustry, and Samuel Sawyer, and their associates, successors, and assigns, be, and they are hereby, constituted a body corporate, by the name and style of "The Cumberland Basin Petroleum and Mining Company" and by that name shall have ninety-nine years succession, and shall be competent to sue and be sued in any court of equity or law whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company not inconsistent with the constitution and laws of Tennessee: to purchase, hold, and dispose of such real estate, leases, mines, minerals, iron, coal, oil, salt, and personal property as may be necessary for the legitimate transaction of their business; to mine, forge, roll, smelt, transport, work, manufacture, refine, and vend said minerals, coal, iron, oil, salt, and products thereof, and issue such number of shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares, and have the right to pay in shares of stock of the corporation for such mining interest, or interest in real estate, as may be necessary to purchase or lease for the operation of the works of the company, and generally to have, enjoy, and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of mines or minerals, lands or leases, iron, coal, pretroleum, or leases, situate in this State or elsewhere, a separate and distinct interest of each mine, bed, field, vein, or deposit, or lease, may be created under some name to distinguish the same, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this act.

SEC. 3. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations in this State.

SEC. 4. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 8, 1865.

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## CHAPTER XXXI.

AN ACT to incorporate the Cumberland Mining and Petroleum Company and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Barnard F. Mullins, Edward W. Metcalf, Julius C. Hart, Hugh Barns, Alexander J. Mullins, and their associates and successors be, and they are hereby, created a body politic and corporate by the name and style of "The Cumberland Mining and Petroleum Company," and by that name shall have succession for ninety-nine years, and shall be capable in law and equity to sue and be sued, plead and be impleaded, in all suits and proceedings whatever, in any of the courts of this State, and for the purpose of boring for oil and salt, and mining for iron, coal, copper, and other mineral or fossil substances in this State, and vending and selling the same, and for erecting buildings and fixtures, and other improvements, in order to carry on said mining operations, and said company may acquire and hold all needful machinery and apparatus, and may have a common seal, and the same may alter or change at pleasure; may take, hold, manage, convey or transfer any real or personal estate or property

necessary for their business, or lease the same; and may make by-laws for the government of the company.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, ($500,000,) in shares of one hundred dollars each, and the corporators named in the first section of this act may act as directors in organizing the company, and act as such until the stockholders have a general meeting, when they shall elect a board of five directors, and thereafter they shall elect directors annually at the place they may designate for business, but a failure to elect annually shall not work a forfeiture of this charter, but the then existing directors shall act until others are elected. The directors shall elect one of their members president, and may appoint a secretary and treasurer, and such other officers, operatives, and agents as they may think proper, and fix their compensation and wages.

SEC. 3. *Be it further enacted*, That the company may sue any delinquent stockholder for default to pay in his stock, or any of it, according to the terms of the subscription or regulations of the company, or may, if they choose, declare forfeiture of such stock, and may make such by-laws and rules in relation thereto as are not inconsistent with the constitution and laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That nothing in this act shall be so construed as to allow said company any banking privileges whatever, and a violation of this charter shall authorize the legislature to alter or repeal it.

SEC. 5. *Be it further enacted*, That section 1 of an act to incorporate "The Raulston Oil and Slate Company," passed May 25, 1865, be so amended as to read thus: "That Albert G. Ransom, H. D. McKinney, R. S. Raulston, Hugh L. W. Raulston, W. W. Totten, and Charles Wescott, and their associates, successors, and assigns be, and they are hereby, constituted a body corporate and politic by the name and style of 'The Raulston Coal, Iron, Oil, and Salt Company,' and by that name and style shall have succession for ninety-nine years, with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in this State or elsewhere; to have and to use a common seal and change the same at will; also, to buy, lease, sell, grant, and convey lands in this State or elsewhere; to explore and drill for, mine, pump, and raise coal, iron, salt, oil, petroleum, naptha, asphaltum, and all other minerals of every description, with the right to manufacture and refine said oils and minerals, and benzoin, burning fluids, dyes, and colors, and to such other purposes and uses as are now known or as science and chemistry may hereafter make known and discover; also, the right to erect in this State or elsewhere on any lands they may acquire by purchase, gift, or lease, such furnaces, rolling mills, machinery, and fixtures as they may think proper; to manufacture pig metal, rolled iron, and all other kinds of manufactured iron or other metals, as they may determine. Also the right to transport, sell, and dispose of all such oil, coal, iron, salt, and other minerals, together with all such manufactured articles, to vend at such places in this State, or elsewhere, as they may deem most profitable, and to have all other powers proper and needful for the successful prosecution of their business, and for the execution of the powers herein granted."

SEC. 6. *Be it further enacted*, That J. A. Stevens, F. Linck, and J. M. Wambough be, and they are hereby, constituted a body corporate and politic, under the name and style of "The Jackson Mining and Petroleum Company," and shall have the same perpetuation, powers, and privileges granted in the foregoing sections of this act, with the same succession, rights, and franchises; and, among other rights, to sue and be sued, to have and use a common seal, and to make such by-laws as shall not be inconsistent with this charter and the constitution and laws of the United States, or of the State of Tennessee; and with powers to issue and sell stock in shares of one hundred dollars each, and the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars.

SEC. 7. *Be it further enacted*, That so much of an act passed March the 19th, 1860, as refers to the South Nashville Street Railroad Company, and that so much of said act passed February 29, 1860, as refers to the McGavock and Mount Vernon Horse Railroad Company be, and the same are hereby, respectively revived and amended as hereinafter provided.

SEC. 8. *Be it further enacted*, That the said South Nashville Street Railroad Company shall have the exclusive right of way, excepting as hereinafter provided; and by and with the consent of the mayor and aldermen and council, or the city authorities of Nashville, through Cherry and College streets in the city of Nashville, from the public square in said city, to any point or points two miles south of the southern and eastern boundary lines of said corporation, over which to construct two lines of street railroads; also, through and over Cedar, Union, and Church streets, from College to Cherry streets, and through Franklin street, or such other location as may be agreed upon, in the southern part of said city, from Cherry street to Maple street, and through Maple street to its southern terminus.

SEC. 9. *Be it further enacted*, That said company may make a branch street railroad from their main stem or trunk to and through Carroll street eastwardly to the Lebanon turnpike road, and to extend the same at will southeastwardly along said turnpike road, not exceeding two miles from the corporation line.

SEC. 10. *Be it further enacted*, That E. H. East, M. Burns, E. R. Glasscock, Robert Thompson, and G. H. Wessel be added to the other commissioners originally named in the

McGavock and Mount Vernon Horse Railroad Company, and that they, their associates and successors, are hereby constituted said body politic and corporate, for the uses and purposes set forth in said original charter.

SEC. 11. *Be it further enacted*, That said McGavock and Mount Vernon Horse Railroad Company and the South Nashville Street Railroad Company shall have the right of way in common over the railroad tracks in and along the public square in the city of Nashville, and over the tracks of said roads, or either of them, from said square through Cedar street to Cherry, through Cherry street to Church street, through Church street to College street, through College street from Church street to the public square, and along the south side of the public square to the suspension bridge piers, and along the west side to Cedar street, and to use, build, and occupy said railroad tracks in common, and upon such terms and conditions as may be fair and equitable.

SEC. 12. *Be it further enacted*, That said two street railroad companies may hereafter, by and with the consent of the common council, mayor, and aldermen of the city of Nashville, build other branches to their respective roads over and through such other streets as may hereafter be selected, and that said companies may contract with other private companies for the right of way over their property, and lay down one or more tracks as arms or branches to said railroads to such point or points as may be agreed upon.

SEC. 13. *Be it further enacted*, That said McGavock and Mount Vernon Horse Railroad Company shall have the exclusive right of way for a street railroad over such streets as may be selected by said company for their main lines and branches, excepting as hereinbefore declared in common for said two street railroads.

SEC. 14. *Be it further enacted*, That said charters, hereby revived and amended, shall run for fifty years from and after its passage, and that all acts or parts of acts heretofore passed coming in conflict with this amended act be, and the same are hereby, repealed.

SEC. 15. *Be it further enacted*, That Samuel Watkins, Wm. R. Elliston, Joseph T. Elliston, John O. Ewing, Charles Bosley, John H. Williams, Benjamin Litton, Wm. H. Gordon, R. H. McEwen, and W. R. Cornelius, their associates and successors, are hereby constituted a body politic and corporate, under the name of the West Nashville Street Railroad Company, and by that name may have succession for the term of fifty years, may sue and be sued, plead and be impleaded, may have and use a common seal; may receive, purchase, and hold such personal and real estate or property as may be necessary for carrying on the business of said corporation, and the same to sell and dispose of at pleasure; may make all needful by-laws for the government of their said company, not inconsistent with the laws of the United States or of this State.

SEC. 16. *Be it further enacted*, That said company is incorporated for the purpose of constructing and using a street railroad in the city of Nashville, westwardly, not exceeding two miles from the corporation boundary, over any two of Gay, Cedar, Church, and Broad streets, together with such streets running at right angles and between such two streets as may be selected: *Provided*, The same shall in no way interfere with the rights and privileges hereinbefore granted to other companies, and that this charter is granted with the same rights, privileges, conditions, and restrictions as are granted and imposed, in every particular, upon the McGavock and Mount Vernon Horse Railroad Company, passed February 29, 1860.

SEC. 17. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 9, 1865.

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## CHAPTER XXXII.

AN ACT to incorporate the United Hebrew Brethren Benefit Society of Memphis.

SECTION 1. *Be it further enacted by the general assembly of the State of Tennessee*, That J. M. Gaus, M. Skaller, M. Bren, L. Lyons, J. Helligers, S. Goldbaum, S. Marks, and others, and all who shall hereafter become members and officers of the benevolent association known by the name and style of the "United Hebrew Brethren Benefit Society of Memphis," in the city of Memphis, in the county of Shelby, and State of Tennessee, be, and they are hereby, constituted a body politic and corporate, under the name and style aforesaid, with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, and hold personal and real property, stock, and incorporated hereditaments, and may dispose of the same in such manner as the said association may deem most expedient.

SEC. 2. *Be it further enacted*, That the said United Hebrew Brethren Benefit Society may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order and government of said society, not inconsistent with the Constitution of the United States or the State of Tennessee; and do and perform all other acts for their benefit not inconsistent with the privileges herein granted.

SEC. 3. *Be it further enacted*, That the old German order of the Farugari, known as Jackson Lodge No. 111, be, and the same is hereby, incorporated, with the same powers and privileges as conferred by the other sections of this act, and not inconsistent with the laws of the State.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 10, 1865.

## CHAPTER XXXIII.

AN ACT to encourage the planting, improvement, and other interests of the State of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Edward Yardly, Thomas B. McElwee, Peter D. Luther, Wm. D. Whipple, T. W. Yardly, J. W. Barker, and John A. Spooner, be, and are hereby, incorporated into a body politic and corporate, and their successors, under the corporate name and style of the "Tennessee Manufacturing and Improvement Company."

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be two hundred and fifty thousand dollars, divided into twenty-five thousand shares of ten dollars each, with the privilege of increasing the capital stock to an amount not exceeding five million dollars.

SEC. 3. *Be it further enacted*, That this company shall have a common seal, and by its corporate name and style shall have power to transact all its business in its corporate name, purchase and lease lands, raise and manufacture cotton, also oil from cotton seed, together with the mining and dealing in coal, iron, marble, and any or all other valuable minerals: *Provided*, This company shall not engage in the business of banking.

SEC. 4. *Be it further enacted*, That this company shall have full power and authority to open and make roads, by rail or otherwise, necessary for ingress and egress in its operations in shipping their products to market; said company being at its own expense in the same, and rendering to owners of lands—provided said owners are willing to dispose of the lands—just compensation for the right of way and land so appropriated.

SEC. 5. *Be it further enacted*, That this company shall have power to elect its own officers, and establish by-laws, rules, and regulations for the government of the same in such manner as the company may think best; the same not being repugnant to this act.

SEC. 6. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar institutions in this State.

SEC. 7. *Be it further enacted*, That, with a view to the relief of the travelling community generally, and the incorporated turnpike companies of the State, permission is granted said turnpike companies to collect tolls at their several gates; the proceeds of the same, after paying the expense of collection, shall be appropriated to the repair of said roads till the same are made equal to the requirements of the original charter, when this section shall cease to have any further effect.

SEC. 8. *Be it further enacted*, That, to enable the Lebanon and Nashville Turnpike Company to rebuild the bridges burned by General Forrest's command across Mill creek and Stone's river, said company shall be allowed to charge double tolls so soon as one or both of said bridges are completed, and so continue until the gross amount of the extra toll hereby allowed shall create a fund sufficient to discharge the debts incurred in rebuilding said bridges, and no longer, when the provisions of this section shall cease.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 9, 1865.

## CHAPTER XXXIV.

AN ACT to incorporate the New York and Tennessee Petroleum and Mining Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That E. A. Stillman, L. B. Ostrander, Peter Dick, Joseph S. Rains, M. L. Parkhurst, T. S. Briscoe, Edgar Hyke, Patrick Lavello, Joseph Cochrum, and C. J. Hall, (of whom the first five shall constitute the directors for the first year,) be, and they are, together with their associates, successors, and assigns, hereby constituted a body politic and corporate, by the name of "The New York and Tennessee Petroleum and Mining Company," for the purpose of ex-

ploring for petroleum, rock oil, coal oil, salt, volatile substances, and all ores, minerals, and metals, and for mining, pumping, or obtaining by any other process, refining and vending the same, and for such purposes may have and hold in fee simple, or for a term of years, real or personal estate; may mortgage, transfer, or convey the same; may purchase, construct, or erect all necessary buildings, apparatus, roads, &c., for conducting their operations; may have a common seal, and alter or renew the same at pleasure; enjoy all the privileges and immunities of similar corporations, and by that name may sue and be sued, plead and be impleaded, appeal, prosecute, and defend in suits and actions, in any court of law or equity in this or any other State; may make such by-laws, rules, and regulations for accomplishing the objects of the corporation as may be deemed best from time to time by a majority of the board of directors: *Provided*, Such by-laws, rules, and regulations do not conflict with the spirit and letter of this charter, the Constitution and laws of the United States, or of the State of Tennessee.

SEC. 2. *Be it further enacted*, That at any time within five years from the passage of this act a majority of the above named persons may meet in the city of Nashville, and after accepting this charter may proceed to open books for the subscription of stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall consist of not less than fifty nor more than five hundred thousand dollars, to be divided into such number of shares as the board of directors may determine.

SEC. 4. *Be it further enacted*, That when twenty per cent. of the stock shall be subscribed for, and as much as ten per cent. in cash, or real or personal estate in fee or leasehold (the value of the same to be determined and agreed upon by the board of directors) shall be paid into the treasury of the company, or be in its legal possession, the board shall proceed to elect a president, secretary, treasurer, and such other officers as they may see fit.

SEC. 5. *Be it further enacted*, That the directors shall require books to be kept containing the names of the stockholders, the amount of their subscription, payments, transfers of stock, and every fact relating to the stock, which, at all reasonable times, shall be subject to the inspection of any and every stockholder.

SEC. 6. *Be it further enacted*, That each stockholder shall be entitled to a certificate, or certificates, of the stock he or she may own, which certificate shall be signed by the president and secretary of the company, and stamped with its seal.

SEC. 7. *Be it further enacted*, That no transfers of stock shall be valid, until such transfer is registered on the books of the company by the prescribed officer or regular transferring agent.

SEC. 8. *Be it further enacted*, That the chief office of the company shall be at Nashville, but the directors may establish a branch office at the field of operations, and elsewhere, if the interests of the company are deemed to require it.

SEC. 9. *Be it further enacted*, That the directors of the company shall not be less than five in number, and after the first year shall be chosen by the stockholders.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to allow banking privileges under this corporation.

SEC. 11. *Be it further enacted*, That for any violation of this charter the legislature may alter, change, or repeal this act.

SEC. 12. *Be it further enacted*, That C. Hamburgh, Thomas Hays, Sol. Barber, Jack Huffman, James Killeben, Moses Oldburn, and M. D. Davin, of the county of Montgomery, be, and they are hereby constituted, a body politic and corporate, by the name of "The Montgomery and Cumberland River Coal and Oil Company," with all the rights, powers, and privileges that are hereby granted to "The New York and Tennessee Petroleum and Mining Company."

SEC. 13. *Be it further enacted*, That this act shall take effect from the date of its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 10, 1865.

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## CHAPTER XXXV.

AN ACT to re-charter the Tennessee Marine and Fire Insurance Company.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That Joseph Vaulx, Wm. T. Berry, Samuel J. Carter, Joseph B. Knowles, Samuel Watkins, John M. Hill, James A. McAllister, or any three of them, be, and are hereby, authorized to open subscriptions in Nashville, for the capital stock of said company, on Monday, the 25th day of June next, and keep them open every day between the hours of 10 a. m. and 4 p. m., until Saturday, 4 o'clock p. m., the 30th day of the same month: *Provided*, The present stockholders in said company shall have the right to subscribe for stock not exceeding the amount now held by them in said company; and the subscribers to the stock of the company, and their successors, shall be, and they are hereby declared to be, a body politic and incorporate, by the name and style of the "Tennessee Marine and Fire Insurance Company," and by that name shall

so continue until the first day of January, eighteen hundred and ninety-five, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or elsewhere; and to make and use a common seal, and the same to alter or renew at their pleasure; and generally to do and perform all things relative to the objects of this institution which now is or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders, not to exceed three hundred thousand dollars, divided into shares of fifty dollars each: fifteen dollars on each share shall be paid at the time of subscribing, and ten dollars on each share shall at the same time be secured by negotiable notes with security, to be approved by the president and directors, payable in one of the banks of Nashville, in ninety days from the date, to the president, directors and company of said "Tennessee Marine and Fire Insurance Company:" the balance of said stock shall be secured by notes not having more than six months to run, with personal security, to be approved by the president and directors.

SEC. 3. *Be it further enacted*, That so soon as five hundred shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established; and it shall be lawful for the stockholders to meet as hereafter directed and choose their directors.

SEC. 4. *Be it further enacted*, That said corporation is hereby authorized and empowered to hold, possess, and acquire, and the same to sell and convey, all such real estate as may be necessary for the transaction of its business, or which may be conveyed to said company for the security of any debt which may become due or owing, or in satisfaction of any judgment or decree rendered in favor of said company, and may make such regulations as may be necessary and proper for the good government of said company.

SEC. 5. *Be it further enacted*, That the said Tennessee Marine and Fire Insurance Company shall have full power and authority to make insurances on ships and other sea vessels, and upon steamboats, flat-boats, and other river boats; upon freight, seamen's wages, wares, and merchandise, and gold and silver, bullion, or money, against all maritime risks of the rivers, seas, or lakes; and upon houses, stores, and other buildings, goods, wares, merchandise, furniture, and other articles against fire, and upon bottomry and respondentia, and fix a premium thereon. And the said company shall have power—first, to take insurance on lives; second, to receive and hold land under grants, with general or special covenants, so far as the same may be necessary for the transaction of their business; or when the same may be taken in payment of debts due the company, or purchased upon sale made under any law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey, and dispose of; and generally to do and perform all other things necessary to promote these objects.

SEC. 6. *Be it further enacted*, That it shall be lawful for said company to invest any part of its capital stock, money, fund, or other property, in any public stock or funded debt, created or to be created, by or under any laws of the United States or this (or any other) State, or in the stocks of any chartered bank in this State or of the United States, and the same to sell or transfer at pleasure; and again, to invest the same whenever and so often as the exigencies of said company or a due regard for the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interests of said company.

SEC. 7. *Be it further enacted*, That the real and personal estate, business, property, and fund of said company, and the administration of its affairs, shall be under the direction, management, and control of a board of eleven directors, each of whom shall be owners in their own names of not less than ten shares of the capital stock of said company, citizens of the United States and of this State.

SEC. 8. *Be it further enacted*, That an election shall be held after the first election, for the board of directors for said company, at the office of said company in Nashville, on the first Monday in October in each year and every succeeding year, of which ten days' notice shall be given in at least two of the newspapers printed in Nashville, each shareholder giving one vote for each share of which he or she may be the owner, but no shareholder shall be entitled to more than thirty-five votes; and the persons so elected shall serve as directors for the next succeeding twelve months; and if at any time an election shall not be held as herein provided, the said company shall not be dissolved; but the board of directors for the time being shall serve until another election takes place, which may be at any time thereafter, the board for the time being giving at least ten days' notice thereof in two of the newspapers printed at Nashville; and the said directors are hereby authorized to fill any vacancy that may happen through death, resignation, or otherwise.

SEC. 9. *Be it further enacted*, That the directors so elected shall elect one of their body president of said company, who shall serve until the next annual election; and in case of his death, resignation, or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary, and all subordinate officers, clerks, agents, and servants of said company; fix their compensation, define their powers, and prescribe their duties; who shall hold their offices during the pleasure of the board.

SEC. 10. *Be it further enacted*, That the president and four directors, or five directors in the absence of the president, shall constitute a quorum to transact business for said company. The board of directors shall have full power and authority to establish agencies in this State, and any other State or States, appoint agents and other assistants for conducting the business of the same, and prescribe the mode and amount of their compensation; to appoint from their own body, risk and other committees, and establish by-laws and other regulations deemed necessary for the proper management of the business of said company.

SEC. 11. *Be it further enacted*, That the stock of said company shall be held and considered personal property, and it shall not be assigned or transferred, except on the books of the company, and with the assent of two-thirds of the directors, and in the manner and forms which shall be prescribed by the board of directors; yet such stock to be liable for the satisfaction of debts, as prescribed by law.

SEC. 12. *Be it further enacted*, That on the first Mondays of October and April of each year half-yearly statements shall be made exhibiting a true statement of the condition of the company, which shall be laid before the stockholders, and such dividends may be made as the president and directors may deem advisable, but they shall in no case diminish the capital stock.

SEC. 13. *Be it further enacted*, That if at any time a stockholder shall fail to pay such instalments on his stock as may be called for at the time and in the manner prescribed, the board of directors, for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, offer the same for sale, at public auction, to the highest bidder, for cash, and the number of shares so sold shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company, and if the sum bid be not equal to the amount paid and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal of this State having jurisdiction thereof.

SEC. 14. *Be it further enacted*, That the board of directors shall have the power at any time, when, in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid, and if such stockholder fail or refuse to give such additional security to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

SEC. 15. *Be it further enacted*, That so soon as the amount of stock mentioned in the third section of this act is subscribed for, and after five days' notice in two of the newspapers published in Nashville, signed by any three members of the company, the stockholders shall meet at such time and place as may be appointed within the city of Nashville, and elect, by ballot, the first board of directors—a plurality of votes given shall elect—and the persons so elected shall, at their first meeting, elect one of themselves president of the board, who, with said directors, shall serve until the first Monday in October, 1866, and until another board of directors is elected.

SEC. 16. *Be it further enacted*, That no stockholder or member of this company shall be answerable in his person or individual property for any contract or agreement of said company, or for any losses, deficiencies, or failures of the capital stock of this company, but the whole of said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall, at any time, be answerable for the demands against said company: *Provided*, That any director, or directors, who shall sanction or aid in the continuance of said company after it shall become insolvent and unable to meet its liabilities, and said fact known to the directors, shall be held personally responsible for all deposits thereafter made, or liabilities thereafter incurred, by said company.

SEC. 17. *Be it further enacted*, That nothing herein contained shall be so construed as to give the company hereby created the power of issuing bills of credit or exercising banking privileges.

SEC. 18. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the legislature from granting similar powers and privileges to similar associations.

SEC. 19. *Be it further enacted*, That the company hereby created shall have all the rights and privileges that belong by existing laws or that may hereafter be granted to other insurance companies of this State.

SEC. 20. *Be it further enacted*, That should the requisite amount of stock not be subscribed by the time specified in section one, those appointed to open subscriptions, or any three of them may, from time to time, re-open books for the subscription of stock in this company, until the proper amount be taken: *Provided*, The time allowed for said subscriptions shall terminate on the first day of December next.

SEC. 21. *Be it further enacted*, That a *bonus* to the State of half of one per centum upon their capital be paid for the use of common schools in the State of Tennessee.

SEC. 22. *Be it further enacted*, That the law requiring the Union Insurance Company and the Life Insurance Company, called "The East Tennessee Mutual and Trust Company," to deposit with the comptroller of the State twenty thousand dollars of six per cent. bonds of the State be, and is hereby, repealed.

SEC. 23. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed June 10, 1865.

## *Resolutions.*

### NUMBER I.

JOINT RESOLUTION to compare the vote for governor.

*Resolved by the general assembly of the State of Tennessee*, That the two houses meet in the representatives' hall, on Tuesday the 4th instant, for the purpose of comparing the vote cast in the election for governor, held on the 4th day of March, 1865, in the State of Tennessee.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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### NUMBER II.

A JOINT RESOLUTION of respect to the memory of Hon. Samuel K. McCammon.

1. *Resolved by the general assembly of the State of Tennessee*, That we deeply regret the death of Hon. Samuel McCammon, joint representative from the counties of Knox and Sevier; that in his death this body has lost an experienced and useful member, the State a good citizen, the government a firm and ardent supporter.
2. *Resolved*, That we sympathize with his bereaved wife and children, and, as a token of respect for his memory, that we wear the usual badge of mourning for thirty days.
3. *Resolved*, That a copy of these resolutions be forwarded to his widow, and the same be spread on the journal of this house.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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### NUMBER III.

SENATE RESOLUTION to print rules for its government.

*Resolved*, That one hundred copies of the rules of 1859 and 1860, adopted on yesterday, be published for the use of the senate.

SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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### NUMBER IV.

SENATE RESOLUTION fixing number of papers to be taken by members.

*Resolved*, That the members of the senate select each three of the daily papers of this city and no more, and that the same be paid for out of the State treasury.

SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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### NUMBER V.

SENATE RESOLUTION inviting General Thomas to a seat in the senate.

*Resolved*, That Major General George H. Thomas be invited to visit the senate, and that committee of three be appointed to notify him of this invitation.

SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

## NUMBER VI.

SENATE RESOLUTION to open the senate with prayer.

*Resolved*, That the daily proceedings of the senate shall be opened by prayer, and to this end the speaker be authorized to invite the loyal clergymen present in the city to officiate.

SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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## NUMBER VII.

JOINT RESOLUTION to notify the governor of his election.

*Resolved by the general assembly of the State of Tennessee*, That a committee of two be appointed on the part of the senate, and such committee as the house of representatives may appoint, to notify his excellency, Governor William G. Brownlow, of his election as governor of the State of Tennessee, and request him to designate what time will suit him to be inaugurated.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 4, 1865.

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## NUMBER VIII.

JOINT RESOLUTION to meet in convention to inaugurate the governor.

*Resolved by the general assembly of the State of Tennessee*, That the senate will meet the house of representatives in the hall of the latter at 11 o'clock a. m., on to-morrow, to participate in the inauguration ceremonies.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 5, 1865.

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## NUMBER IX.

JOINT RESOLUTION adopting the amendments of the Constitution of the United States abolishing slavery.

*Resolved by the general assembly of the State of Tennessee*, That the amendments of the Constitution of the United States proposed by the Congress of the United States on the first day of February, 1865, in the words and figures following, to wit:

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled*, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of said States, shall be valid, to all intents and purposes as a part of the Constitution, namely:

"ARTICLE VIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

" A. LINCOLN.

"Approved February 1, 1865."

Be, and the same is hereby, ratified as a part of the Constitution of the United States of America.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 5, 1865.

## NUMBER X.

A JOINT RESOLUTION tendering the thanks of the general assembly of the State of Tennessee to Gen. Thomas.

WHEREAS, The major general commanding the department of the Cumberland has directed Brevet Brigadier General Donaldson, chief quartermaster, to give free transportation on United States military railroads to senators and representatives of the State, and the quartermaster has requested, in writing, that the information be furnished to him; therefore,

*Resolved by the general assembly of the State of Tennessee*, That the thanks of the general assembly of the State of Tennessee are hereby tendered to Major General Thomas, commanding, for his kindness and liberality; and that the clerk of the senate furnish to Brevet Brigadier General Donaldson a list of the names of the senators, and that the clerk of the house furnish a list of the names of the members of the house and their officers and reporters, in compliance with his request.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 10, 1865.

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## NUMBER XI.

JOINT RESOLUTION tendering the thanks of the loyal people of Tennessee to the legislature of Ohio.

Whereas the legislature of Ohio did, on the 31st day of March, 1864, pass a joint resolution instructing their senators and requesting their representatives in Congress to use their influence to have enacted proper laws to feed, clothe, and furnish transportation to the destitute people of East Tennessee, who by the ravages of war were compelled to leave their homes and seek homes in a strange land amongst strangers; and whereas said resolution was, in the opinion of the people of East Tennessee, one of the legitimate offsprings of the patriotism and love of country of the gallant and self-sacrificing people of Ohio, and strengthened the bonds of friendship and brotherly love existing between the loyal people of Tennessee and Ohio: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That the thanks of the loyal people of the State of Tennessee are hereby tendered to the legislature of Ohio for this manifestation of their confidence and esteem, and for this Christian and patriotic offer to relieve the destitute of our State.

*Resolved*, That the secretary of State be, and he is hereby, instructed to transmit immediately a copy of this preamble and resolutions to the secretary of state of Ohio, with a request that he lay the same before the legislature of said State now in session.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 11, 1865.

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## NUMBER XII.

JOINT RESOLUTION directing the State treasurer to pay to members of the legislature the amount due them.

*Resolved by the general assembly of the State of Tennessee*, That the acting treasurer of the State pay to each member of the senate and house of representatives, and the officers thereof, the amount that may be due them when they apply for the same, and take a receipt for the same, which shall be good at the close of the session in the settlement of their accounts.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 11, 1865.

## NUMBER XIII.

JOINT RESOLUTION to elect a secretary of state.

Whereas a vacancy has occurred in the office of secretary of state: Therefore,

*Resolved by the general assembly of the State of Tennessee*, That the senate and house of representatives meet in convention in the representative hall, on Monday, the 17th day of April, at 2 o'clock, p. m., to fill sa'd vacancy.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 12, 1865.

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## NUMBER XIV.

JOINT RESOLUTION to raise a committee on the State library.

*Resolved by the general assembly of the State of Tennessee*, That a joint committee be appointed on the State library, two on behalf of the senate and three on behalf of the house of representatives.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 12, 1865.

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## NUMBER XV.

JOINT RESOLUTION to appoint a joint committee of the two houses to report joint rules and regulations for the government of both houses.

*Resolved by the general assembly of the State of Tennessee*, That the speaker of the senate appoint a committee of three, to act in conjunction with such committee as may be appointed on the part of the house of representatives, to report joint rules and regulations for the government of the two houses.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 12, 1865.

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## NUMBER XVI.

JOINT RESOLUTION to raise a joint committee to redistrict the State.

*Resolved by the general assembly of the State of Tennessee*, That a committee of five on the part of the senate, and such number as the house of representatives may appoint, shall constitute a joint committee, who shall report a bill redistricting the State for members of Congress, and senators and representatives to the State legislature, as required by law.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 12, 1865.

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## NUMBER XVII.

JOINT RESOLUTION to appoint a committee to investigate the past and present condition and management of the penitentiary.

*Resolved by the general assembly of the State of Tennessee*, That the committee on the penitentiary be, and they are hereby, constituted a joint committee to investigate the past and present condition and management of the penitentiary, and that they be authorized to send for persons and papers.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 14, 1865.

## NUMBER XVIII.

**JOINT RESOLUTION appointing a committee to report what action should be had with reference to the death of President Abraham Lincoln.**

Whereas the members of the general assembly have learned with sadness and sorrow of the melancholy death, by assassination, of Abraham Lincoln, late President of the United States, therefore be it—

*Resolved by the general assembly of the State of Tennessee*, That there be a joint committee of five in the senate and five in the house of representatives, to be appointed by the respective speakers, to take into consideration and report what action should be taken by the legislature on the mournful and sorrowful occasion.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 17, 1865.

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## NUMBER XIX.

**JOINT RESOLUTION expressing the sense of the general assembly on the death of President Abraham Lincoln.**

Whereas the death of Abraham Lincoln, President of the United States, in the full vigor of his physical and mental faculties, by the hand of an assassin, is a bereavement that extends to all parts of the nation; and particularly does it affect the people of those States who have for years been suffering from the weight of military rule, made necessary by the rebellion, and who were endeavoring to restore their political relationship to the government of the United States;

Whereas, in his death, the nation mourns the loss of one of her most gifted and worthy sons—the highest officer, the President, and slain because he was the President of the United States, it is right and proper that the general assembly of the State of Tennessee should express, as such, in an appropriate manner, its sorrow at his death; its condemnation of the assassin who committed it, and the men who plotted the hellish deed; its appreciation of the high intellectual, moral, and social qualities which ever characterized his private life; and its approval of the large-hearted patriotism which marked his administration, showing that his course of action was impelled by humanity, rather than calculation;

Whereas the laborious duties of the executive office during the trying times of the great rebellion gave ample scope to a heart full of sympathy and warm affections. As President, he had a wide field for manly action. *There* was displayed his love of the right and his scorn for the wrong. *Here* his large-heartedness was made conspicuous, and his generosity and charity bore fruit. He was, as President, a model. The honors he coveted were honorable. With a wise and lofty patriotism, unsurpassed by any, he applied the powers of his great mind to work out the true principles upon which the union of the States could be preserved. The measures proposed were as nothing, unless they were calculated to accomplish the end so earnestly desired. His recommendations were always directed towards its maintenance, and were uniformly enforced with a facility and aptness of illustration which seemed inexhaustible;

Whereas Abraham Lincoln's originality of manner, his humor, wit, sarcasm, and wondrous powers of ridicule, were weapons particularly his own, which no one else could imitate. Add to these qualities courage, will, and indomitable persistency of purpose, which never flagged or faltered, and he was a power felt and acknowledged by the nation. Take him all in all, it will be long ere we look upon his like again;

Whereas he is dead; but the days of his pilgrimage, although in troublesome times, were full of honor, love, and troops of friends. The nation mourns. Peace be with him. Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That, in the death of Abraham Lincoln, President of the United States, we mourn in heart-felt sorrow the loss of the nation.

*Resolved*, That in token of his memory we wear the usual badge of mourning, and that our respective halls be draped in the habiliments of woe.

*Resolved*, That we cannot find language strong enough to express our condemnation of the assassin who performed, and the conspirators who plotted, the deed, and heartily desire that they meet a speedy and deserved punishment.

*Resolved*, That we deeply condole with the family of the deceased in this the hour of their great bereavement, and fully sympathize with them in their terrible affliction and overwhelming grief.

*Resolved*, That a copy of these resolutions be forwarded to the family of the deceased by the secretary of state.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 17, 1865.

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NUMBER XX.

JOINT RESOLUTION to support the administration of President Johnson.

*Resolved by the general assembly of the State of Tennessee*, That confiding in the patriotism and integrity of Andrew Johnson, we will give his administration of the government the same cordial support accorded by the loyal people of the nation to his predecessor.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 17, 1865.

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NUMBER XXI.

JOINT RESOLUTION requesting the governor of the State to communicate certain facts to the President of the United States.

Believing that the time has arrived in the political status of the State of Tennessee when the loyal people of said State are anxious and desirous that civil law and order should be restored and prevail throughout the borders of the whole State, and that they should once more be permitted to resume their political and social relations with the government of the United States of America—to accomplish this end, therefore, be it

*Resolved by the general assembly of the State of Tennessee*, That his excellency, the governor of the State of Tennessee, is hereby requested to make known to the President of the United States the actions and proceedings of the late State convention, begun and held in Nashville on the 9th day of January, 1865, with regard to the amendments to the constitution of the State of Tennessee; also of the ratification of said amendments by the loyal people of said State, at the ballot-box, on the 22d day of February last.

*Resolved, further*, That his excellency, the governor, also make known to the President of the United States the action of the present legislature of the State of Tennessee upon the adoption of the amendment to the constitution of the United States; and that he respectfully request the President of the United States to make known to the loyal citizens of the State of Tennessee, by proclamation or otherwise, that the State of Tennessee be no longer considered in a state of insurrection, and that the loyal people of said State be granted all the rights and privileges that are granted or allowed to the loyal citizens of any of the sister States that are not considered in a state of rebellion against the government of the United States.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 21, 1865.

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NUMBER XXII.

JOINT RESOLUTION allowing mileage to Messrs. Grantham and Tighe.

*Resolved by the general assembly of the State of Tennessee*, That Willis Grantham, the applicant for the seat of Furney Jones, from the county of Claiborne, and Samuel Tighe, the contestant for the seat of M. T. Ryder, from the county of Shelby, be allowed their mileage and per diem up to this day, and that the amount so appropriated be included in the general appropriation bill; it appearing to the satisfaction of the legislature that their claims were meritorious, if not legal.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 22, 1865.

## NUMBER XXIII.

JOINT RESOLUTION to meet in convention to elect a comptroller.

Whereas a vacancy has occurred in the office of the comptroller of the treasury; Therefore, be it

*Resolved by the general assembly of the State of Tennessee*, That the senate and house of representatives meet in convention on Tuesday, the 25th day of April, at 10 o'clock a. m., to fill said vacancy.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 22, 1865.

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## NUMBER XXIV.

JOINT RESOLUTION raising a joint committee on ways and means.

*Resolved by the general assembly of the State of Tennessee*, That the committee on finance and ways and means of the senate, and the committee on ways and means of the house of representatives, shall constitute a joint committee on ways and means.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 24, 1865.

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## NUMBER XXV.

JOINT RESOLUTION to meet in convention to elect registers of land offices.

*Resolved by the general assembly of the State of Tennessee*, That the senate will meet the house of representatives in the hall of the latter on the 29th instant, at 11 o'clock a. m., to elect registers of the land offices for the districts of Eastern, Middle, Western, and the mountain district of Tennessee.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 24, 1865.

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## NUMBER XXVI.

JOINT RESOLUTION for the benefit of V. Myers.

*Resolved by the general assembly of the State of Tennessee*, That the comptroller of the treasury of the State pay V. Myers, contestant for the seat in the 4th senatorial district, the mileage and per diem that would have been due him if he had been admitted to his seat.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 24, 1865.

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## NUMBER XXVII.

JOINT RESOLUTION to meet in convention to elect secretary of state.

*Resolved by the general assembly of the State of Tennessee*, That the senate meet the house of representatives in joint convention in the hall of the latter on Thursday, the 27th instant, at [illegible] o'clock, for the purpose of electing a secretary of state.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

[illegible] April [illegible], 1865.

## NUMBER XXVIII.

JOINT RESOLUTION to meet in convention to elect a treasurer and secretary of state.

*Resolved by the general assembly of the State of Tennessee*, That the senate meet the house of representatives in the hall of the latter on the 27th instant, at 10 o'clock, to elect a state treasurer at the same time of the election of secretary of state.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 25, 1865.

## NUMBER XXIX.

JOINT RESOLUTION in regard to the State library.

*Resolved by the general assembly of the State of Tennessee*, That the State library be opened during the meeting of the general assembly, from 8 o'clock a. m., until 5 o'clock p. m., continuously.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 27, 1865.

## NUMBER XXX.

JOINT RESOLUTION to meet in convention to elect Senators to the United States Congress.

*Resolved by the general assembly of the State of Tennessee*, That the senate meet the house of representatives in the hall of the latter on Thursday, 4th of May next, at 10 o'clock, for the purpose of electing two Senators to the next Congress of the United States.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 24, 1865.

## NUMBER XXXI.

A JOINT RESOLUTION to declare the office of comptroller of the treasury of the State of Tennessee vacant.

Whereas the two houses met in convention in the representative hall on the 25th of April and voted for a comptroller; and whereas a majority of the votes cast in said election were for Hon. J. R. Dillon for said office; and whereas part of the tenth section of the second article of the constitution of the State of Tennessee is as follows, viz: "No senator or representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment of which is vested in the executive or the general assembly, except to the office of trustee to a literary institution;" and whereas it appears from the above recited clause of the State constitution that Mr. Dillon was not eligible to said office on account of his holding a seat in this legislature: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That we now declare the office of comptroller of the treasury of the State of Tennessee now vacant and should be filled by the election of some competent and eligible person to fill said vacancy.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 29, 1865.

## NUMBER XXXII.

JOINT RESOLUTION to meet in convention to elect a public printer.

*Resolved by the general assembly of the State of Tennessee*, That the members of the senate and the house of representatives meet in the hall of the house on Tuesday, the [illegible] May, for the purpose of electing a public printer.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 29, 1865.

## NUMBER XXXIII.

JOINT RESOLUTION to meet in convention to elect a State librarian.

*Resolved by the general assembly of the State of Tennessee*, That the two houses meet in convention in the hall of the house of representatives on Tuesday, the second day of May, at 10 o'clock a. m., for the purpose of electing a State librarian.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted April 29, 1865.

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## NUMBER XXXIV.

JOINT RESOLUTION offering a reward of five thousand dollars for the apprehension of Isham G. Harris.

Whereas treason is the highest crime known to the laws of the land, and no one is presumed to understand the true meaning of the term better than governors of States, and certainly no one should be held to a more strict account for their treason; and

Whereas the State of Tennessee, before the rebellion, enjoyed a high social, moral, and political position, and had the well-earned reputation of the Volunteer State; and

Whereas by the treason of one Isham G. Harris, ex-governor of Tennessee, the State has lost millions of dollars, and thousands of the young men of the State have been killed in battle and died of disease, and thousands of the middle-aged and old men have been murdered and imprisoned, and defenceless women and children driven from the State, heart-broken and penniless; and

Whereas the voters of Tennessee did, in the month of February, 1861, by a majority of sixty thousand, repudiate treason and rebellion, but the aforesaid Isham G. Harris, well knowing the true sentiments of the State upon treason and rebellion, and wholly disregarding the overwhelming expression of popular sentiment, did use his position as governor as aforesaid, to put the State in rebellion and hostility to the government of the United States, and is guilty of treason, perjury, and theft, and is responsible to a great extent for the war, misery and death of thousands of the citizens of the State, and for the desolation of the same from east to west and from north to south; the cries of the wounded and dying, the wail of the widow, the weeping of the orphan, come to us upon every breeze, imploring us to punish the instigators of the rebellion; Therefore, for the reasons aforesaid, be it

*Resolved by the general assembly of the State of Tennessee*, That the governor of the State is hereby authorized and instructed to offer a reward of five thousand dollars for the apprehension and delivery to the civil authorities of the State the aforesaid Isham G. Harris; and he shall fully describe said fugitive from justice, and shall make publication for three months, or longer if he may think proper, in one newspaper in each of the grand divisions of the State, and a paper published in Richmond, Virginia; Raleigh, North Carolina; Savannah, Georgia; Little Rock, Arkansas; New Orleans, Louisiana; and shall publish the preamble with his proclamation.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 1, 1865.

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## NUMBER XXXV.

A JOINT RESOLUTION to meet the house in convention to elect a State comptroller.

*Resolved by the general assembly of the State of Tennessee*, That the senate meet the house of representatives in joint convention on Thursday, the second day of May, at ten o'clock, to elect a State comptroller.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 1, 1865.

## NUMBER XXXVI.

JOINT RESOLUTION to raise a joint committee to wait on the national banks of the State.

*Resolved by the general assembly of the State of Tennessee*, That a committee of three on the part of the senate, and such committee as the house of representatives may appoint, shall constitute a joint committee to ascertain what, if any, arrangements can be made with the national banks in each division of the State to receive the public funds of the State and disburse the same, as is now provided by law for the Bank of Tennessee and branches.

*Resolved*, That said committee report as early as possible.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 2, 1865.

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## NUMBER XXXVII.

JOINT RESOLUTION to meet in convention to elect an entry-taker for the Ocoee district.

*Resolved by the general assembly of the State of Tennessee*, That the senate and house of representatives meet in the hall of the latter on Tuesday, the second day of May next, for the purpose of electing a register and entry-taker for the Ocoee district, in the State of Tennessee.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 2, 1865.

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## NUMBER XXXVIII.

JOINT RESOLUTION appointing commissioners to settle with the Louisville and Nashville railroad.

*Resolved by the general assembly of the State of Tennessee*, That the comptroller, secretary of state, attorney general of the State, and commissioner of public roads of the State of Tennessee, be, and are hereby, constituted commissioners, on behalf of the State of Tennessee, to meet and make a settlement with the Louisville and Nashville Railroad Company, and make a report thereof to this session of the general assembly, if practicable; if not, to the next session of the same.

*Be it further resolved*, That if such settlement cannot be made by said commissioners with said Louisville and Nashville railroad as shall be satisfactory to them, the fact shall be made known to the governor of the State, and he may direct the attorney general of the State to institute such legal proceedings against said company as may be necessary to protect the interests of the State.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 5, 1865.

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## NUMBER XXXIX.

JOINT RESOLUTION applying to the President for troops.

Whereas the fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State of this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence; and

Whereas the State of Tennessee is one of the States of this Union, and is constantly invaded by armed bands of guerillas from the so-called Confederate States, and subject at all times to violence by domestic traitors, murdering and robbing the loyal citizens, stealing and carrying off their property, and hindering, delaying, and preventing the execution of the civil laws of the State; and

Whereas the greater portion of the young and middle-aged loyal men are in the United States army, and the old men have neither arms nor ammunition, consequently defence-

less, and the financial condition of the State is such that it is impossible to create a fund to clothe, arm, feed, and pay troops for State defence, to meet the usual expenditure of the State, and provide for the payment of the interest accrued on the bonds of the State, together with Tennessee's portion of the twenty million apportioned amongst the States by an act of Congress of August, 1861, will be all, if not more than the people can possibly meet: Therefore, be it

*Resolved by the general assembly of the State of Tennessee*, That the legislature of the State aforesaid, by virtue of the authority of the fourth section of the fourth article of the Constitution of the United States aforesaid, do make this application to his excellency Andrew Johnson, President of the United States, and commander-in-chief of the army of the same, to place under the direction and control of the proper military authority, in pursuance of the Constitution and laws of the United States, and under the control and direction of such authority as in his opinion may be right and proper, a sufficient number of Tennessee troops now in the United States service to repel invasion, and drive the invader from the State, and suppress any and all violence by armed domestic traitors, to protect loyal citizens, and aid and assist the civil officers in executing the civil laws of the State.

*Resolved*, That the secretary of state shall, immediately after the passage of this resolution, transmit a copy of the same, together with the preamble, under the great seal of the State, to the President of the United States, asking him to notify the legislature now in session, at as early a day as convenient, what action he will take in the premises.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 9, 1865.

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## NUMBER XL.

A JOINT RESOLUTION appointing a committee to memorialize Congress.

Whereas, by the presence of the federal troops in the State of Tennessee, rendered necessary by the armed resistance to the laws of the United States of a portion of its citizens, many military supplies have been taken from the loyal citizens of the State in an irregular manner, and much damage has been done to the property of unconditionally loyal citizens; and

Whereas, by article five of the amendments to the Constitution of the United States, it is declared that private property shall not be taken for public use without just compensation; and

Whereas the loyal citizens of Tennessee are entitled to the same consideration and protection as are the loyal citizens of any other State in the Union: Therefore, be it

*Resolved by the general assembly of the State of Tennessee*, That a committee of two on the part of the senate, and five on the part of the house, be appointed to prepare a memorial to the Congress of the United States, setting forth the obligations of the government of the United States to pay the loyal citizens of Tennessee for property taken from them by officers and soldiers of the United States, and paying that some legislation be had by Congress, making provisions to enable those loyal citizens who may have sustained losses in the manner already described to prove such losses, and that an appropriation be made by Congress to pay such loyal claimants.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 10, 1865.

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## NUMBER XLI.

RESOLUTION of inquiry in relation to the Hermitage property.

*Resolved*, That his excellency the governor be, and he is hereby, requested to communicate to the senate all the information in his possession in reference to the present status of the Hermitage property, including an account of its purchase by the State, the amount paid for it, and all subsequent legislation in regard to it, and what acts of ownership have been exercised over it by the State, and all other information he may deem proper, as well as any recommendation he may have to offer regarding its future management.

SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 12, 1864.

## NUMBER XLII.

JOINT RESOLUTION raising a joint committee on the elective franchise.

*Resolved by the general assembly of the State of Tennessee*, That the judiciary committee of the senate and the judiciary committee of the house of representatives compose a joint committee on the subject of the elective franchise, and be instructed to bring in a bill on that subject to-morrow for action on that day.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R RODGERS,
*Speaker of the Senate.*

Adopted May 16, 1865.

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## NUMBER XLIII.

JOINT RESOLUTION requesting the governor to lay before the legislature certain correspondence.

*Resolved by the general assembly of the State of Tennessee*, That the governor be, and is hereby, requested to lay before the legislature all correspondence, if any, he may have had with James T. Dunlap, late comptroller of the treasury, relative to a return of the archives of the State; also with Vernon K. Stevenson, president of the Nashville and Chattanooga Railroad Company, relative to said road; also, with Granville C. Torbett, late president of the Bank of Tennessee, relative to a return of the assets of said bank, if, in the opinion of his excellency, the said information will not be detrimental to the public welfare.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 19, 1865.

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## NUMBER XLIV.

A JOINT RESOLUTION declaring certain civil offices vacant, and providing for filling of the same.

Whereas a war has existed in the State of Tennessee for four years, and during the greater part of that time all civil tribunals have been closed, and most of the officers holding offices have wilfully abandoned their offices, and neglected or refused to perform the duties incumbent upon them by the laws of the land, and in pursuance of the Constitution of the United States and of the State of Tennessee; and whereas many of the civil offices thus abandoned and vacated have been filled by appointments made by the acting governor of the State since the 7th day of March, 1862, which should be ratified and confirmed: Therefore,

*Resolved by the general assembly of the State of Tennessee*, That all civil offices of the State of Tennessee, to which their respective incumbents were elected and qualified previous to the 6th day of May, 1861, and who, after such election and qualification, have voluntarily abandoned their offices and wilfully neglected and refused to perform the duties required of them by law, are hereby declared vacant.

*Resolved further*, That all of the offices in the State of Tennessee that have been filled by appointment and election under the authority of the usurped State government, after the declared independence of the State of Tennessee, and after the 6th day of May, 1861, are hereby declared vacant.

*Resolved further*, That all civil officers who have been appointed since the 7th day of May, 1862, by his excellency Andrew Johnson, acting governor of the State, or who have been elected and qualified under his various proclamations, are hereby ratified and confirmed, and they shall continue to hold and exercise the functions of their respective offices until successors shall be elected and qualified as prescribed by the laws and constitution of the State of Tennessee and of the United States.

*Resolved further*, That his excellency William G. Brownlow, governor of the State, be, and he is hereby, requested, as soon as in his opinion he deems it advisable, to issue his proclamation ordering elections to be held in the respective counties of the State where such vacancies have occurred, requiring the people of the State to fill such vacancies in pursuance of the laws of the State; and in the mean time, until such elections are held, that he proceed and fill the vacancies by the appointment of suitable and proper persons until their successors

shall be elected and qualified; and the governor is clothed with full power to appoint special officers to hold said elections for each county, with full power to appoint deputies to perform all the duties as now required by law, where no regular officers are performing civil duties.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Approved May 20, 1865.

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## NUMBER XLV.

JOINT RESOLUTION to raise a joint committee to examine into the condition of the Bank of Tennessee and branches.

*Resolved by the general assembly of the State of Tennessee*, That a joint committee of one from the senate and two from the house be appointed to examine the condition of the Bank of Tennessee and branches—a committee to the principal bank and one to each branch, with liberty to send for persons and papers, and that they report to the regular session in October.

*Committee on the part of the senate appointed under the above resolution.*—Rogersville, Senator McKinney; Athens, Senator McElwee; Sparta, Senator Bosson; Columbia, Senator Frierson; Knoxville, Senator Rodgers; Trenton, Senator Hall; Memphis, Senator Smith; Clarksville, Senator Peart; Shelbyville, Senator Spence; Summerville, Senator Hurst.

*Committee of the house.*—Principal bank at Nashville, Messrs. Cooper and Lewis; branch at Rogersville, Messrs. Willis and Minnis; branch at Knoxville, Messrs. Heiskell and Donaldson; branch at Athens, Messrs. Henderson and Hood; branch at Sparta, Messrs. Anderson and Faulkner; branch at Columbia, Messrs. Arnell and Gilmer; branch at Shelbyville, Messrs. Mullens and Steele; branch at Trenton, Messrs. McNair and Norman; branch at Memphis, Messrs. Richards and Rider; branch at Somerville, Messrs. Smith and Warren; branch at Clarksville, Messrs. Wines and Mulloy.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 20, 1865.

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## NUMBER XLVI.

JOINT RESOLUTION to authorize the secretary of state to take charge of the senate chamber and hall of the house of representatives.

*Resolved by the general assembly of the State of Tennessee*, That the secretary of state, at the close of this session, shall have charge of the senate chamber, representative hall, and committee rooms, and cause all stationery, furniture, and other articles belonging to said halls, to be carefully preserved for the use of the next general assembly, and shall be allowed by the comptroller all necessary expenses incurred in preserving the same, and a reasonable compensation for his services.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 22, 1865.

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## NUMBER XLVII.

JOINT RESOLUTION to meet in convention to elect a keeper of the penitentiary.

*Resolved by the general assembly of the State of Tennessee*, That the senate meet the house of representatives on Monday, 29th instant, at 11 o'clock a. m., for the purpose of electing a keeper of the penitentiary.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 22, 1865.

## NUMBER XLVIII.

JOINT RESOLUTION of thanks to Major General Stoneman.

*Resolved by the general assembly of the State of Tennessee*, That the thanks of the loyal people of the State are due to Major General George Stoneman for the great skill and energy with which he conducted his two great raids into Virginia and North Carolina, by which he destroyed millions of dollars' worth of the enemy's means of warfare, capturing many of their forces, and effectually crippling them in their operations, and that he has our thanks for the ability and success with which he has conducted military operations in East Tennessee, and that he be furnished with a copy of this resolution, officially signed.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 22, 1865.

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## NUMBER XLIX.

JOINT RESOLUTION requesting information from the bondholders of Tennessee bonds.

Whereas, in order to provide for the payment of the State debt when due and payable, and for the interest on the same now due, it is desired to know the amounts of State bonds outstanding, the numbers, dates, and names of holders:

*Resolved by the general assembly of the State of Tennessee*, That the comptroller give public notice in one of the public prints of the cities of Nashville, Tennessee; Cincinnati, Ohio; Philadelphia, Pennsylvania; New York, and Boston, Massachusetts, requesting each bondholder of the State bonds of the State of Tennessee to transmit to said comptroller, at his office at Nashville, a statement of his name, residence, the date and number of each bond, and the amount and character of said bond; and that he make report thereof to this general assembly at its next session.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 22, 1865.

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## NUMBER L.

JOINT RESOLUTION directory to the attorney general of the State.

*Resolved by the general assembly of the State of Tennessee*, That the attorney general of the State of Tennessee be, and he hereby is, directed to institute inquiry into and investigate the title to the property situated in the city of Nashville, fronting on College and Cherry streets in South Nashville, known as the Gun Factory, and recently used as hospital No. 1; and if the title is in the State of Tennessee, the said attorney general defend, on behalf of the State, the suit now pending in the United States court to libel and confiscate said property, and secure, if the same may be done, said property for the State.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 22, 1865.

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## NUMBER LI.

JOINT RESOLUTION taking charge of the assets of the Bank of Tennessee.

*Resolved by the general assembly of the State of Tennessee*, That the governor, the secretary of state, and comptroller be, and they are, directed to take charge of the assets of the Bank of Tennessee, and the archives of the State, and receipt for the same.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 29, 1865.

## NUMBER LII.

A JOINT RESOLUTION providing for the number of acts and journals of the legislature of 1865 to be printed for distribution.

SECTION 1. *Be it resolved by the general assembly of the State of Tennessee*, That there shall be printed of the acts of the present session of the legislature, for distribution among the several counties in the State, as follows: For every justice of the peace, one copy; for each sheriff, one copy; for each circuit court clerk, one copy; for each county court clerk, one copy; for each chancery court clerk, one copy; for each county trustee, county register, coroner, ranger, entry-taker, surveyor, and poor-house commissioner, one copy; for the use of the trustees of academies in each county, one copy of the acts and journals; for each of the clerks and doorkeepers of the house and senate, one copy.

SEC. 2. *Be it further resolved*, That there shall also be printed, for distribution as aforesaid, one copy of the journals of each branch of the legislature for each civil district in each county in this State, to wit:

| Counties. | No. of acts. | No. of S. J. | No. of H. J. | Counties. | No. of acts. | No. of S. J. | No. of H. J. |
|---|---|---|---|---|---|---|---|
| Anderson | 34 | 12 | 12 | Macon | 35 | 12 | 12 |
| Bledsoe | 39 | 14 | 14 | McNairy | 43 | 16 | 16 |
| Blount | 45 | 17 | 17 | Madison | 47 | 18 | 18 |
| Bradley | 37 | 13 | 13 | Overton | 41 | 14 | 14 |
| Bedford | 50 | 19 | 19 | Obion | 37 | 13 | 13 |
| Benton | 31 | 10 | 10 | Polk | 31 | 10 | 10 |
| Campbell | 39 | 14 | 14 | Putnam | 43 | 16 | 16 |
| Carter | 33 | 11 | 11 | Perry | 33 | 11 | 11 |
| Claiborne | 35 | 12 | 12 | Rhea | 32 | 10 | 10 |
| Cocke | 35 | 12 | 12 | Roane | 46 | 16 | 16 |
| Cannon | 35 | 12 | 12 | Robertson | 45 | 17 | 17 |
| Cumberland | 30 | 10 | 10 | Rutherford | 61 | 25 | 25 |
| Cheatham | 35 | 12 | 12 | Stewart | 35 | 12 | 12 |
| Coffee | 38 | 13 | 13 | Sumner | 50 | 19 | 19 |
| Carroll | 51 | 19 | 19 | Sevier | 35 | 12 | 12 |
| Davidson | 68 | 24 | 24 | Scott | 35 | 12 | 12 |
| DeKalb | 43 | 16 | 16 | Sullivan | 47 | 18 | 18 |
| Dyer | 39 | 14 | 14 | Sequatchie | 27 | 8 | 8 |
| Decatur | 33 | 11 | 11 | Smith | 55 | 22 | 22 |
| Dickson | 35 | 12 | 12 | Shelby | 40 | 14 | 14 |
| Hancock | 39 | 14 | 14 | Tipton | 37 | 13 | 13 |
| Hawkins | 46 | 17 | 17 | Union | 30 | 12 | 12 |
| Hamilton | 49 | 18 | 18 | Van Buren | 31 | 10 | 10 |
| Hardin | 39 | 14 | 14 | Wilson | 65 | 25 | 25 |
| Hickman | 44 | 15 | 15 | Warren | 43 | 16 | 16 |
| Humphreys | 35 | 12 | 12 | Wayne | 47 | 17 | 17 |
| Hardeman | 45 | 17 | 17 | White | 37 | 13 | 13 |
| Henderson | 54 | 21 | 21 | Williamson | 59 | 24 | 24 |
| Henry | 51 | 20 | 20 | Washington | 47 | 18 | 18 |
| Haywood | 45 | 17 | 17 | Weakley | 48 | 18 | 18 |
| Jefferson | 45 | 16 | 16 | Franklin | 44 | 16 | 16 |
| Johnson | 31 | 10 | 10 | Fentress | 35 | 12 | 12 |
| Jackson | 48 | 18 | 18 | Fayette | 43 | 15 | 15 |
| Knox | 52 | 19 | 19 | Grainger | 43 | 16 | 16 |
| McMinn | 46 | 17 | 17 | Green | 63 | 25 | 25 |
| Meigs | 27 | 8 | 8 | Grundy | 31 | 10 | 10 |
| Marion | 37 | 13 | 13 | Gibson | 56 | 21 | 21 |
| Monroe | 51 | 20 | 20 | Giles | 55 | 20 | 20 |
| Morgan | 35 | 12 | 12 | Lawrence | 42 | 15 | 15 |
| Maury | 64 | 25 | 25 | Lewis | 30 | 11 | 11 |
| Montgomery | 51 | 24 | 24 | Lincoln | 65 | 25 | 25 |
| Marshall | 42 | 15 | 15 | Lauderdale | 32 | 10 | 10 |

SEC. 3. *Be it further resolved*, That there shall also be printed and bound for each member of the senate and house of representatives one copy of the acts and one copy of the journals, both of the house of representatives and the senate; for the office of the secretary of state, two hundred copies of the acts and fifty bound copies of the journal of each house; for each department of the government of the United States and for the United States library, one copy of the acts; for each judge of the supreme court, for each judge of the circuit court, for each judge of the criminal court, for each chancellor, for each county judge in the State, for each judge of the criminal and common law court in this State, one copy of the acts; for each of the supreme and criminal court clerks, one copy of the acts; for each attorney general, one copy of the acts; for the treasurer and comptroller, one copy of the acts; and for each State and Territory and the District of Columbia, two copies of the acts.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 29, 1865.

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## NUMBER LIII.

A JOINT RESOLUTION in relation to a certain class of Tennessee Union soldiers who lost their lives in the army of the Union during the rebellion.

Whereas a large number of Tennessee soldiers have died and been killed in battle while serving the United States against a hostile rebel foe, without having been duly mustered into service, and there being great deficiency in the records of the State pertaining thereto: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That the adjutant general of the State be, and he is hereby authorized to perfect—in a well-bound book to be kept for that purpose—a complete record of all Tennessee soldiers who have belonged to the United States service during the present rebellion, with such historical remarks as will enable them or their families to obtain such bounty, arrears of pay, &c., as may be due them, and that he be allowed such compensation for his services as may be determined by subsequent legislation.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted May 29, 1865.

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## NUMBER LIV.

JOINT RESOLUTION directory to the trustees of the Tennessee hospital for the insane.

Whereas William A. Cheatham, M. D., late superintendent and physician of Tennessee hospital for the insane, has been called upon, by a resolution of the Senate, to communicate a detailed statement of the financial operations of that institution from the first day of October, 1861, to the 31st day of July, 1862, during which period there is no report known to this general assembly of the institution, and there being other reasons why there should be an investigation of its affairs, and the late superintendent and physician having failed or refused to notice the resolution referred to above: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That the board of trustees are hereby instructed to investigate the books and accounts and management of Tennessee hospital for the insane, during the administration of William A. Cheatham, late superintendent and physician, and power is hereby given to send for persons and papers, and report the result to the next session of this legislature.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 2, 1865.

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## NUMBER LV

JOINT RESOLUTION appointing a committee to wait on the major general commanding the department, and make inquiries in relation to certain assessments.

Whereas it appears from the orders issued by the various military commanders of the United States, at different places in this State, that they are levying on persons who are permitted to trade under privileges granted to them by the authorities of the United States,

and of the State of Tennessee, and collecting considerable sums of money; and whereas it is desirable to know whether such action is in accordance with the wishes of the general commanding the department: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That a committee of three on the part of the house, and two on the part of the senate, be appointed to call on the major general commanding the department, and ascertain whether such assessments are made under and by virtue of his orders, and if so, what action, if any, is necessary to be had in the premises.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 3, 1865.

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## NUMBER LVI.

A JOINT RESOLUTION appointing a committee to settle with Hon. Joseph S. Fowler, late comptroller and acting treasurer of the State.

*Be it resolved by the general assembly of the State of Tennessee*, That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to settle with the Hon. Joseph S. Fowler, late comptroller and acting treasurer of the State.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 5, 1865.

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## NUMBER LVII.

JOINT RESOLUTION directory to the secretary of state.

*Resolved by the general assembly of the State of Tennessee*, That the secretary of state is hereby authorized to furnish the clerks of the courts of record of this State the Code of Tennessee, and the acts of the general assembly of the State, in all the counties where the books of said officers have been destroyed.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 6, 1865.

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## NUMBER LVIII.

JOINT RESOLUTION requesting the governor to employ an attorney-at-law.

*Be it resolved by the general assembly of the State of Tennessee*, That the governor be, and is hereby, requested to employ an attorney-at-law for and in behalf of the State, to prosecute and defend all suits now pending in the circuit court of Davidson county, now in session, in the name of or against the Bank of Tennessee, and to be allowed such compensation as the governor may think reasonable.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 6, 1865.

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## NUMBER LIX.

JOINT RESOLUTION directory to the comptroller.

*Be it resolved by the general assembly of the State of Tennessee*, That the comptroller be, and is hereby, instructed to prepare and have printed a circular containing all the subjects of taxation, together with the rates of taxation, and forward two copies of the same to the clerks of the various county courts of this State, and that the same be done immediately.

*Be it further resolved*, That the secretary of state be and is hereby instructed to have published in one newspaper published in the city of Nashville, the Chattanooga Gazette, Knoxville Whig, Flag of the Union, and the Memphis Argus, the revenue bill passed by the legislature at its present session, for four successive weeks.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 7, 1865.

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## NUMBER LX.

JOINT RESOLUTION directory to the keeper of the penitentiary.

Whereas there are now confined in the penitentiary many convicts who have acquired no trades, owing to the difficulties of procuring material for them to work up, and that they are unemployed, because the inspectors and keepers have no power to employ them beyond the prison walls unless authorized to do so: Therefore,

*Be it resolved by the general assembly of the State of Tennessee*, That the inspectors and keepers of the penitentiary are hereby authorized and empowered, whenever they may deem it advisable to do so, to employ the convicts in such work about the capitol, or otherwise outside of the prison walls, as may be by them deemed advisable, looking to the safety of the convicts and the best interests of the State.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 9, 1865.

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## NUMBER LXI.

JOINT RESOLUTION postponing the business before the general assembly.

Whereas the present session of the legislature of Tennessee has been continued and protracted beyond our desire or expectation, from the necessity of circumstances and the welfare of the State; and

Whereas the business under consideration is of minor importance, and does not absolutely demand our immediate attention: Therefore,

*Resolved by the general assembly of the State of Tennessee*, That all business which may be before the respective houses on the 10th inst., at 12 o'clock m., will be postponed until the October session, and that the general assembly of the State of Tennessee adjourn on Monday, the 12th of June, 1865, to meet the first Monday in October, 1865.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 10, 1865.

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## NUMBER LXII.

JOINT RESOLUTION to have published in certain newspapers an act to limit the elective franchise.

*Resolved by the general assembly of the State of Tennessee*, That the act to limit the elective franchise be published once a week from June 12 until the 6th day of August next, in the following papers, to wit: Jonesborough Union Flag, Knoxville Whig, Chattanooga Gazette, Press and Times, Nashville Union, Nashville Dispatch, Memphis Argus, the paper published at Kingston, and the paper published at Greenville, and also any German paper published in Nashville, and in one German paper at Memphis.

*Be it further resolved*, That the comptroller issue his warrant to pay for the same.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 12, 1865.

## NUMBER LXIII.

JOINT RESOLUTION of thanks to Brevet Brigadier General J. L. Donaldson, chief quartermaster, department of the Cumberland, and Captain Hunter Brooke, provost marshal.

*Resolved by the general assembly of the State of Tennessee*, That the thanks of this general assembly are most heartily and cordially tendered to Brigadier General J. L. Donaldson, chief quartermaster of the department of the Cumberland, for his kindness in furnishing a special car for the accommodation of the members, and for renewing their transportation over military railroads.

*Resolved*, That the thanks of this general assembly are due, and are hereby tendered, to Captain Hunter Brooke, post provost marshal, for his uniform courtesy and kindness to the members of this general assembly.

*Resolved*, That a copy of these resolutions be furnished General Donaldson and Captain Brooke by the secretary of state.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 12, 1865.

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## NUMBER LXIV.

JOINT RESOLUTION congratulatory at the appointment of Major General Thomas to this military division.

Whereas the pleasing intelligence has reached us that the distinguished soldier and commander, Major General G. H. Thomas, has been assigned to this military division:

*Resolved by the general assembly of the State of Tennessee*, That we do most heartily congratulate our citizens upon the appointment of this model soldier, possessing as we do the most unbounded confidence in his ability and judgment, and believing that under his rule early peace and quiet and Unionism will prevail in every section of our State.

*Resolved, further*, That we tender to the President and War Department our special thanks for their assignment of General Thomas over this military division, and with his consent we propose to adopt him as a Tennesseean, General Thomas having endeared himself to us both by distinguished services and by many acts of noble and unostentatious kindness.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Adopted June 12, 1865.

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[The following act of assembly was mislaid in the house and not deposited in the office of the secretary of state until the other acts were printed. It has been collated and found correctly printed. A. J. FLETCHER, *Secretary of State.*]

## CHAPTER XXXVIII.

AN ACT to change the times of holding the county court of Knox county for the trial of misdemeanors.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That from and after the next August term of the county court of Knox county, for the trial of misdemeanors, the said court shall be regularly opened and held on the second Mondays of April, August and December of each year, and succeeding days if necessary, instead of on the first Monday of said months, as heretofore; but the regular county court for the transaction of county business shall be held on the first Monday of each month as heretofore.

SECTION 2. *And be it further enacted*, That this act shall take effect from and after its passage.

WILLIAM HEISKELL,
*Speaker of the House of Representatives.*
SAMUEL R. RODGERS,
*Speaker of the Senate.*

Passed May 16, 1865.

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STATE OF TENNESSEE, OFFICE OF THE SECRETARY OF STATE,
*Nashville, July 25, 1865.*

I, ANDREW J. FLETCHER, secretary of state of the State of Tennessee, hereby certify that I have carefully collated the foregoing documents, with authentic copies on file in my office, and find them correctly printed.

A. J. FLETCHER, *Secretary of State.*

NASHVILLE, TENN., *January* 9, 1866.

At a meeting of the Union Central and German Union Central Committees of the State of Tennessee and the Union members of the Tennessee legislature the following memorial was unanimously approved and adopted.

A. LOVERING,
*Chairman pro tem. of Central Committee.*
EDWARD MAYNARD,
*Secretary of Union Central Committee.*

NASHVILLE, TENN., *January* 9, 1866.

*To the honorable Congressional Committee on Reconstruction:*

The undersigned, constituting a large majority of the State Central Committee of the Union party of Tennessee, being all who could be present, beg leave to communicate to you their views of the present political and social condition of this State, and their anticipations as to future results from that condition.

The vast powers conferred upon you, so vitally affecting ourselves and our posterity, we feel to be a sufficient warrant for this liberty on our part.

Our statistics show that, in the spring of 1861, about 40,000 of the voters of Tennessee made up their minds to adhere to the flag of their country in spite of the tornado of treason that swept the State and carried it into the vortex of rebellion. They constituted less than one-third of the voting population of the State, and far less of its wealth and political influence. Surrounded on all sides by rebel population; suffering every conceivable outrage in person and property; hanged on the gallows; shot by an infuriate soldiery; cast into many prisons; mercilessly conscripted, and hunted like wild beasts and murdered in our places of concealment, our numbers have been reduced, but the survivors of us have kept the vows made upon the altar of patriotism five years ago. More than twenty-five thousand of our number, leaving their homes and families to be pillaged and abused, travelling through mountains or swamps by night and hiding in thickets by day to evade a pursuing and murderous enemy, escaped to the federal lines, and, without bounty or other inducement, enrolled themselves as Union soldiers. They have returned to their homes from a gallant and bloody service to find, in many instances, their houses in ashes, their property gone, and their families abused, insulted, and outraged. And, it must be added, that in many instances these victorious heroes of the national cause are not permitted to remain at their homes in peace, or, if permitted, they are crippled in business and politically and socially outlawed.

The *designs* of the great secession majority of Tennessee may have been changed by the events of the war, and so may have been their opinions of their own strength and of the strength of the government, but, unless your memorialists greatly misunderstand them, their sentiments, sympathies, and passions remain unchanged. They welcome peace because they are disabled from making war; they submit because they can no longer resist; they accept results they cannot reject, and profess loyalty because they have a halter around their necks. They *recognize* the abolition of slavery because they see it before them as a fact; but they say it was accomplished by gross violations of the Constitution, that the negro is free only in fact, but not in law or of right.

Less than a year ago the provisional governor, representing the military power of the President, and recognizing the right of the loyal people to govern the State, set on foot a civil government, founded upon the basis of the loyal population—his favorite policy. The plan of a popular convention and a submission to a vote of the loyal people was adopted, and the former constitution and laws were restored without the institution of slavery. Whether we regard it as our

former State government restored, or as a new government given to us by the power of the nation, is immaterial, as it has been compelled at every step to lean upon the strong arm of the national authority for support. The action of the convention was submitted to the vote of the *loyal* people, and, by means of the strong will of the military governor and a rigid test oath, and because the election was not recognized by the disloyal, it was nearly unanimously adopted, receiving over 20,000 votes, many of the Union men being within the rebel lines at the time.

Under the government thus adopted, and by means of the same test oath, a governor and legislature were elected by general ticket on the 3d of March last. The legislature assembled in April, and proceeded to inaugurate the governor elect and to elect State officers, to establish a revenue, to provide for the election of members to Congress, and to legislate in general matters. Under authority conferred upon him, the new governor appointed a judiciary *pro tempore*, and reorganized the entire State by *appointments*. But one general election has been held, and that only for members of Congress, with what result will appear hereafter.

The convention of February, foreseeing the impossibility of carrying out the principle upon which they were acting, by keeping the political power of the State in loyal hands, if all those who had by acts of treason forfeited their right to participate in the State government, provided for a formal disfranchisement by conferring upon the first legislature the power to limit the elective franchise.

So far the legislation on this subject has been unsatisfactory and ineffectual. Indeed, many of the members are utterly unequal to the task, and, yielding to the influence and dreading the power of numbers, shrink from its performance. A suffrage law was passed at the spring session, the result of compromise, and doubtful in its terms, easily evaded, and practically defective. By means of repeated proclamations by the governor, telegraphic orders from the President, and the aid of the military, a partial execution only of the law was obtained. So defective was the execution of the law by the officers to whom it was intrusted, that the governor was constrained to declare the August election totally void in twenty-nine counties of the State. An attempt will be made at the present session to pass an amended suffrage law, but it is doubtful whether any effectual disfranchisement can pass, and still more doubtful whether, if passed, it can be executed even with the presence of the military. Certainly, such a law cannot be executed if the supervising power of the general government should be discontinued.

In short, your memorialists anticipate that, at the first general election, the entire civil and judicial power of the State must pass into the hands of those who have so long oppressed them, and made actual war upon them. The judicial election, which is the most important of all, must soon occur.

By a careful consideration of the passions, prejudices, and designs of those lately in rebellion, a correct idea of the course they will pursue, when once more installed into power, may be arrived at. Your memorialists are not driven to consult tourists nor correspondence for information. They are all citizens of the State; some of them are natives, and from official position are in daily intercourse or communication with all parts of the State, and with citizens of all parties and classes. They claim to speak not from hearsay or report, but *as witnesses admissible in court*.

The predominant feeling of those lately in rebellion is that of deep-seated hatred, amounting in many cases to a spirit of revenge towards the white Unionists of the State, and a haughty contempt for the negro, whom they cannot treat as a freeman. The hatred for the white loyalist is intensified by the accusation that he deserted the south in her extremity, and is, therefore, a traitor, and by the setting up a government of the minority. The spirit of revenge is called forth by the attempt to disfranchise them, and by the retaliatory acts of the

returned Union soldiers for wrongs done them during the war. The negro is the Mordecai who constantly reminds them of their defeat, and of what they call a "just, but lost cause." And the sight of him in the enjoyment of freedom is a constant source of irritation.

The tourist would not be apt to detect the true state of the southern temper. Even the resident observer has to look beneath the surface of insincere protestations of loyalty. True, the traveller or visitor might observe a large number of daily rebel newspapers well sustained, while a single loyal paper is sustained with difficulty. He might discover that the rebel merchant or lawyer is full of business and growing rich, while the loyalist either fails, or is driven to pander and dissimulate. And he may find that the rebel chaplain preaches to overflowing houses, while the loyal minister is in truth a missionary in an unfriendly country. But he will hardly go into the social circle to learn that the Union man is not admitted into *society*, or into private families, to find that hatred of the Yankee and contempt for the government are inculcated by rebel ministers and teachers; nor will he visit the township election to learn that the bushwhacker and guerilla can defeat the most respectable Union man for constable or justice of the peace; or to the courts, to learn that the despised "Lincolnite" fails to get justice at the hands of a rebel jury, and that the putting of a negro on trial is equivalent to his conviction and sentence to the maximum penalty of the law. Yet these and many other manifestations betray to the resident observer the malignant temper of the majority of our people.

A party exists in the State, which is every day becoming more and more compact and powerful, which sympathizes with the men and principles of the rebellion. It commands every agency to operate upon public opinion. It has five well-sustained and ably-edited daily papers in Memphis, four in Nashville, one in Knoxville, and a weekly in each of the important villages. Their pardoned but talented and still popular leaders are with them. Hundreds of rebel ministers who glory in having led off in the rebellion, and who have been throughout the war the bloodiest-minded men in the south, are still in the confidence of their people. All these appliances acting in harmony mould public sentiment as they please, and command a party of over two-thirds of the white men of the State. Free from restrictions upon suffrage, they will probably cast 90,000 votes in the State.

It is a sad delusion and a dangerous mistake to suppose that this hatred of loyalty, contempt for the negro, and alienation from the government, are confined to the politicians, or leaders as they are termed, and that the common people have been all the time loyal. It is certainly true that a portion of the southern people went into the rebellion reluctantly, and that a few were actually forced into it. But it is equally true that nine-tenths of those who went in reluctantly came out the bitterest of rebels. The process of firing the southern heart and educating the southern mind for treason had been progressing for many years, and had reached all classes. Long before the war the common laborer had learned to curse the Yankees and abolitionists, and to talk about negro equality and his rights in the Territories. Filled with murderous hate, they have fought four years against their country. They have denounced and heard it denounced with every breath. They have suffered cold, hunger, and wounds in an effort to destroy it. They have slain its defenders, and seen their comrades fall in the same cause. The laws of human nature forbid the idea that they love their country. Indeed, it may well be doubted whether the capacity for patriotism is not extinguished in many of them.

Your memorialists regret to say that *as yet* the loyalists of East Tennessee, brave and noble as they are, have not kept pace with the spirit of the nation in extending civil rights to the negro, and consequently there exists a want of harmony among ourselves; but they do not doubt that that patriotic but rural people will soon take a position worthy their fame. But in any event, all legis-

lation looking to the elevation of the freedman in a moral, civil, or political point of view must come from Congress, and not from the State legislature. It may be that the present body may pass some favorable laws—probably they will; but it is easy to see they will be swept away by the next general assembly.

Supposing the supervising power of the general government to be withdrawn from Tennessee, and assuming that to some extent at least the passions, prejudices, and resentments of the majority of the people will be reflected in their legislation, it is not difficult to anticipate her State policy and the character of her civil and judicial administration. It may be safely assumed—

1. That so far as possible in legislation, the bestowal of patronage, and the management of all public affairs, the late rebels will be the preferred class; and that all the acts of the rebel State government, including the removal and the destruction of the State banks and State treasury, the disarming and conscripting the people, and the impressment of their property, and all the acts of rebel officers, soldiers and guerillas, will be legalized. Those who have been robbed, wounded, and imprisoned will go unredressed, while those who have inflicted those injuries will be justified in law, as they now are in public sentiment.

2. As is even now the case in many localities, services rendered and wounds received in the confederate cause will be passports to preferment, while to have taken sides with the cause of the Union will be equal to a judgment of infamy, forever consigning the offender to obscurity and disgrace.

3. If the legislature does not vote thanks and medals to southern heroes, and unite with other southern States to pay the confederate debt, it will be from fear or policy, and not from want of sympathy or desire.

4. As far as possible, restrictions will be thrown around the freedom of the negro, and his elevation in the scale of being discountenanced, if not actually prohibted. He will be excluded from the courts, from common schools, and probably from all means of education, from business and privileged occupations, and, perhaps, from the acquisition of property.

Such, we apprehend, will be some of the results of well known laws of the public mind. And it requires but little speculation to anticipate still further and more ulterior results. It is very questionable whether East Tennessee will submit to a rebel government. Her people will not tamely succumb to those who have pursued them like bloodhounds for four years. If she does not resist by force, she will refuse her revenues, and scorn to send her representatives to take seats in a legislature composed of rebel officers and guerilla leaders. Union men will feel that they have lost and the rebels won, and that their martyrs have fallen in vain. Even now, in many localities they are crushed by the power of numbers, and actually afraid to speak like freemen.

Loyal emigrants will turn aside to more congenial parts, and the south will be left to herself, to resume her former rate of progress.

The negro will be forced to seek an asylum in other lands, or perhaps he will become a declining race, relapse into barbarism and disappear from the face of the earth; an effect confidently predicted, and, in fact, hoped for by secessionists.

Your memorialists do not presume to point out the means of preventing the direful results they have attempted to foreshadow. They simply ask protection. They pray that the government will not forsake them by withdrawing its direct agency in our affairs, thereby delivering them over to their tormentors.

Your memorialists will say, however, that they desire to be represented in Congress. The loyal people of Tennessee have not forfeited their civil rights by the misfortune of being surrounded by rebels. And if difficulties should occur hereafter, as is to be feared, in that event they desire to have a voice in the councils of the nation. But if our form of government is such that to

admit our representatives to seats in Congress will compel the withdrawal of the supervising control of the national government over our internal affairs, thereby insuring the ascendency of the rebel majority, your memorialists prefer, and they are sure the loyal people of the State would prefer, to live in a territorial condition, and even under a military government.

From the rebel yoke they pray to be saved. From such a fate we rely upon the power of the nation to rescue us. In behalf of ourselves, in behalf of the devoted loyalists of the State, of whatever color, and in behalf of our posterity, we appeal to that government we love and have served to save us and them from the power of those who have inflicted upon us every conceivable injury

We are, most respectfully, your obedient servants,

JOHN SCHIMMLER.
FERDINAND KUHN.
A. W. HAWKINS.
A. LOVERING, *Chairman pro tem.*
E. P. CONE.
WILLIAM HEYDT.
A. J. FLETCHER.
N. DERBY.
A. S. THURNECK.
ROBERT WEITMULLER.
GERVAS HAURG.
JULIUS BRIESEN.
R. LEHMANN.

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STATE OF TENNESSEE,
*Executive Department, Nashville, November* 13, 1865.

*To all who shall see these presents, greeting:*

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify that at a general election, opened and held in said State on the first Thursday in August, A. D. 1865, for the purpose of electing representatives of the State of Tennesse in the 39th Congress of the United States, Horace Maynard, of the county of Knox, was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the second congressional district, composed of the counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane.

And I do therefore commission the said Horace Maynard, representative in Congress as aforesaid, during the term and with all the powers, privileges, and emoluments appertaining.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Tennessee to be affixed, at the department in the city of Nashville, this 13th day of November, 1865.

[SEAL.] W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

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STATE OF TENNESSEE,
*Executive Department, Nashville, November* 13, 1865.

*To all who shall see these presents, greeting:*

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify, that at a general election for representatives of the State of Tennessee in

the 39th Congress of the United States, opened and held in said State on the first Thursday of August, A. D. 1865, William B. Stokes, of the county of De Kalb, was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the third congressional district, composed of the counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb and Fentress.

And I do therefore commission the said William B. Stokes, representative in said Congress as aforesaid, during the term and with all the powers, privileges, and emoluments appertaining.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Tennessee to be affixed, at the department in the city of Nashville, this 13th day of November, 1865. [SEAL.]

W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

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STATE OF TENNESSEE,

*Executive Department, Nashville, November* 25, 1865.

I, William G. Brownlow, governor of the State of Tennessee, do hereby certify that at a general election opened and held in the State of Tennessee, on the first Thursday in August, 1865, for representative from said State in the thirty-ninth Congress of the United States, Samuel M. Arnell was regularly elected, in accordance with the laws of the State of Tennessee and of the United States, representative in said Congress from the sixth civil district, composed of the counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State to be affixed, at the department in the city of Nashville, the 25th day of November, A. D. 1865. [SEAL.]

W. G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

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THIRTY-NINTH CONGRESS UNITED STATES,

*House of Representatives, Washington, D. C., February* 26, 1866.

SIR: I herewith respectfully present the statements of R. Hough, esq., internal revenue tax collector for the Memphis district, and request that it be treated as a part of my statement of a late date in which I alluded to the facts herein more definitely set forth.

I also beg to mention that I learn from George H. Ellery, esq., formerly United States cotton purchasing agent at Memphis, that during seventy-five days the profits to the government, as the 25 per cent. tax on cotton through his office, was in round numbers one million seven hundred and fifty thousand (1,750,000) dollars.

I am, sir, with much respect, your obedient servant, &c.,

JOHN W. LEFTWICH,

*Member of Congress Elect, 8th district Tennessee.*

Hon. Senator GRIMES, *of the Reconstruction Committee.*

*Statement of assessments and collections in the first district, State of Tennessee, from October* 19, 1863, *to January* 1, 1866.

| Date. | Monthly assessments. | Annual lists. | Collections. |
|---|---|---|---|
| October, 1863 | $28,178 87 | $20,135 62 | $16,070 35 |
| November, 1863 | 33,269 88 | 32,429 71 | 32,279 92 |
| December, 1863 | 25,560 81 | 68,966 46 | 31,525 14 |
| January, 1864 | 21,476 28 | 180,631 71 | 34,870 42 |
| February, 1864 | 42,232 75 | ..... | 47,894 28 |
| March, 1864 | 111,317 27 | ..... | 119,796 51 |
| April, 1864 | 109,483 46 | ..... | 120,253 99 |
| May, 1864 | 120,971 06 | ..... | 124,146 96 |
| June, 1864 | 23,059 25 | ..... | 25,939 83 |
| July, 1864 | 24,419 65 | ..... | 33,154 02 |
| August, 1864 | 14,309 78 | ..... | 32,770 61 |
| September, 1864 | 8,913 78 | ..... | 30,922 11 |
| October, 1864 | 108,889 93 | ..... | 39,063 09 |
| November, 1864 | 88,916 87 | ..... | 146,307 97 |
| December, 1864 | 36,279 81 | ..... | 49,902 48 |
| January, 1865 | 80,466 80 | ..... | 92,940 82 |
| February, 1865 | 94,405 58 | ..... | 92,277 24 |
| March, 1865 | 126,861 55 | ..... | 124,867 98 |
| April, 1865 | 49,339 72 | ..... | 53,964 25 |
| May, 1865 | 143,256 37 | ..... | 182,077 78 |
| June, 1865 | 106,143 43 | ..... | 110,929 26 |
| July, 1865 | 128,674 25 | ..... | 173,150 07 |
| August, 1865 | 177,406 11 | ..... | 193,313 92 |
| September, 1865 | 191,660 39 | ..... | 207,896 41 |
| October, 1865 | 283,238 48 | ..... | 306,443 25 |
| November, 1865 | 185,832 38 | ..... | 188,186 82 |
| December, 1865 | 245,105 05 | ..... | 226,772 33 |
| Total | 2,603,669 56 | 302,163 50 | 2,842,747 81 |

R. HOUGH, *Collector.*

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UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIRST DISTRICT, STATE OF TENNESSEE,
*Memphis, Tennessee, January* 30, 1866.

MY DEAR SIR: In consequence of the constant press of business in my office, I have procrastinated the delivery of the enclosed statement until this late day, for no other reason than that so much was on hand to be done that I did not like to set clerks at anything that was not strictly office-work. My only regret now is that I cannot give you so elaborate a statement of facts connected with the collection of over three millions of revenue (adding the stamp-sales to the enclosed) as I would wish, for want of time. You will recollect that our city was captured by the federal fleet on the 6th of June, 1862, previous to which large drafts were made on its inhabitants by the rebel leaders for the support of their army. When the federal flag was hoisted here it floated over a city of less than thirty thousand people, with no commerce, limited resources, and no trade from river or country. The government collected the larger portion of the rents during 1862 and 1863; besides, heavy taxes were paid on the demands of military commanders, and all shipments to and from the city were taxed by the Secretary of the Treasury; so that I think I am safe in saying that the internal revenue collected per the enclosed statement does not amount to more than one-third of the taxes paid by our people. The assessor commenced his labors some time in June, 1863, but he dated his assessments back to September, 1862,

I commenced collection about the 1st of November, 1863, at which time I had two annuals to collect for 1862 and 1863, and before these were closed up the annual for 1864 had been assessed and the special five per cent. tax on the incomes of 1863. You will remember that the civil courts were suspended during this time, and, in fact, have but recently been fully re-established, and this was the only office that did not exist by and depend on military sufferance and rule; yet I think I am safe in saying that our people have paid their revenues to the government collector as promptly and apparently as cheerfully as in any portion of the United States. I have never been obliged to levy upon any man's effects to secure his revenue due to the government, and though personally an austere man, I think the tax-collector is as much in the favor of the people at large as it is possible for any man to be in like circumstances anywhere in the land. I do not intend to convey the idea that the collector possesses qualities to make him popular notwithstanding his office, but that the people in this district, so far as they have been reached, respond as cheerfully to the demands of the government as they do in any State in the Union. A Boston merchant of some note lately said to me, "Tell me how your people pay their taxes, and I will myself judge of their loyalty." By this rule, I am inclined to the opinion that we should vie with Boston herself; but being a Bostonian originally, I don't like to make any comparisons.

Trusting that the enclosed will be of service to you, I am, very respectfully, your obedient servant,

R. HOUGH, *Collector.*

Hon. JOHN W. LEFTWICH, *Washington, D. C.*

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WASHINGTON, *January* 26, 1866.

GENTLEMEN: In answer to your inquiries, I have the honor to state:

I. That the loyal people of the State of Tennessee assembled in convention at Nashville on the 8th day of January, 1866, and proceeded to organize the government of the State. They adopted an amendment to the constitution abolishing slavery forever in the State. They adopted a schedule to the constitution, in which—

1. They repudiated the rebel debt contracted to carry on the war.

2. They declared the ordinance of secession void *ab initio*, and all the legislative acts passed by the legislature at its different sessions from the 6th of May, 1861, inoperative and void.

3. They provided that all the acts of Andrew Johnson as military governor, together with his appointments to office, valid and binding.

4. They provided for the election of a general assembly to be held on the 4th of March, 1865, as well as for the election of a governor.

5. They declared that the amendments so proposed should be submitted to the people for ratification or rejection on the 22d day of February, 1865.

II. On the 22d day of February, 1865, the amendment and schedule were submitted to the people, and adopted almost unanimously.

III. On the 4th day of March, 1865, the governor, William G. Brownlow, was elected, and the members of the legislature, gentlemen who for "unconditional Unionism" will compare favorably with the same number of gentlemen selected from any State in the Union.

IV. On the 3d day of April, 1865, the legislature met at Nashville, and in a few days thereafter the governor was inaugurated, and that civil government for the State has been in successful and peaceable operation ever since.

V. One of the first acts passed by the legislature was one ratifying the amendment to the Constitution of the United States abolishing slavery. It passed unanimously.

VI. The legislature enacted a franchise law, disfranchising all rebels for the space of five years who had not participated in either one of the last elections, and by which a large number of the qualified voters were prohibited, because of their treason, from participation in the subsequent elections.

VII. The legislature provided for the congressional elections by dividing the State into eight congressional districts, and by electing two senators. Since that time the civil government of the State, under its present loyal organization, has been in uninterrupted and successful operation all over the State. No obstacles have been put in the way. I have in my possession, and which I will produce for the inspection of the committee, if desired, printed copies of the proceedings of the convention of January 8, 1865, as well as the acts and resolutions of the April session of the general assembly.

VIII. The election for Congress was held on the first Thursday in August, 1865, the regular day, and everything passed off harmoniously and quietly. This result was extremely gratifying to the loyal men of the State. The members elected are known to have been loyal to the government, and have all complied with the law of the land.

IX. I can say fearlessly, from an intimate personal acquaintance with the people of the fourth congressional district, composed of the counties of Rutherford, Cannon, Coffey, Franklin, Lincoln, Giles, Marshal, and Bedford, and which I have the honor to *claim* to represent, and where there are no federal soldiers, and have not been any, except in Rutherford county, since the 1st of July, 1865, that peace and quiet and complete obedience to law prevail. No difficulties of any kind; law and order are everywhere observed. The United States assessors and collectors visit every part of the district unguarded and alone; are promptly paid and kindly treated. The United States marshal needs no military force to enable him to do his duty. The white men and the freedmen live harmoniously together. Contracts are made between them, liberal, just, and satisfactory, and are faithfully performed by both parties. No complaints are being made. All recognize the government of the United States as the supreme law of the land. They most earnestly desire to be once more fully restored to the benefits of its protection, so that they can once more feel that they are American citizens.

I fully believe that the United States troops might be withdrawn any day, and the present State government would be protected and guarded until the expiration of its term without molestation or danger. It seems to me that the people feel the necessity of peace and law and order, and they intend to have it.

The legislature has passed all laws necessary for the protection of the freedmen, and there is but one single case in which the punishment of the white man differs from that of the freedman, and that is in the case of rape, or assault with intent to commit rape, on the person of a white woman.

The recognition of the present State government by the Congress of the United States, the admission of its senators and representatives, in the full restoration of the State to an equality with the other States in the government, will give confidence and happiness to those citizens of the State who, through all the horrors of this cruel and unjust rebellion, have maintained their integrity to the national flag, and who loved their country too well to betray it into the hands of traitors.

If Congress will recognize us as worthy of being admitted to our seats in the Senate and House of Representatives, thus giving to us the moral weight of their action, we can, without doubt, preserve and protect the loyal people of the State. If, on the contrary, we are treated as if we were rebels, as if we had sinned, when we have not, then, of course, our influence is gone, and we can no longer hope to be able to control the political destinies of the State.

Respectfully,

——— COOPER.

WASHINGTON, *January* 29, 1866.

*To the honorable gentlemen of the "Reconstruction Committee:"*

GENTLEMEN: In compliance with suggestions from the Hon. Senator Grimes, I respectfully submit these my opinions, with the reasons therefor, in relation to the loyalty and present feelings of the people whom I have the honor to represent.

Since the first occupation of Memphis by the national forces, in June, 1862, no spirit of discontent or insubordination has ever manifested itself; and though we have, *in addition to the usual taxes*, been compelled most of the time to pay from three to five per cent. tax on all merchandise shipped to Memphis, and twenty-five per cent. and four cents per pound on all cotton shipped from Memphis, and two dollars per bale military tax, and other military taxes *ad infinitum*—amounting, in the aggregate, to millions of dollars—it has been promptly paid without complaint.

Our "internal revenue tax collector" now proudly asserts that his collections have been made with a promptness above the average of northern cities, and that the disgraceful attempts to defraud the government, so prevalent elsewhere, are comparatively unknown in Memphis.

When our army was needed actively on other fields, and that portion remaining at Memphis was inadequate to protect the immense army stores there collected, our entire able-bodied male population, amounting to many thousands, was organized, armed, and equipped for active militia duty; many having to remain on duty all the time, and all compelled to suspend business for the purpose of drilling from one to two days in each week; and such was their conduct on several occasions of threatened attack, as to call forth the congratulatory orders of the commanding generals, to one of whom, the "Hon. R. P. Buckland," I respectfully refer.

We also furnished our quota in the last draft.

The crops of 1863, '64, and '65, in "West Tennessee," were not cultivated by involuntary servitude, but by compensated labor; and the result of the three years' experience is, that our colored population have learned the important lesson that a good and trusty laborer will command better wages than a bad one; and our white population, who own the land, have learned the equally important lesson that he who pays wages promptly, and fairly, and otherwise honestly redeems his obligations to the employé, will surely procure the best and most reliable laborers.

The prejudice that did at one time exist against the negroes as freedmen remaining in our State has been most effectually dispelled by a remembrance of their good qualities during the war; and, by self-interest, the most potent of all arguments, reminding us that the profitable cultivation of our rich and productive lands requires twice the number of laborers now there.

In view of this desire to retain these laborers in our State, I *believe* there is no disposition on the part of our citizens to impose illiberal terms on those they employ; and I *know* they have not the ability to do so, as the demand for labor is so much in excess of the supply as to give all the advantage to the employé.

The only relic of slavery now seen in our midst is the frequent practice, by agents of the "Freedmen's Bureau," (generally understood to be for a consideration,) of compelling negroes to make unwilling contracts with parties with whom they do not desire to live.

I am fully persuaded that, if left to a vote of the former slave-owners of my district, they would now vote by a large majority against assuming the moral responsibility of re-enslaving the negroes.

I am sure that the colored laborers of this district will make more money this year than any equal number of white laborers in States north of the cotton producing region.

During my contest for my present position I travelled on horseback, alone much of the time, through the entire district; and though my Union sentiments, already notorious, were plainly and boldly proclaimed day after day, I did not hear a rude or impolite expression, though the country was full of returned rebel soldiers, who might be expected to have been smarting under a "franchise law" that was odious even to Union men.

I had four opponents, each trying to prove himself a better Union man than the rest, and all surpassing me in political ability, yet I was elected by a handsome majority, only because I was able to show a more consistent Union record than either.

One other opponent issued a circular claiming votes as an original sympathizer with the rebellion, but met such poor encouragement that he withdrew without completing the contest.

During December, hearing many reports in Washington prejudicial to the loyalty and good conduct of my constituents, I determined to take no hearsay, but go home and see for myself if such rumors had any foundation in fact. The result was, I found my people contented, hopeful, industrious, and happy, considering this as their only government, with no willingness to injure it, but an earnest desire to make it better and stronger than ever.

I heard no man of influence oppose allowing the negroes to testify in our courts, and to own and bequeath property, &c.

On the 28th of December two members to the State legislature were elected in Memphis and Shelby county, both of whom favored the above movement, and have since succeeded in making it the law of the State.

To learn the condition of a portion of my district to which I could not go, I wrote to a friend, (an appointee under Governor Brownlow, whom I knew to be loyal and truthful, and possessed of unusual facilities for knowing the real feelings of the people,) telling him of the reports coming to Washington, and asking if such were the facts.

I respectfully annex his reply as part of this statement.

In conversation with the deputy United States marshal, who had been through West Tennessee on official business, of such an unpopular nature as to induce him to have a military escort, he said, "I was met in such a friendly manner and treated with such cordial hospitality, that I was *ashamed* of having an escort, and made it convenient to be away from them most of the time."

I have just received a letter from "J. M. Hill, esq.," to whom every military commander at Memphis has awarded the first position in point of loyalty and reliability, and possessing general information, in which he takes occasion to say, "We need no troops at Memphis; but if the government desires to retain a few here, one company of white regulars would be an abundance."

From personal knowledge in many instances, and reliable information in others, I am able to say that most of the reports coming to Washington against the loyalty and good conduct of Tennesseans come from those who have been defeated for office, or who now hold positions by appointment, and know that their personal unpopularity will prevent them from retaining it when left to the people; and as our county elections ought legally to be held in March, it is the desire of this class to make excusable the filling of these positions by appointment instead of the ballot.

There are, no doubt, occasional local disturbances in our State, (that our civil officers are entirely able to subdue, however,) but these all grow out of old personal animosities engendered during the war, and not arising from any rebellious spirit towards the general government.

These disturbances are much less frequent in my part of the State than elsewhere, owing to the fact that the army maintained uninterrupted control there after its first occupation.

Instead of there existing an animosity against consistent Union men who have

no used their influence to the unfair injury of those who have disagreed with them in politics, they are really the most popular men in the country; as it is through their influence, mainly, that all expect finally to be reinstated in the enjoyment of all their lost privileges and blessings.

It is the opinion of myself, as well as of most of the best informed with whom I have talked, (among them our lamented President Lincoln,) that, notwithstanding so many of our people were subsequently, by various influences, forced into the rebellion, the election in Tennessee in February, 1861, was, and is, the true criterion of the loyalty of our State; at which we gave a majority, as I remember, of 65,000 against "separation," (thought to be a more palatable term than "secession,") and nearly that number against even calling a convention to discuss it.

When Mr. Johnson assumed the presidential chair he was more odious to the southern people and more feared by them than any man now in the north; yet he is now by these same people as universally beloved and honored, just in return for evidencing a kind and forgiving spirit.

Like causes produce like results; and it is now in the power of the Congress of the United States to produce in the feelings of the masses of the southern people this same favorable change towards them.

Every kind word uttered here goes as a healing balm to the wounded spirit of our people, and is as welcome as the olive branch brought by the returning dove to the ark.

I have said much more than I intended. The assertions made are susceptible of proof. The opinions expressed are well-matured convictions, based on a thorough acquaintance with the facts from which they are deduced.

I regret that I cannot close without expressing the belief that the treatment our people are now receiving is well calculated to produce that state of feeling now falsely said to exist, though I have no fear of such a result in my immediate district, as such is the desire, and so favorable the opportunity, to mend their ruined fortunes, that they now look with much more interest to the fluctuations of the cotton market than to the proceedings of Congress, believing, correctly, that there is no surer way to obtain the good opinion of others than by industriously attending to their own business.

Hoping that nothing I have said will have an influence to secure my admission to a seat in Congress until my people can be trusted as *I know* they deserve to be,

I have the honor, gentlemen, to remain, very respectfully, your obedient servant,

JOHN W. LEFTWICH,
*Eighth District, Tennessee.*

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The undersigned beg leave, in compliance with the request of the congressional Committee on Reconstruction, to submit the following in relation to the present State government of Tennessee:

1. The government was organized by a convention of the loyal citizens January 8, 1865, ratified by popular vote February 22, 1865; governor and legislature elected March 4, 1865; inducted into office April 3, 1865. So that the government has been in practical operation nearly ten months.

2. When the organization began, the rebel army under Hood had just been defeated and routed before Nashville; the hostile forces were still in the field; guerillas overran some portions of the State; our Union soldiers were, some of them, in service on the Atlantic seaboard. There was no mail communication; heavy rains had swollen our numerous streams; so that, in many places, the single ballot-box for a whole county was inaccessible, and the vote failed to develop the whole loyal strength. Yet it is believed, and confidently asserted,

that the result met the entire approval of every loyal citizen, and the acquiescence of many who had been disloyal.

3. From the meeting of the legislature, the 3d of April, 1865, and the induction into office of the governor, the government, so organized, has had entire and unresisted control of the whole State, in every department of administration, executive, legislative, and judicial, including the conservation of the public peace. The legislature continued in session until into June; adjourned to the 1st of October; again assembled, and is still in session. The governor and other executive officers have discharged the functions usual to their respective offices. The courts of every grade, up to that of last resort, the supreme court, have held their regular terms all over the State, and have been open for the hearing of all pleas, civil and criminal.

4. The first act of the legislature, by unanimous vote, ratified the recent amendment of the national Constitution in accordance with an amendment of similar import made to the State constitution. The election of senators followed, and legislative provision for the election of members of Congress. A law of franchise was passed, adding one qualification to the elector, additional to the pre-existing loyalty, and providing for the registration of the voters.

5. The election was held at the usual time in August, and persons elected whose loyalty has been unequivocal, and will abide the test of the official oath. The number of votes cast was *sixty-one thousand nine hundred and seventy*, not far from the number usually cast by each of the two parties into which the State was almost equally divided before the war. The governor, deeming it his duty, under the act of Congress of 3d March, 1863, to certify whether the election was regularly held according to the laws of the State, and also to be informed as to the practical working of the late registry laws, instituted an inquiry, and rejected the votes of several of the counties for informality and a failure to comply with the recent law, on the part of officers intrusted with the novel duty of registration.

At this election there was no military force present anywhere at the ballot-box; nor was there, so far as known, the slightest disturbance or disorder. A military force has remained in the State, under Major General Thomas, to support and sustain the civil government. One prominent arrest was made on the charge of sedition and scurrilous libel against the President of the United States; but in general the military has been felt only in the moral effect of its presence as a power which the civil authority might at any time invoke.

6. No general election has since been held in the State. On the first Saturday of March next elections will be held for sheriffs and other county officers in the several counties of the State.

7. The general legislation so far has looked to the restoration of our State credit and the re-establishment of our financial prosperity. A revenue system, (the public debt increased twenty-five per cent. by the accumulation of interest during the war, the rebel debt having been repudiated by the people,) the banks, the railroads, the public schools, and the squandered school fund, the eleemosynary institutions, have received, as they demanded, prime attention. It is not strange that the novelty and importance of the questions arising in such connexion should occasion honest, even obstinate, diversity of opinion.

8. The two subjects, however, occasioning the most declared and unyielding difference, are the rebels and the freedmen. It becomes necessary in various ways to define their respective privileges, both having been to a certain extent outlawed—the former by reason of their conduct, the latter by reason of their slavery. What some insist upon as a wise and politic liberality towards the rebels is branded by others as copperheadism, if not downright treason. What some regard as but sheer justice to the freedmen, and a necessary safeguard against the reassertion of the rebel sentiment, is denounced by others as radicalism. This division is aggravated and intensified by an admixture of prejudice

and interested motive. The so-called radical element prevails in the present organization of the government. Public sentiment, as represented by the press, possibly, if expressed by the voice of the entire population, irrespective of antecedent relations, favors the self-styled conservative element.

9. Whether, upon a submission to the ballot-box, the government would be continued in the same hands, or those of men with similar views, is necessarily matter of speculation and conjecture. Such a submission will occur in August, 1867. Much will depend upon the wisdom, good conduct, and practical success of the State administration meanwhile; much upon the turn of affairs throughout the country, and much upon the issues, personal and other, that happen to be submitted to the people, as friends of the national government, who have stood close to it, defending its policy and maintaining its honor all the way through the recent conflict. We see no cause for discouragement, provided that the government will stand by us and give us the moral effect of its support. If, on the other hand, we are unrecognized and unsustained; if we are practically declared usurpers, and our effort at restoring our deserted and inanimate State government a usurpation, then we are necessarily overborne and swept away.

10. The unenlightened and narrow-minded rebel sentiment is bitterer and more rancorous possibly than during the war, under the humiliation of defeat and disgrace. It is expressed less towards the federal than to the State government, and is especially strong towards persons of northern origin, those Union men who took an active part for the government against the rebellion, and the freedmen. The intelligent rebels, on the other hand, see and accept the situation, and endeavor to make the best of it. Their political aspirations would naturally tend to the control first of local affairs, then of the State, and lastly of the national government. They hope for much from a division between the executive and legislative powers.

11. The situation of the freedmen is much more satisfactory to themselves, however it may appear to others, than when in slavery. There is suffering, oppression, injustice, wrong. In the economy of society the world over, poverty, ignorance, and weakness entail inevitable hardships. The case of the freedman is no exception. In addition, the prejudice of race is a burden. His freedom is an idea too proximate to the calamitous overthrow of the rebellion to be welcomed by those who took part in that foolish and iniquitous enterprise; while the loyal Union man has too long felt his progress in life obstructed by him as a slave to relish his presence even in freedom, and his labor no longer organized by the intelligence and capital of his master.

The pre-existing laws applicable to free persons of color were at once applied to the freedmen. These allowed him nearly all the civil rights accorded to white persons, except to bear testimony in courts against white persons, and to peddle, and to traffic in spirituous liquors. It subjected him to the same criminal code, except in some offences against *white* females and in the measure of punishment. He was accorded no political rights, and was subjected to various political disabilities. He has been admitted to testify as a white person. It is not known that he has received any political enfranchisement.

12. If it be urged that our Union element, in the beginning, through weakness and want of support, succumbed to rebellion; that even now, if left unsupported and alone, it may once more be overborne; that the sharp animosities of the war do not entirely subside with the cessation of arms, we respectfully submit that these are considerations imperative why the national authority should rally to us and sustain our effort of self-government by its moral influence, and, if need be, by the assertion of its physical power.

JOSEPH S. FOWLER.
W. B. STOKES.
HORACE MAYNARD.

FEBRUARY 1, 1866.

# TESTIMONY.

WASHINGTON, *January* 25, 1866.

Brevet Major General Edward Hatch sworn and examined:

By Mr. GRIMES:

Question. Where is your residence, and how have you been employed for the last five years?

Answer. My residence is in Muscatine, Iowa; prior to the war I was engaged in the lumber business; I entered the military service of the United States in 1861, and have been through the various grades in the army to that of brevet major general of volunteers.

Question. Have you, during the time you have been in the military service of the United States, been stationed in the State of Tennessee, or been connected with the military operations in that State?

Answer. Yes, sir.

Question. Were you so employed during any portion of the year 1865; and if so, during what portion of that year?

Answer. The troops under my command were on the confines of the State of Tennessee the first of the year, and I occupied a portion of West Tennessee, having command of a division of cavalry and a post. During September, October, and November, I was stationed at Knoxville, Tennessee, as chief of cavalry of that department.

Question. How recently have you been in Tennessee?

Answer. I left in December last.

Question. During the time you were in that State were you much among the people of the State; and do you regard yourself as familiar with the sentiments of the people there?

Answer. Yes, sir; in portions of the State. I was often at Nashville, and also in other parts of the State a great deal.

Question. What conclusions did you reach as to the sentiments of the people of that State, so far as loyalty to the federal government is concerned?

Answer. Leaving the people of East Tennessee out of consideration, I should think that the people of the balance of the State were largely opposed to the general government; that is, that there was no good feeling toward the government. There is very little good feeling towards the United States government, except in East Tennessee.

Question. You regard the public sentiment in East Tennessee as, in the main, loyal?

Answer. Yes, sir.

Question. And do I understand you to mean that in Middle and West Tennessee public sentiment is, in the main, disloyal?

Answer. Yes, sir; West Tennessee I consider as disloyal as Mississippi.

Question. Is it your opinion that the troops of the United States could safely be withdrawn from any portion of Tennessee?

Answer. Do you mean with safety to the people of the State?

Question. Yes, safety to the Union people of the State.

Answer. They could be safely withdrawn from East Tennessee, for there the

people could protect themselves. That is the only portion of the State from which they could be withdrawn in safety.

Question. What, in your opinion, would be the condition of affairs in Middle and West Tennessee, should our military force be withdrawn from those portions of the State?

Answer. The loyal portion of the people would be subject to certain ostracism which would drive them out of the country. They would legislate against them in every way—at least, I have often heard them openly say so.

Question. Do I understand you to say that the disloyal people there say that they would legislate against the loyal white people?

Answer. Yes, sir; they say that those people who opposed them in this war shall not hold office there; that is, that they will not vote for any of them, and that all civil offices shall be held by their own men. That is the way they have always talked to me.

Question. Is anything else threatened besides depriving them of office?

Answer. They say the two people cannot live together. There is no more popular man in West Tennessee to-day than the late rebel General Forrest. The quartermaster of my old regiment is partner with Forrest on a plantation; he said he took the plantation because Forrest is popular, and will take care of him and his interests.

Question. Is this feeling of hostility towards the federal government in Middle and West Tennessee quite general?

Answer. I think it is. Perhaps much of the hostility towards the government has accrued from the personal animosities of the people; they have been fighting among themselves for four or five years, and now have an intense hatred for each other, and that feeling, I think, has extended to the government in some measure. There are some men in the State—men of large views and landholders—who are willing to accept the state of affairs as it is, and to do almost anything in order to farm their lands; they wish to retain their old labor, but they constitute a very small portion of the people.

By Mr. GRIDER:

Question. How long were you stationed in Tennessee?

Answer. I had troops in West Tennessee, and was at Eastport, just on the confines of the State.

Question. On the border of Mississippi?

Answer. Yes, sir; I was at that post from January until July, 1865.

Question. State whether the rest of your intercourse with the citizens of Tennessee was not of a rather cursory nature, when the army was passing from point to point.

Answer. No, sir; for I have done a great deal of business for them and been among them a great deal. I have been in Tennessee more or less since 1862.

Question. Did you know Colonel Hobson, of Kentucky, a very young man, who was with the army at Knoxville?

Answer. I may have seen him, but I am not personally acquainted with him.

By Mr. GRIMES:

Question. I understand you to say that you have been in Tennessee more or less for the last three or four years?

Answer. Yes, sir; since 1862.

Question. And most of that time in that State?

Answer. Yes, sir; I have been stationed at Memphis, Lagrange, Collierville, and Eastport. I was stationed at Lagrange in the summer of 1863. I know West and Middle Tennessee better than my own State; that is, the roads and thoroughfares.

Question. While travelling about in Tennessee were you always known as an officer of the federal army?

Answer. No, sir.

Question. You did not always wear the insignia of your office and rank?

Answer. No, sir; not all the time.

Question. Were communications made to you as freely when you wore the insignia of your office as when you did not; that is, communications showing the sentiments entertained by the people towards the government and towards each other?

Answer. No, sir; not always. Sometimes people would speak in a very braggadocio way towards officers. As I have already said, men of large views, those who understand the question and admit the state of affairs as it is now, those men are willing to do anything to sustain the government; but they are in a very small minority, and cannot control these fellows. There is everywhere an intense hostility towards the negro, and I suppose there always will be in that State.

Question. What is the condition of the freedmen in the State of Tennessee?

Answer. They can find employment now; but they have the opposition of the poor whites, or of the men who own very little property, and that is a very intense opposition.

By Mr. GRIDER:

Question. A great many of the original owners of the slaves desire to employ their old slaves?

Answer. Yes, sir; the reasonable men, the men of education, understand this question.

By Mr. GRIMES:

Question. Is there any public sentiment there in any instance to prevent the original owners from employing their former servants?

Answer. Where the original owner has been a liberal, good-hearted man, the negro is inclined to work for him cheerfully; but if he has been a severe master they are afraid of him. Some of the negroes have the idea that they may be run off further south, to Mexico or Cuba, into slavery. The negro has strong local attachments, and if his former master was a generous, good man, his former servants will work for him cheaper than for any one else. But there are not very many liberal men; they worked their servants very hard on their plantations.

Question. What is the general condition of the freedmen in Tennessee, so far as your observation extends?

Answer. The negro is perfectly willing to work, but he wants a guarantee that he will be secured in his rights under his contract. I have always found them willing to work, since the close of the war, at any rate; but they want their contracts guaranteed to them. They desire to have the government guarantee them for them, and take care of them in that way. They are willing to work. But the negro knows that without his rights are secured, and his life and property secured, he is not safe from the poor whites. He understands their antipathies towards him as well as any one does.

We have always issued less rations to the negroes there than we have to the poor whites. We did not issue one-tenth the rations to the negroes that we did to the poor whites.

The men there who dislike the present state of things do not like to give up the negro They think that by some kind of legislation they can establish a kind of peonage; not absolute slavery, but that they can enact such laws as will enable them to manage the negro as they please—to fix the prices to be paid

for his labor. That is a very general idea among that class of men. But those men of broad views who know that labor will find its level, are in favor of hiring the negro and paying him fairly. But they are in the minority.

Question. Do you know anything about the security of the negro's life in Tennessee?

Answer. You cannot call his life secure there. They are liable to be shot by the poor whites; and no doubt it is done every day.

Question. What do you mean by "poor whites?"

Answer. Men on both sides who have been in the army and are not willing to work, and wish to get along the best way they can.

By Mr. GRIDER:

Question. Did you or not find among the servants a great disposition to aggregate together, a desire to work together, and a dislike to being separated?

Answer. Yes, sir; as I said before, the local attachment of the negro is great. I think the negro is anxious to accumulate property. I think that the people down there are mistaken in supposing that the negro does not desire to accumulate property. In my opinion the negro does not desire governing; he wants to be acknowledged as a part of the population. Say to him what his labor is really worth and pay him for it, and you will have no trouble with him.

By Mr. GRIMES:

Question. They need government for their protection?

Answer. Yes, sir.

WASHINGTON, *January* 29, 1866.

Major General George H. Thomas sworn and examined.

By Mr. GRIMES:

Question. Where are you stationed at present, and what are the duties which you now have to perform?

Answer. I am in command of the military division of the Tennessee; my headquarters are at Nashville, Tennessee.

Question. Of how many States is your division composed?

Answer. The division is composed of the States of Kentucky, Tennessee, Georgia, Alabama, and Mississippi.

Question. How many troops are now under your command in the State of Tennessee?

Answer. I cannot state precisely, but I think about six thousand; principally required to take care of public property.

Question. Where are they stationed for the most part?

Answer. At Nashville, Chattanooga, and Memphis.

Question. So far as your knowledge and observation extend, what is the condition of the popular sentiment in the State of Tennessee, so far as it relates to the federal government and the rights of the Union people, and of the freedmen?

Answer. I have studied the condition of affairs in Tennessee pretty carefully, and have had practical demonstration of the condition of affairs there; having, in addition to the information I have derived from personal observation, such information as I have received from other sources. The Union sentiment in Tennessee, of course, has been sufficient to place the State in its present favorable condition towards the government, and, if protected and encouraged by the presence of a small Union force, it will gain the complete ascendency in the State in the course of a year or two. I do not think it would be safe at this time to remove the national troops from Tennessee, or to withdraw martial law, or to restore the writ of habeas corpus to its full extent.

Question. What is the condition of East Tennessee, as compared with that of Middle and West Tennessee?

Answer. East Tennessee is perfectly safe, because the Union element predominates there very largely. Middle Tennessee is disturbed by personal animosities and hatreds, much more than it is by the disloyalty of persons towards the government of the United States. Those personal animosities would break out and overawe the civil authorities, but for the presence there of the troops of the United States. In West Tennessee these personal animosities exist even more strongly than they do in Middle Tennessee, and there is less loyalty in West Tennessee than there is in Middle Tennessee. But the people of Tennessee desire very much, it is their strongest desire, to be back in the government of the United States. Still, while they wish to enjoy the rights of citizenship, they are not friendly towards Union men, particularly men from Tennessee who have been in the Union army. They are more unfriendly to Union men, natives of the State of Tennessee, or of the south, who have been in the Union army, than they are to men of northern birth.

Question. What is the condition of the Union people in West Tennessee?

Answer. The Union people of West Tennessee are in a minority; but public sentiment there is gradually approaching a good loyal standard.

Question. Do you think there is an improvement going on generally in the sentiment of the State?

Answer. Yes, sir. I can probably express my idea better in this way: I think the people of Tennessee will go on improving in their Union sentiment, provided they are prevented from running to extremes against their personal enemies in the Union ranks, and the presence of troops there is necessary simply to prevent them from committing excesses and being led astray in their private animosities.

Question. You believe, then, that it would be dangerous either to remove the national troops, or to restore the writ of habeas corpus, or to abolish martial law in Tennessee?

Answer. I do, for the present.

Question. What is the condition of the freedmen in Tennessee?

Answer. The condition of the freedmen in Tennessee is very favorable at this time. A very great improvement has taken place in their condition; and if the affairs of the Freedmen's Bureau can be administered for another year in the way they have been administered for the last six months, mutual confidence would be restored between the whites and the blacks; and I am very much in hopes that the freedmen could then be left to the protection of the civil authorities of the State.

Question. Then the administration of the Freedmen's Bureau has met with your approval?

Answer. Yes, sir.

Question. Under General Fisk?

Answer. Yes, sir.

Question. Do the freedmen generally find employment in Tennessee?

Answer. I do not know of any difficulty in their finding employment.

Question. And at fair wages?

Answer Yes, sir; and there is a general understanding among the negroes and among the whites that each is to comply with his part of the contract, so that there is no difficulty and no dissatisfaction.

Question. Has General Fisk the charge of the freedmen in the whole of the State of Tennessee?

Answer. Yes, sir; and he has charge of the freedmen in the State of Kentucky, in addition.

By Mr. GRIDER:

Question. You say you believe that there is a gradual improvement going on in Tennessee as to loyalty?

Answer. Yes, sir.

Question. Will you give your opinion as to whether the admission into Congress of the representatives from Tennessee would tend to encourage the loyal people of Tennessee, and strengthen the feeling of loyalty in that State?

Answer. I think it would very much. It would not only encourage the loyal people to exert themselves, but it would encourage the rebels to return to their loyalty, because they would see that their chances and hopes for another outbreak were passing away from them. If you will permit me to give additional reasons why I think the delegation from Tennessee should be admitted I will do so.

Question. Certainly; state any reasons you may desire to state.

Answer. I think the delegation from the State of Tennessee should be admitted into Congress for the reason that that State, of her own accord, has complied with every instruction of the President, and has done all that it was believed it would be necessary for her to do in order to gain admission into Congress. All that they have done of their own accord in Tennessee. They have repudiated the rebel debt; they have abolished slavery, and also adopted the constitutional amendment upon that subject; they have passed a franchise law prohibiting from voting every man who has been engaged in the rebellion; and I believe they have now passed a bill giving the negro the right to testify in the courts; and all the members elected to Congress can take the test oath, both senators and representatives; and if their representatives shall be admitted into Congress it will be a precedent for all the southern States; they can see at once the reasons why the Tennessee members are admitted, and that if they expect their members to be admitted they must do as she has done.

By Mr. GRIMES:

Question. You have answered the inquiry of Mr. Grider in regard to the propriety of admitting into Congress the delegation from Tennessee; state, if you please, whether, if her delegation should be admitted into Congress, it would be safe for martial law to be then abrogated in the State of Tennessee.

Answer. I would not abrogate it just yet.

Question. Would you recommend the abolition of the Freedmen's Bureau in that State?

Answer. Not yet.

Question. Even if the Tennessee delegation should be admitted into Congress?

Answer. No, sir; I would admit the delegation from Tennessee simply to encourage the people of Tennessee to return to their loyalty, and also as an example for the other southern States, because you have it in your power to show them plainly and clearly why they are admitted at once and the rest are not; that is, because none of the other States have complied with the same conditions that the people of Tennessee have complied with.

Question. You also stated as a reason why, in your opinion, the State of Tennessee ought to be represented in Congress, that, in case that was done, the rebel people there would abandon their hopes of another outbreak. Have you any reason to believe that they still entertain the opinion, or that any considerable portion of them do, that there may be another outbreak?

Answer. I have received communications from various persons in the south that there was an understanding among the rebels, and perhaps organizations formed or forming, for the purpose of gaining as many advantages for themselves as possible; and I have heard it also intimated that these men are very anxious

and would do all in their power to involve the United States in a foreign war, so that, if a favorable opportunity should offer, they might turn against the government of the United States again. I do not think they will ever again attempt an outbreak on their own account, because they all admit that they had a fair trial in the late rebellion and got thoroughly worsted. There is no doubt but what there is a universal disposition among the rebels in the south to embarrass the government in its administration, if they can, so as to gain as many advantages for themselves as possible.

Question. In what could those advantages consist, in breaking up the government?

Answer. They wish to be recognized as citizens of the United States, with the same rights that they had before the war.

Question. How can they do that—by involving us in a war with England or France, in which they would take part against us?

Answer. In that event their desire is to re-establish the southern confederacy. They have not yet given up their desire for a separate government, and if they have an opportunity to strike for it again they will do so.

Question. Does the intelligence in regard to these organizations reach you from such authentic sources as to command your belief of their existence?

Answer. Yes, sir; it comes from very reliable men.

Question. What is the industrial condition of the people of Tennessee? Are they taking steps to put in crops and employ such labor as is within their reach?

Answer. The industrial condition of the State has improved so much that by the end of this year I think the people will be more interested in their private operations and pursuits than they will in political affairs, and be very much quieted down. They are very much encouraged now, and almost every plantation in the State is being put in operation again. The Union people of Tennessee, particularly, wish to be quiet.

Question. How about the rebels?

Answer. A great many of the rebels are going to work, quietly, to cultivate their farms. A great many of them say that they failed in their attempt to gain their independence of the United States, and that they now wish to be quiet citizens of the country, and are going to turn their attention to farming again.

GEO. H. THOMAS,
*Major General United States Army.*

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WASHINGTON, *January* 30, 1866.

Brevet Major General Clinton B. Fisk sworn and examined.

By Mr. GRIMES:

Question. What is your present rank, and what is the duty you now have to perform?

Answer. I am brevet major general of the United States volunteers and assistant commissioner of the Bureau of Freedmen, Refugees, and Abandoned Lands, for the States of Kentucky and Tennessee.

Question. How long have you been employed in that capacity?

Answer. About eight months.

Question. How many freedmen have you under your charge?

Answer. About 500,000, according to census of 1860. During the greater portion of the eight months I have been assistant commissioner, northern Alabama has been attached to my district.

Question. You have about half a million of freedmen under your charge now?

Answer. Yes, sir; for the two States of Kentucky and Tennessee.

Question. What is the condition of those freedmen, especially in the State of Tennessee?

Answer. The great mass of the freedmen in the State of Tennessee are in what might be called a good condition, and they are constantly improving in their condition, both as to industry and elevation. They need the protection of the government very much in the State of Tennessee.

Question. Why do they need it?

Answer. On account of the opposition of the people to freedmen and justice to the negro.

Question. Is that sentiment of opposition to the freedmen general through the State?

Answer. It is not.

Question. To what parts of the State, or what classes of people, is it confined?

Answer. Tennessee is peculiar. In no other State do you find the same sort of opposition as in Tennessee. My duties, within the last eight months, have called me through the five States of Kentucky, Tennessee, Alabama, Georgia, and Mississippi. I made an inspection tour through the three States below Tennessee, in addition to my own regular duties. It is a melancholy fact that among the bitterest opponents of the negro in Tennessee are the intensely radical loyalists of the mountain district—the men who have been in our armies. Take East Tennessee, for instance. The great opposition to the measure in the Tennessee legislature, giving the negro the right to testify and an equality before the law, has come from that section, chiefly. In Middle Tennessee and in West Tennessee the largest and the wealthiest planters of the old slaveholding population have more cordially co-operated with me in my duties than the people of East Tennessee.

Question. In what way does their opposition manifest itself?

Answer. In a desire that he should be entirely removed from the State; opposing his education, and right to justice before the law.

Question. Do the freedmen manifest a disposition to be industrious and secure a livelihood for themselves?

Answer. They do, and to elevate themselves. They literally hunger and thirst for knowledge.

Question. What proportion of them are able to find employment?

Answer. All of them in Tennessee who can do any work. I could furnish employers for 25,000 more laborers from my district than I have, such is the demand for labor in the valley of the Mississippi. During the first twenty days of this month we made contracts at the Memphis agency of the Freedmen's Bureau covering 7,280 persons, and at good remunerative wages.

Question. Do the freedmen recognize you and your bureau as a means of protection to them?

Answer. They do.

Question. And they have confidence in your administration of the bureau?

Answer. They appear to have the fullest confidence, as also in the military administration of that division. The Freedmen's Bureau has received the most hearty and cordial co-operation of General Thomas, the commandant of that division. The freedman has no better friend in the country than Major General George H. Thomas.

I do not want to be understood as saying that in Middle and West Tennessee there is no opposition to the freedmen, for there is. There are slaveholders and returned rebel soldiers there who persecute them bitterly, and pursue them with vengeance, and treat them with brutality, and burn down their dwellings and school-houses. But it is not the rule; such conduct is exceptional. It

may not be best for me to speak of Kentucky in this connexion. But comparing the two States, I can say that the freedmen in Tennessee are treated with more favor than they are in Kentucky. There is more brutality to negroes, and more wicked, malicious persecution of loyalists in the State of Kentucky to-day than in the State of Tennessee. I have travelled over both States and observed carefully. I have travelled *incog.* in portions of those States I have mentioned, going as a Missourian, talking with the people on their plantations, and the negroes in their quarters, reaching the real sentiment of the people in that way. The opposition to the freedmen in Kentucky, in many localities, is very great—in fact, to freedom itself.

Question. How large is the pecuniary support that you are obliged to extend to the freedmen in Tennessee?

Answer. I am not to-day issuing a single ration to freedmen in Tennessee, except to about one hundred orphan children, and thirty old people at Memphis, and about sixty orphan children and twenty-five old people at Nashville—that is all.

Question. Do you issue rations to white people in Tennessee?

Answer. During the last year the rations issued to white people in Tennessee have been much in excess of those issued to freedmen. When I took charge of my district the government was feeding 25,000 people; in round numbers, about 17,500 white persons, and 7,500 black. The month preceding the establishment of the Freedmen's Bureau, for rations alone for that class of people, the sum of $97,000. My first efforts were to reduce the number of these beneficiaries of the government; to withhold the rations, and make the people self-supporting as far as possible; and in the course of four months, I reduced the monthly expenses from $97,000 to $5,000; saving within that time, on subsistence, ten times as much money as the whole Freedmen's Bureau cost in the entire district, including all salaries paid to officers and agents for the government.

Question. Is the military support of the government required now in the State of Tennessee in aid of your bureau?

Answer. It is.

Question. Do you believe the affairs of the bureau could be safely administered there without the military support of the government?

Answer. I do not. My subordinates are chiefly civilians. I select the best man for the position I can find in a county. For instance, I select the county judge at the county-seat, and give him the agency of the Freedmen's Bureau in that county, and under our regulations and instructions he administers our affairs. If he needs it, he requests any district or post commandant to give him assistance, and he gets it.

Question. Are they frequently compelled to require such aid and assistance?

Answer. They are.

Question. And you do not think that at this time the military could be safely withdrawn from Tennessee?

Answer. I do not.

Question. Do you think that martial law could be safely abolished there at this time?

Answer. I do not.

Question. Do you think it would be safe at this time to restore the writ of habeas corpus there?

Answer. I do not.

Question. What is the general sentiment of the white population in the State of Tennessee at this time in respect to loyalty to the federal Union?

Answer. I should think that the majority of the people of Tennessee, counting them right through, are opposed to the government. I think the vote at

the polls to-day, if every man were allowed to vote as he pleased and according to his own judgment, would show a majority against the general government.

Question. Is there any difference in that respect in different parts of the State?

Answer. Yes, sir; there is more loyalty in East Tennessee than in any other portion of the State, and there is more in Middle Tennessee than there is in West Tennessee.

Question. Is there now safety to the Union people of the State of Tennessee?

Answer. But little opposition to the Union people has come within my observation. A large delegation of the citizens of Memphis waited on me not long ago and stated that they were cruelly oppressed by the rebel element of the population in that section, and that they feared the military protection was to be withdrawn from the State; and they stated to me that if the military was withdrawn, those persons in most portions of West Tennessee who had been early and consistent friends of the government, and loyal to it, would be compelled to withdraw with the military. That was their opinion as expressed to me.

Question. Is it your belief that within two or three years there will be a mutual understanding arrived at between the white and colored populations of Tennessee, so that the Freedmen's Bureau could be dispensed with?

Answer. Yes, sir; I believe that with the enactment of just laws, laws securing impartial justice to all men, and their enforcement in that State by the civil authorities, it would not take that length of time to properly adjust the new relations.

By Mr. GRIDER:

Question. Where are your headquarters?

Answer. At Nashville, Tennessee.

Question. How long have you been in Kentucky? Have you been at Frankfort lately?

Answer. Yes, sir. I have been in Kentucky the most of the time for the last six weeks. I was there often during the summer months and made tours through the State.

Question. When you speak of the vote of the majority of the people of Tennessee being in opposition to the general government, do you mean that the majority would vote to overthrow the government, or do you mean that they are opposed to the present policy of the government?

Answer. I mean this—that I believe a majority of the people of Tennessee to-day would prefer that the rebellion should have been a success; that is my meaning.

Question. Is there, or not, an increasing loyalty—a disposition gradually growing up to take position under the federal government and do their duty?

Answer. I will tell you just what my observation in that particular has been. When I went to that district in June last there seemed to be a general disposition on the part of the majority of the people to cordially support the government—to return to industrial pursuits, and to let bygones be bygones. In the course of three or four months there seemed to be an increase of disaffection; I heard more of complaint against the government, more expressions of regret that the rebellion had failed, more open and unjust criticisms of the government; then again that spirit subsided, and I believe the feeling to-day in Tennessee is growing better.

Question. As the legislature of Tennessee has adopted the principal measures, if not all of the measures, recommended by the President of the United States, and

they have elected members of Congress, will you state whether or not you believe their admission into seats in Congress would tend to encourage and increase the spirit of loyalty in Tennessee, and of attachment to the general government?

Answer. My own opinion about that is this: The State of Tennessee occupies altogether a different position from that of any State below. In the first place, Tennessee abolished slavery by her own actions; she elected a governor by the people; she repudiated the rebel debt; she ratified the constitutional amendment abolishing slavery, and did all that without Executive indication or inauguration. Tennessee furnished thousands for the defence of the Union. All this is to her advantage; and were I a member of the Senate or House of Representatives of Congress I would vote most cheerfully to admit the delegation from Tennessee, believing that in so doing I would be taking a step that would increase the loyal sentiment of the State, and which would promote the tranquillity and prosperity of the State. I speak now of Tennessee.

By Mr. GRIMES:

Question. You discriminate between Tennessee and the more southern States?

Answer. I do.

WASHINGTON, *February* 2, 1866.

David T. Patterson sworn and examined.

By Mr. GRIMES:

Question. Where do you reside?

Answer. I reside in Greeneville, Greene county, East Tennessee.

Question. State, if you please, so far as you may know, the condition of the public sentiment in Tennessee so far as regards the whole of the State, as well as the different sections of it; the condition of the Union people and the freedmen in those different sections; and what you know in regard to the changed condition of the industrial pursuits of the freedmen.

Answer. I can speak from my own personal knowledge of the condition of the loyal people of East Tennessee. In regard to the condition of loyal people in Middle and in Western Tennessee, I can only speak from information derived from correspondence and conversations with people who live there. In Eastern Tennessee the loyal people have an overwhelming majority; they are the dominant party now. But during the war they were subjected to the bitterest persecution; they were driven from their homes; they were conscripted and sent into the rebel armies; they were persecuted like wild beasts by the rebel authorities, and hunted down in the mountains; they were hanged on the gallows, shot down and robbed; every imaginable wrong was inflicted upon them. From 20,000 to 25,000 loyal men of East Tennessee left their homes, went through the mountains into Kentucky, there joined the federal forces, and fought their way back home under General Burnside in 1863. Perhaps no people on the face of the earth were ever more persecuted than were the loyal people of East Tennessee in 1862 and 1863; the persecution commenced just after the burning of bridges in 1861. The first conscript law passed by the rebel congress, I believe, was passed in April, 1862, and as soon as they got their machinery at work they commenced attempting to conscript the Union men of East Tennessee. As soon as they organized their bureaus of conscription and appointed their enrolling officers, a great many Union men in East Tennessee escaped from the country, while others concealed themselves in the mountains and in houses.

At the June election in 1861, on the question of separation from the Union and representation in the rebel congress, we had in East Tennessee a majority of about 20,000 against those issues. Both questions were presented together.

Those who opposed them voted "no separation," "no representation;" those who were in favor voted "separation," "representation."

Upon the occupation of East Tennessee by General Burnside, in September, 1863, the rebels themselves, those who had made themselves obnoxious, fled from East Tennessee, and but few have returned. We have now but few rebels in East Tennessee. The Union men, when they were enabled to return, were not very amiable, and they resorted to retaliation, and executed a great many rebels—paid them back in the some sort of coin they had received at their hands. The Union men were guilty of a great many excesses, and can only be excused upon the ground that they had themselves been made to suffer terribly by those rebels.

Really, so far as East Tennessee is concerned, we have now very few rebels there. We have nothing to fear from rebel votes or from rebel influence in my section of the State. I doubt very much whether there are more than three counties in Eastern Tennessee where a rebel would present himself for any office of any character. East Tennessee can take care of itself. The trouble is in Middle Tennessee and in Western Tennessee.

Question. In West Tennessee, especially?

Answer. I suppose there is more disloyalty there; but I know but little about public sentiment there. All the information I have I obtain from correspondence and conversation with gentlemen living in that section of the State. I have been in Tennessee but little since the capitulation of General Lee and the surrender of the rebel armies. Since last July I have been here.

So far as the Freedmen's Bureau is concerned, I know very little of its practical operation in East Tennessee. We have very few freedmen there. In fact, I know nothing of the practical operation of the bureau in any part of the State. And in East Tennessee, before the war, slavery existed in its mildest form.

Question. What is your opinion in regard to the propriety of admitting into Congress the delegation from Tennessee at this time?

Answer. Situated as I am, it is very natural I should entertain the opinions I do upon that subject. I really think it would be advantageous to the loyal sentiment of Tennessee to be represented in Congress. I think the moral influence of a representation in Congress would do us good at home.

It is very difficult to judge of men's motives and their real sentiments; but those who were rebels, and who have corresponded or conversed with me upon the subject, profess now to be loyal to the government of the United States—to accept the results of the war in good faith.

I have read pretty carefully the address of the central committee of the State, and must say that I was surprised to see it. If we have not succeeded in making any impression upon the rebel organization in the State, and they were to combine together, they could certainly defeat us in a general election; that is to say, they could defeat us in an election for governor. They could not defeat us, so far as East Tennessee is concerned, in an election for members of Congress, or for members of the legislature, or for county officers. We have no trouble there about that; we carry all those elections our own way.

But if, as some of our prominent Union men think, we have made no impression upon the rebel organization in that State, then, if they were to combine and cast their full vote for candidates of their own, they could certainly defeat us in a general election.

WASHINGTON, *February* 2, 1866.

Col. William Spence sworn and examined.

By Mr. GRIMES:

Question. Where do you reside, and what is your occupation?

Answer. I reside three miles from the city of Murfreesboro', Rutherford county, Tennessee. My business now is farming.

Question. Are you a native of Tennessee?

Answer. No, sir; I have been there ever since I was five years old; but I was born in Ireland.

Question. Are you in any public employment at this time?

Answer. I was elected to the senate of the legislature of Tennessee, and am at present a member of that body.

Question. Have you been in Tennessee during the last five years?

Answer. Yes, sir; I have been there all the time, and at home, when I could stay there.

Question. Were you the owner of slave property when the rebellion broke out?

Answer. Yes, sir.

Question. What is the condition of public sentiment in the State of Tennessee, or in the different portions of the State, as regards loyalty to the federal government; and what is the condition of the freedmen, and the condition of the loyal Union men—those who have adhered to the government during the last five years?

Answer. First, with regard to the Union feeling in the State. Among those who have been in the rebellion, and have been pardoned, if the question was in reference to obeying the law, I think the most of them would be inclined to obey the law. Still, according to my judgment, they would have no very kind feeling towards the government. But I think they would obey the law as near as you could get any body of men to do it. I think the poorer classes who have been in the rebellion could be made truly loyal if proper efforts were made. They are ignorant and need education.

In the county where I live the condition of the freedman is very good. There is an agency of the Freedmen's Bureau there, but there have been very few cases that have to be taken before it for adjustment. The freedmen have behaved exceedingly well, and have obtained fair wages. When their time was out this year they commenced hiring out again on farms for $15 a month and board. I think everything with the freedmen is working well. The poorer classes of whites are not getting along so well. They have no schools, and where they have no land they cannot get employment as readily as the colored men can. The richer men will not employ them, for the truth is, they are not as valuable for laboring as the negroes are. According to my judgment the poorer classes of white people, not only in Tennessee, but all over the south, are scarcely able to take care of themselves. They are inclined to be idle and lazy, and think it degrading to work.

I only know from report about other parts of Tennessee. The eastern portion of the State, where about three-fourths of all the loyal people of the State live, is in a peculiar condition in regard to politics. The Union people in my section, Middle Tennessee, consider it absolutely necessary for the good of the country that the negro should have his rights in court; and not only that, but that we should at least inaugurate the principle that those who have fought in the army should have the right to vote as well as those who pay taxes and those who can read and write. But our Union friends in the eastern portion of the State, as we understand it, almost to a man, although the best Union men in the land, are opposed to any such thing.

I think the disloyal sentiment is much greater in West Tennessee than in Middle Tennessee; but how far that disloyal sentiment would be carried out if opportunity presented I have no means of knowing; whether it would go so far as disobedience to the law I do not know. I think it probable that in some portions of the State there might be some lawless fellows who would disobey the laws.

Question. You speak of the operation of the Freedmen's Bureau in your county. Do you think it is working advantageously to the planters and to the freedmen in that county?

Answer. There must be some tribunal before which, if there is any dispute, it can be settled. But we really have had no use for it of any consequence, because we were organized and getting along very well before there was any bureau established there, and I endeavored to have a law passed by the legislature which would have prevented our having any use for it in our section, but we failed to get it. I think the Freedmen's Bureau operates very well.

Question. How does this new system of paid labor seem to satisfy the intelligent people of Tennessee?

Answer. In my judgment it satisfies them remarkably well. I know it satisfies me. I have made the experiment; I allowed the freedmen I employed to have pretty much their own way, and they made as much as they ever made when slaves. I made as much as any of my neighbors made the past year; in fact, I think I made more. I do not hold at all to the idea that negroes will not work for compensation.

Question. What, in your opinion, would be the effect at the next election in Tennessee of admitting her representatives into Congress now? Would it result to the advantage of the Union men of the State to admit the Tennessee representatives at this time?

Answer. I think it would have a good effect. It would set the whole machinery of the State in motion, and the people would become identified with and better satisfied with the government of the United States, even those who have been in the rebellion My judgment would be that different candidates would come out at another election, and in some sections what we term radical men would be elected; in other sections what we call conservatives would be elected. But I think that in hardly any case—at least not in Middle Tennessee—would they elect what would be called rebels, men who have been in the rebel army and taken an active part in favor of the rebellion. They would be afraid, if they should put up such men, that the poorer classes would be arrayed against them by the Union people, which I think can be done in every district in Middle and West Tennessee; and if they do that, we will have a civil war at home. I really think it would have a very beneficial effect to admit our representatives now. I live in as bad a rebel district as any in the State of Tennessee; not originally any worse than others, but they all got into it at last. The rich men had influence, and made the poor people go into the rebellion; but I do not think they have that influence any longer.

W. SPENCE.

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WASHINGTON, *February* 5, 1866.

Lieutenant Colonel John H. Cochrane sworn and examined.

By Mr. GRIMES:

Question. Are you connected with the army?

Answer. I have been; I was mustered out of service last week.

Question. With what regiment have you been connected?

Answer. With the 101st United States colored infantry. I was acting assistant adjutant general for General Fisk, of the Freedmen's Bureau.

Question. Have you been on General Fisk's staff until recently?

Answer. Yes, sir.

Question. How long have you been stationed in Tennessee, and at what place?

Answer. Since the 5th of September, 1863, at Nashville.

Question. Have you had occasion to travel much through the State?

Answer. Yes, sir; considerable, at various times.

Question. Have you been brought in contact with the people of Tennessee to any considerable extent?

Answer, Yes, sir; my official position brought me in contact with a great many people.

Question. So far as you have been able to form an opinion, what is the present condition of public sentiment in Tennessee as regards loyalty to the federal government?

Answer. I do not think there is much loyalty there. I think the Union people are in a very decided minority; and I think it would be still worse if our troops were withdrawn. That has been shown, I think, in the sections from which the troops have been withdrawn.

Question. Is there, in any portion of the State, much dissatisfaction with the restoration of the federal government?

Answer. Yes, sir; there is a great deal of it in Middle Tennessee and some in East Tennessee.

Question. How is it in West Tennessee?

Answer. West Tennessee is bad, too, in some portions of it.

Question. How tolerable is the condition of those men who have been loyal to the government of the United States throughout the rebellion?

Answer. In reference to what?

Question. How are they treated and regarded by those who have been disloyal?

Answer. The feeling now is subsiding a great deal; but there was a great deal of opposition by disloyal men to Union men. They seem to harmonize now better than they did a year ago. There does not appear to be so much trouble between them. Still the Union men are in the minority, as was demonstrated at the election of mayor of Nashville; but there is not much open hostility between them.

Question. Are the lives, and is the property, of Union men of the State who have borne arms in the federal cause safe and protected at this time?

Answer. Yes, sir. I do not know how it would be if the troops were taken away from the State.

Question. Do you believe the troops could be safely withdrawn at this time?

Answer. I do not; not from the whole State. They might be safely withdrawn from some portions of the State; but in other parts of the State I do not think it would be safe for northern men who have emigrated there, or for the Union men of the State who have served in our army, if our troops were withdrawn.

Question. Would it be safe for the freedmen?

Answer. No, sir, it would not.

Question. What is the condition of the freedmen there now?

Answer. It is very good; they are making contracts for labor. At General Fisk's office the demand for laborers was five or six thousand more than we could supply.

Question. Do the freedmen receive remunerative wages for their labor?

Answer. I think they do.

Question. Are the labor contracts generally observed on both sides?

Answer. Yes, sir, in most instances. We have had but very little trouble in consequence of their contracts being violated.

Question. So far as you know, has the Freedmen's Bureau operated advantageously for all parties in Tennessee?

Answer. Yes, sir, I think so. There has been some complaint about it; but I guess the great cause of the complaint, the freedmen's court, has been removed now. The admission of negroes to testify in the courts will do away with the necessity for a freedmen's court.

By Mr. GRIDER:

Question. You say the people of Tennessee are becoming more quiet?

Answer. Yes, sir.

Question. What is your opinion as to the effect of the admission of the delegation from Tennessee into Congress? Would it increase the spirit of loyalty or quietude, or would it do otherwise?

Answer. I think it would increase it. They feel there now as though they were not represented, as though they were a Territory, and it was hardly worth while being loyal.

Question. Do the men who were in the federal army and those who were in the confederate army treat each other with more courtesy than the citizens do?

Answer. Yes, sir.

Question. And more generously?

Answer. We have but little trouble with the men who were in the confederate army. I found it so in Tennessee and Kentucky.

WASHINGTON, *February* 5, 1866.

Lieutenant Colonel R. W. Barnard sworn and examined.

By Mr. GRIMES:

Question. Are you an officer of the United States army?

Answer. Yes, sir; a brevet lieutenant colonel of the United States army.

Question. Where have you been last stationed?

Answer. In Tennessee.

Question. How long have you been there?

Answer. I have been stationed permanently there since the last of June, 1864.

Question. At what place have you been stationed?

Answer. At Nashville.

Question. What has been your duty there?

Answer. From the 21st of June, 1864, until about the 1st of August, 1865, I was superintendent of contrabands for the department of the Cumberland.

Question. Is Nashville still your headquarters?

Answer. Yes, sir.

Question. What is the condition of public sentiment in the State of Tennessee in regard to loyalty to the government of the United States?

Answer. I do not think there are many citizens of Tennessee who are favorable to the government of the United States.

Question. What do you mean by that? Do you mean that there is a general spirit of disloyalty throughout the State, or merely that they are dissatisfied with the condition of things?

Answer. Rather that they are dissatisfied with the condition of things. It is not disloyalty sufficient to produce an outbreak, but it is a spirit of disaffection.

Question. What is the condition of the Union people of the State, those who have been loyal during the last four or five years?

Answer. Do you mean as regards their treatment by the citizens?

Answer. Yes, sir.

Answer. I do not think they are molested by the southern sympathizers.

Question. Is it your opinion that they are thoroughly protected in all their rights and privileges?

Answer. I think they have their rights and privileges by sufferance; that they are simply not interfered with.

Question. What is the condition of the freedmen in Tennessee?

Answer. I think that it is improving. I think that self-interest on the part of the employers will protect the freedmen in their rights in a great measure.

Question. So far as you know, are they now protected in their rights of persons and property?

Answer. As a general thing, I think they are by their employers.

Question. How are they treated by those who are not their employers?

Answer. I do not think they are treated with much cruelty; but they are not treated with much favor. There is a dislike to the negro since he is free, but I do not think he is treated with much cruelty in Tennessee. Still, I ascribe that in a great measure to the presence of the military in Tennessee, and the decided policy of General Thomas.

Question. Do you know whether measures are being taken generally throughout the State to put in crops?

Answer. Yes, sir; and there is a great demand for labor from all parts of Tennessee by northern men who have emigrated there and citizens of the State who have always lived there.

Question. Is it your opinion that the military could be safely removed from Tennessee at this time?

Answer. I hardly know how to express myself on that subject. I have not been in favor of removing the military. I can tell you what an old citizen, a Union man, said to me. Said he, "I tell you what, if you take away the military from Tennessee, the buzzards can't eat up the niggers as fast as we'll kill 'em." I do not think it would be as bad as that; but I know there are plenty of bad men there who would maltreat the negro.

Question. What is your opinion, if you have any upon the subject, in regard to the effect upon the public sentiment in Tennessee of admitting into Congress the delegation from that State?

Answer. I think the effect would probably be beneficial. But I am not a politician; I have never meddled with politics; I have never voted in my life. Still, there is such a universal desire there to have their delegation admitted that I think it would probably have a beneficial effect.

Question. From what does that desire arise?

Answer. Simply a desire to be represented in Congress, to be recognized as a State again. It is a natural desire for a people to have. I do not think there is any particular political meaning in it.

By Mr. GRIDER:

Question. Is the inclination or disposition to be severe on the freedmen most common with those who formerly owned slaves, or with those who never owned any?

Answer. There are very few persons of any standing in Tennessee who did not formerly own slaves; therefore, any maltreatment of freedmen would be by those who formerly owned slaves.

Question. Do not a large majority of the people in Tennessee who formerly owned slaves, so far as they can, seek to retain them by hiring them?

Answer. I think they are more anxious to hire their own former slaves than to go abroad for laborers—that is, as a general thing; but there are some

instances where men positively refuse to let a negro come near them who was ever owned by them.

Question. But the general rule is the other way?

Answer. I rather think it is.

Question. Portions of slaves that belonged to particular men went off with the army, and some remained at home. Are not the owners of those who remained at home peculiarly kind and attentive to their interests?

Answer. I cannot say how that is in a general way. When I was superintendent of contrabands there were so many instances of cruelty brought before me, and at the same time so much evidence of kindness, that I thought it was about equally divided; it depended a great deal upon the natural heart and condition of the former owner.

Question. You speak now of contrabands?

Answer. I say my official title was "superintendent of contrabands."

Question. They were not freedmen then?

Answer. Yes, sir.

Question. The constitutional amendment had not then been ratified?

Answer. No, sir; but the President's proclamation had freed all slaves in insurrectionary districts. That is the way I always decided, that the slaves in the insurrectionary districts had been all freed by the President's proclamation. I decided that the slaves in Kentucky were not freed, but that in Tennessee and the other insurrectionary States they were free.

Question. You speak of your experience as the officer in charge of that interest before the constitutional amendment was ratified?

Answer. Yes, sir; I have had nothing to do with it since. I have been commanding my own regiment since August last.

WASHINGTON, *February* 13, 1866.

Oliver P. Temple sworn and examined.

By Mr. BINGHAM:

Question. Where do you reside?

Answer. In Knoxville, East Tennessee.

Question. How long have you resided in Tennessee?

Answer. All my life; I was born in Tennessee.

Question. Will you state what is the present condition of affairs in Tennessee touching the good order of the community, and what it has been for the past six or twelve months?

Answer. During the last three or four months a large portion of East Tennessee has been very quiet, considering the condition of the country previous to that time. Of course, previous to that time all was disorder and confusion and war. At the present time I know of but very little disorder there except such acts of personal lawlessness as always grow out of the demoralization resulting from some years of war.

Question. How is it in Middle and in West Tennessee?

Answer. Personally I know very little about those parts of the State, for I have not been there for some time.

Question. Do you know by general report?

Answer. Yes, sir; I hear a great deal of complaint from there through the newspapers and from other sources of information; but I have not been out of my section of the State in that direction for four years.

Question. According to your observation, does there still exist in the State of Tennessee a disunion party?

Answer. That is a question very hard to answer. In one sense of the term, and probably in most senses of the term, there does exist a disunion party

there; in another sense of the term there does not. In my section of the State the Union party was very largely in the ascendency during the war and up to the present time. The rebels were very hostile, very bitter, and very proscriptive until the surrender of General Lee and General Johnston. Since that time the large majority of the rebels in my section of the State with whom I have come in contact have expressed a determination to submit to the laws and government of the United States, and although I know some original secessionists who still would desire the overthrow of the government of the United States if they had it in their power, I think the majority of the original disunionists in my section of the State are so overwhelmed by the public sentiment around them, and the disasters that have befallen their cause, that they utterly despair of accomplishing anything of the kind.

Now, while I apprehend that that state of acquiescence does not exist to the same extent in Middle Tennessee and in West Tennessee as in East Tennessee, yet public opinion has a great effect upon the sentiment of men, and hence I think that a large majority of the original secessionists are disposed to acquiesce in the result of the war. I do not think they will ever go to war again against the government of the United States, unless there was a much better prospect of success than has yet presented itself. In other words, I think they are inclined to submit to the existing state of affairs. They complain, it is true; but I do not think they have any intention of rebelling again; at least they say they have not in their conversations with me. I have had some conversations with them, though I am not so intimate with them as a great many others are, because I am known throughout my region of country as a very decided Union man, and by some regarded as an ultra man.

Question. Have all the secessionists been disfranchised under the new State organization of Tennessee?

Answer. They have not all been disfranchised—only those who cannot take a certain oath; certain persons who did not vote at certain elections that are specified in our laws are permitted to vote.

Question. What proportion of the former voting population of Tennessee have been disfranchised by the existing State organization?

Answer. I do not know; I have never made the calculation. I have seen a great many statements made by politicians, but I have never seen any statement that I had reason to believe was accurate. I should suppose that from 40,000 to 60,000, perhaps more, voters have been disfranchised.

Question. Is not that a majority of the whole voting population of the State?

Answer. I think our voting population before the war was about 145,000. I do not know how that number has been affected by the war.

Question. What is the highest vote given at any election under the present organization?

Answer. I think that some 40,000 votes were given in the election for governor of the State.

Question. Is it or not your opinion that if the white people of the state were all put on an equality in regard to the franchise, a majority of secessionists and sympathizers with the secessionists would secure the control of the affairs of the State, and elect its officers?

Answer. I very much fear they would; but I am by no means certain about that; I think that would depend somewhat upon the policy adopted by our party at the north. If a very ultra and extreme policy is adopted at the north it will in all probability, supposing the secessionists should have the privileges of the ballot-box, have a tendency to increase their numbers. If a milder policy is adopted, it will have a tendency to strengthen the Union element. Party combinations are shifting so in our State, and I suppose everywhere now, that it is very difficult to predict in advance what the relative

strength of parties will be in the future. I should have some fears that if the franchise laws of our State were repealed and a free election were allowed, the rebels permitted to vote, the control of the State would pass into the hands of the rebels; indeed I believe it would.

Question. Do you think it would be safe for the Union men of Tennessee to allow the whole voting population of the State as it formerly existed to control the affairs of that State without any federal interference at all?

Answer. The Union people in our section of the State would unquestionably be safe. I cannot answer positively in reference to the other divisions of the State. East Tennessee is able to take care of itself beyond any question in the world; no doubt about that. With the present franchise act of our State in operation, I have but very little doubt but what the Union men would be able to take care of themselves there.

Question. Excluding the rebels from voting?

Answer. Yes, sir.

Question. But my question was, supposing the right of suffrage was restored to all the people?

Answer. I should apprehend that in certain sections of the State the Union men would be in very great danger; that is, from what I hear, not from what I know, because I live in a section of the State where we have no apprehensions whatever.

Question. Suppose the whole body of the white population of Tennessee was admitted to the exercise of the franchise, what in your opinion would be the security of the freedmen in Tennessee without federal intervention?

Answer. I am inclined to the opinion that there would be individual instances, and probably a considerable number of them, where the freedmen would be very badly treated; but, on the other hand, I am inclined to the opinion that a majority of the people of the State would be disposed to respect their rights even if all restraints were removed. I am very well satisfied of one fact—that the attempt on the part of our friends to protect the freedmen there, (as a necessary consequence there have been some unwarranted acts, not intentional, upon the part of persons who were superintending that freedmen's department,) has had a tendency to create a feeling of ill will towards the freedmen that would not naturally and of itself have existed. I myself think that a majority of the southern people entertain a feeling of kindness for those who were formerly their slaves. I have always felt that, although I have never in my life been an ultra man upon the subject of slavery, and have always preferred my government to the institution of slavery, as is very well known in my section of the State, I was perfectly willing to give up the institution of slavery. I do not think that there is the same enmity towards the blacks upon the part of the southern people, even if extraneous influences were removed, as is commonly supposed in the north. But possibly I judge more from my own feelings towards those I formerly controlled than from other reasons; it may be that has too much influence upon my opinion upon the subject.

Question. You mentioned forty thousand votes as having been given at one election in Tennessee; were they given for the same candidates, or were they divided among opposing candidates?

Answer. My recollection is that about forty thousand votes were given for the Union ticket. I am not sure that any at all were given for the opposite ticket, but I may be mistaken about that. I have been very busily engaged in other pursuits, and am not a regular professed politician in any way, though I take an interest in such matters.

Question. Was there a military force present at the last election in the State, in any manner controlling it?

Answer. So far as I know, and so far as I have ever been authentically informed, there was not. There was a military force in the State; but if the

military interfered at all in the elections there, I have no authentic information about it.

By Mr. GRIDER:

Question. What is your opinion and your conviction as to the effect of admitting the present delegation of representatives now elected from the State of Tennessee? Would it increase the loyalty and gratify the feelings of the people of the State, and would it decrease it to exclude them?

Answer. I think to admit the representatives would unquestionably strengthen the loyal men there very much, and to reject them would unquestionably strengthen the disloyal element. I think that rejecting them would have a tendency to make a great many Union men discontented, and when men become discontented it is a very easy matter to drive them off into the opposite extreme. I desire to state one thing more definitely and distinctly than I have stated in my former answer with reference to the disunionists. I do not pretend to say, nor do I mean to be understood in anything I have said to say, that the original secessionists in our State have changed their hearts. I think their hearts are just where they were four years ago; but a great many of them are acquiescing in the present condition of things, and I think a great many of them intend to continue to acquiesce in the supremacy of the government of the United States. But I think their hearts are just where they were before; or, at least, that is the case with a majority of them.

Question. I will ask you whether those gentlemen who are acquiescing, and who say they are willing to submit to the general government, are not generally men of capacity and influence and consideration?

Answer. Yes, sir; they are generally, so far as I know, because those are the persons I generally come in contact with. I have not come in contact with many of the common refugees, and I know very little about their sentiments. It is generally persons of position with whom I have come in contact, or with whom I have had conversation. I have had conversation with a great many of them, and they are men generally of standing and respectability, or were so before the war. A great many of them have fallen off very much, in my estimation, since that.

WASHINGTON, *February* 13, 1866.

John Williams sworn and examined.

By Mr. BINGHAM:

Question. In what part of Tennessee do you reside, and how long have you resided in that State?

Answer. I reside in Knox county, East Tennessee, and have resided there all my life.

Question. Have you the means of knowing the general state of public feeling in Tennessee?

Answer. I think I have.

Question. What is the feeling of the majority of the people of Tennessee towards the government of the United States?

Answer. So far as I am advised, it is my opinion that the feeling of not only the majority, but almost the entire mass of the people of Tennessee, is friendly towards the government of the United States. I know of no opposition there, and hear of none except through the newspapers. You can hear contradictory statements upon that subject almost every day. Some contend that there is opposition to the government. But my observation is that there is none anywhere in the State, so far as I am advised. The rebels have been

thoroughly whipped, and I think they are disposed to acquiesce in the supremacy of the authority of the United States.

Question. Are the rebels disposed to take the possession and control of the government of Tennessee, if they get the chance to do so?

Answer. I suppose if you were to give them the privilege of voting, as a matter of course they will go to the polls like everybody else, and they will vote; and in that event, there being a majority in Tennessee of those who were rebels, they would get the control of the State. But I am one of those who do not believe there is much opposition in the State of Tennessee to the government of the United States. If you permit them to go to the polls, of course they would be in the majority, because there are more of them than of the other party in Tennessee.

Question. What is the relative strength of the rebel population in Tennessee, compared with the white Union population?

Answer. I think that upon the question of separation from the Union, which was the last real test we had there, there were from 40,000 to 45,000 for the Union, and about 100,000 for secession. That was about the vote, as well as I now recollect.

Question. Is it your opinion that the two parties sustain about that relative relation now?

Answer. I do not think they do.

Question. What do you think is now the difference between the whole number of Union voters and rebel sympathizers in Tennessee?

Answer. That I cannot tell. We can only judge of that from the test of an election, and we have had no election which was anything like a test since the 8th of June, 1861, and therefore it would be impossible for me to form any exact idea as to what would be their relative strength at this time. I do not think, however, the proposition to secede again would now get a single vote in Tennessee.

Question. I do not mean whether they would vote for secession now, but whether the rebels would vote to give themselves the control of the State.

Answer. My observation and experience for the last twelve months in Tennessee would lead me to believe that some of those who have been the worst rebels have now got to be some of the most noisy Union men; they are the most clamorous and make the most noise. The great body of the Union men in my section of the country have not been to an election for some time. They refused to vote at any of the elections under the secession government; and a great many of them have not gone back to the polls since they have been under federal rule.

Question. What is the reason of that?

Answer. I suppose it is for various reasons. There is a state government in Tennessee now which a great many of the Union men do not indorse.

Question. Why do they not indorse it?

Answer. Because they do not think it was organized in accordance with principles laid down in the constitution of the State of Tennessee; that is all.

Question. Do they still have that opinion?

Answer. I think a great many of them have. Still they acquiesce in the government; they offer no resistance to it. You are asking me for my opinion.

Question. Undoubtedly; and a great deal of this testimony which you are giving is merely your opinion. Do these Union men of whom you speak intend to remain away from the polls under the existing State organization?

Answer. I do not think they do. I think, as time rolls on, they will all go back to the polls. But men in a high state of excitement will not do a great many things which otherwise they will do.

Question. Do you know anything about any agreement or organization among

the rebels to acquiesce for the present, and after restoration to take control of the State?

Answer. I have no knowledge of any such organization.

Question. Neither from rumor nor otherwise?

Answer. None, except what I have seen published in the Nashville papers, as coming from some gentlemen there. A Mr. Fletcher, and others who are on a committee there, say that such is the fact. But I have no knowledge of the existence of any such organization.

Question. Those men to whom you refer have made that statement public?

Answer. Yes, sir; it is contained in an address to Congress, which I suppose you have all seen.

Question. Do you think with the State of Tennessee under the control of rebels, without any restraint upon them from federal intervention, justice would be done to the freedmen in that State?

Answer. I do not think there is any disposition upon the part of anybody in Tennessee, rebel or Union, to inflict any injury upon the colored man.

Question. That is not exactly an answer to my question?

Answer. Well, I will endeavor to answer as well as I can.

Question. My question is whether you think, if the control of the State should pass into the hands of the rebel majority, justice would be done to the freedmen in Tennessee?

Answer. I think it would; because I know personally a great many rebels who are as kind to the negro as any one else is, and therefore I think it is fair to infer that they would continue to be so.

By Mr. GRIDER:

Question. What effect do you think the admission into Congress would have upon the spirit and temper of the people of Tennessee? Would it gratify them and make them more loyal, or would it tend to encourage the rebel feeling there?

Answer. I think it would have a very beneficial influence; I think it would go a great way towards bringing about a better state of feeling than perhaps exists there now. There are some of our people there, good Union people, who are disposed to complain of the action of Congress in not admitting our representatives. I think their admission would put them in good humor and make them feel better disposed towards the government.

WASHINGTON, *February* 13, 1866.

Abner G. Jackson sworn and examined.

By Mr. BINGHAM:

Question. In what part of Tennessee do you reside, and how long have you resided there?

Answer. I reside in Knox county, East Tennessee, and I have resided there for fifty-seven years. I was born in the neighborhood of Petersburg, Virginia.

Question. What is your opinion of the present feeling of the majority of the people of Tennessee towards the friends and defenders of the Union in the State of Tennessee?

Answer. So far as my observation goes, the feeling of the secession party is nothing like as bitter as it was some time ago. Until within the last two or three months there has been a great deal of bitterness and a great deal of trouble. But it is now much more quiet, so far as my observation goes.

Question. Is it your opinion that the active Union men of Tennessee would be safe if the control of the government of the State was transferred to the hands of the majority, that majority being understood to have been rebel?

Answer. I real' think they would. I should be perfectly willing to risk it if it were thought practicable and advisable to do so. But just in that connexion, speaking of rebels, perhaps you and I would differ as to who were rebels. My neighbor, for instance, has been a rebel; but he is an honest man, and comes up and takes the oath. I do not now look upon him as a rebel, because by taking the oath he has wiped out his sin of rebellion. In regard to honest men, I take a different view of that subject from some others. An honest man before the war will be an honest man after the war.

Question. In what majority are those persons in Tennessee who have been in favor of the rebellion?

Answer. I am not as well posted in that respect as some others are.

Question. Do you think they would be as about two to one to the Union men in Tennessee?

Answer. I think, taking the whole State, perhaps they would be, or that they have been.

Question. Are they now?

Answer. I do not think they are.

Question. Are they in the majority in the State now?

Answer. I think it very likely that they have a decided majority.

Question. Do you think the vote of the State now would be in the proportion that Mr. Temple has stated, whose testimony you have heard?

Answer. I form my opinion more from what Mr. Temple and Mr. Jackson have stated than from my own observation, for they have bestowed more pains upon this subject than I have.

Question. Do you know about what was the vote of Tennessee for governor at the last election for that office?

Answer. I do not; I was absent from Tennessee at that time.

By Mr. GRIDER:

Question. You have spoken of the bitterness that existed between the rebels and the Union men some months ago. Will you not state whether that was not rather a personal difference, rather than a feeling of opposition towards the United States government?

Answer. It was a personal difference, and confined to very low people, as a general thing.

Question. What effect, in your opinion, would the admission of the delegation from Tennessee into Congress have upon the people of the State? Would it have a good effect?

Answer. I think it would have a very decided effect to harmonize the people of Tennessee.

Question. Will you state whether the rebel officers and the Union officers who have met in your neighborhood since the war ceased have not got along harmoniously together and like gentlemen?

Answer. Officers and soldiers both have done so; that is true, with the exception, as I stated before, of low fellows.

# PART II.

# VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA.

## SUB-COMMITTEE.

Mr. JACOB M. HOWARD, (of Michigan,) United States Senate.
Mr. ROSCOE CONKLING, (of New York,) House of Representatives.
Mr. HENRY T. BLOW, (of Missouri,) House of Representatives.

Mr. CONKLING, from the Select Joint Committee on Reconstruction, reported the following evidence.

# TESTIMONY

WASHINGTON, *January* 23, 1866.

Brevet Major General John W. Turner sworn and examined.

By Mr. HOWARD:

Question. Of what State are you a citizen?

Answer. The State of Illinois.

Question. Are you now in the public service? If so, in what capacity, and where are you stationed?

Answer. I am in the military service of the United States, in command of the district of Henrico, including the city of Richmond, Virginia; I have been in command there since the middle of June last.

Question. Does your district include any other city than Richmond?

Answer. It does not; it includes the county of Henrico and the town of Manchester, opposite Richmond, on the opposite side of the James river.

Question. Were you in the Union army at the time of the evacuation of Richmond?

Answer. Yes, sir.

Question. Serving under whom?

Answer. I was commanding a division in the 24th army corps, under General Gibbon.

Question. State, generally, the nature of your duties at Richmond at the present time.

Answer. Perhaps I had better go back a little and state what my duties have been, as they have been circumscribed somewhat lately.

Question. Please do so.

Answer. On assuming command there I took the entire control and charge of the city of Richmond, exercising all the power and authority ordinarily vested in the municipal authorities of a city. The civil courts were suspended—all the ordinary tribunals before which the citizens of a community resort for the redress of their grievances.

Question. Was the district under martial law?

Answer. Yes, sir.

Question. Has it been ever since?

Answer. Yes, sir.

Question. And is now?

Answer. Yes, sir. From time to time I have turned over to the regularly constituted civil authorities which have been established all actions in civil cases. During the summer, and until October, I took cognizance, as a sort of equity court, of all civil cases that I could adjudicate upon. I was consequently brought in contact with a great many citizens, who necessarily came to me for relief of their wants of various kinds.

At present my duties are confined almost exclusively to affairs in which freedmen are involved. The State civil courts all having been established, a mayor having been elected and his police court established, they have taken from me all jurisdiction over matters tending to the peace and quiet of the community. At present, therefore, I take cognizance only of those matters in which freedmen are involved; and of those I take action only in criminal cases; all civil cases go to the Freedmen's Bureau. But Richmond being a large city, and there being a large congregation of negroes there, there is required a court constantly in session to dispose of criminal cases of daily occurrence. I have from ten to twenty cases every day to dispose of, mostly for petty misdemeanors.

Question. Is there in your district any interruption of the courts of justice by mobs or violence?

Answer. No, sir.

Question. Are juries regularly assembled in the State courts for the trial of causes?

Answer. The courts were established only late in the fall, and the only court that has been going on is what is called the hustings court. Of that court there are two branches—the one composed of a judge, the other of fifteen magistrates. That court does not have a jury. I think that in the circuit court and in Judge Meredith's court there is a jury.

Question. How are the sheriffs of those courts appointed?

Answer. They are all elected.

Question. Have you been present in Richmond or in any other place in Virginia on any day of election?

Answer. Yes, sir.

Question. What do you know in regard to ex-rebels voting

Answer. The first election in Richmond was for mayor, aldermen, members of the council, sheriff, high constable, commonwealth's attorney, &c. So far as tumultuous proceedings were concerned, that election was conducted very quietly; there was no disturbance. I took every precaution that the soldiers should not interfere with the voting; that they should keep away from the polls. The people had free scope to do and say just what they pleased. I only took the precaution, in case of a riot or disturbance, to have the means at hand to suppress it. I know that at that election the people of Richmond electioneered on the streets and made harangues and speeches in favor of ex-rebel officers.

Question. Was this done within your own hearing?

Answer. I cannot say I heard it; it was so reported to me.

Question. Was the information you received so direct and authentic as to leave no doubt upon your mind as to its correctness?

Answer. Yes, sir.

Question. Did you, at that election, hear any onieries or shouts, indicating that the people were generally more in favor of those candidates who had been rebels than of those who had not been?

Answer. I did not, personally, for I took the precaution to keep out of sight of anything of the kind that day: but my officers, whom I had on duty, reported to me that such things did occur, and I am fully confident they did.

Question. Have you mingled freely with the people of Richmond and of other portions of your district since you have been in command there, so as to be able to ascertain the state of their feelings towards the government of the United States?

Answer. I have been thrown in contact with a great many of them; but when you ask me if I have mingled with them—gone into their society—I must say that I have not, because they will not permit me to do it.

Question. Why not?

Answer. Because I am a "Yankee," and they will not permit me to go inside their houses.

Question. Can you give an instance of any exclusion of that sort?

Answer. No, sir; not of any direct exclusion; only that none of them have ever invited me to visit their houses. I know of only one instance where I was invited to the house of a citizen of Richmond who was, and has been during the war, a secessionist. I judge from the manner in which they avoid me; the nature of their conversation when they are in my presence, when they are obliged to approach me on matters of business; their deportment and their acts on the streets indicating—all these things satisfy me that I am not welcome among them. On the contrary, that they have towards me, and I am constantly reminded of it, a deep-abiding hate. I am filled with the consciousnesss of it every day. I have not been on the streets of Richmond scarcely a day for the last four months that I have not seen some indication from man or woman marking his or her contempt for me because I am a "Yankee;" by a shrug of the shoulders, by walking across the street to avoid meeting me, by their turning their backs on me, or leaving a store when I enter it, turning their noses up at me. I do not suppose a day has passed in any week for the last four months that that has not been done.

Question. Are you aware that any of those citizens have any cause of personal dislike towards you?

Answer. They have not.

Question. Have you had any personal altercation with any of them?

Answer. Not with a single person in the city of Richmond. When I have been brought in contact with them, in the exercise of my official duties, I have always treated them kindly; I have spoken pleasantly to them; I have avoided in every way the giving any offence by word or act.

Question. Have you received any instructions from your superiors in relation to your demeanor towards them?

Answer. No, sir; I have never received any instruction on that point.

Question. I do not mean any official instructions; but have you not been informed of the desire of the President of the United States on that point?

Answer. I conceived it to be my duty, when I was assigned to the command there, to do all in my power to conciliate and harmonize the people; and I did it conscientiously. I have forced down many a time against my inclination the indignation that arose in me, feeling that it was my duty to do so; that perhaps I ought to forbear showing my feelings. I think it probable that if you should ask the citizens of Richmond, they would speak of my course there as having been charitable and kind. At any rate, such are the reports that are brought to me; that they have nothing to gainsay of what I have done. Of course, in the proper discharge of my official duties there, I have been obliged to take some measures that were not very pleasant to some of them.

Question. It was your uniform and firm intention and inclination to treat them fairly and kindly?

Answer. Yes, sir; as much so as I ever attempted to perform any duty in my life.

Question. And you are not conscious of ever having acted differently?

Answer. No, sir.

Question. What is your conviction of the general sentiment of the people in your district,

or in Virginia generally, so far as you know, towards the government of the United States; as a general thing, as a prevalent feeling, do they like it or do they hate it?

Answer. It is my conviction that they hate it.

Question. And you derive this conviction from what?

Answer. From a long intercourse with them; from watching them as carefully as I could and judging them as dispassionately as I could; and I think I am able to judge them dispassionately. I do not think they love the country or the government. It is their belief, or their expression of belief, that they cannot live with the north; that they are a different people. I do not think that their oath of allegiance conveys to them any binding force or obligation whatever to support and defend the government. I do not believe that they, for an instant, think it does.

Question. As a general thing?

Answer. As a general thing.

Question. Why not; in what sort of casuistry do they indulge in that regard; in other words, how does it happen that a man, honorable and honest in his private relations, can reconcile it to his conscience to violate and disregard his oath?

Answer. That is a matter entirely beyond my comprehension. I can only attribute it to the fact that they are an impulsive people, and speak and act from their impulses more than from their reason and judgment. I have had related to me scores, and I may say hundreds of times, instances of men who have taken the oath of allegiance, asserting that they would never fight for the old flag.

Question. Does this information come to you from authentic sources?

Answer. Yes, sir. I call to mind distinctly now one instance where a man told me that he was sitting at the breakfast table in a private boarding-house, when the conversation turned upon the probability of a war with France or England. One man present at the table remarked, "Well, if we get into a war with England, I am going on that side."

Question. On the side of England?

Answer. Yes, sir. "I am going to fight for England; I will not fight for this country."

Question. Was that man one of position in society there?

Answer. That I cannot say. He was certainly living at a genteel boarding-house.

Question. Was he an educated and well-bred man?

Answer. He was boarding with the gentleman who related the circumstance to me, and who goes in the first society there. I have heard these things so often that I have ceased to pay attention to them; they pass in one ear and out of the other. It is from hearing these remarks, and from their deportment towards me, that I have been brought to the conviction that their oath of allegiance does not bear with any force or obligation upon them.

Question. In case of the actual occurrence of a war between the United States and any foreign power, say England or France, suppose there should be an opportunity offered for the southern rebels to join the enemy; in your opinion, what would they do?

Answer. I cannot help but think they would go against us. If a foreign fleet should land on the coast of any of the southern States, the people, as a community, might not organize into an armed band or an armed force and re-enforce the enemy; but I believe they would assist them by giving them information and furnishing them with supplies, and open their country to them as a base of operations. Such is my conviction. I think if we should get into war with a foreign power, and that power should make offers to the leading military men of the rebellion, the generals, colonels, majors, &c., the most of them would accept the offers. I think that is their spirit now.

Question. What is your idea as to the decrease or increase of this spirit since the close of the war; so far as your observation extends, has it decreased or increased?

Answer. There is vastly more demonstration of it now than there was in the months of May and June last; whether their feeling of hate has increased since that time or not I will not say. They certainly give more demonstration of it now than they did then.

Question. In your judgment what has been the effect of the pardons and amnesties which have been granted to rebels in Virginia, especially in your district; what has been the moral effect upon the minds and hearts of the recipients of those favors?

Answer. I cannot help thinking that it has gone far to depress the hopes of the few Union men there, and to raise the hopes of the secessionists. The secessionists receiving pardons seem to have assumed an authority and political control, and to exercise an influence upon society that they did not before they received those pardons; and, of course, their control and influence are antagonistic to the Union people and Union sentiment. The Union people were in the minority after these secessionists got their pardons, and had to take back seats. I have been deeply grieved for the Union men there when I saw their utter want of hope. I am confident that, as they all tell me, they have no hope now.

Question. Have the Union people there any effectual strength, politically or socially?

Answer. No, sir, neither politically nor socially. Union men who have lived in Virginia all their lives tell me they will have to leave as soon as our troops are withdrawn.

Question. Is such the state of things now?

Answer. Yes, sir. There are men there who remained there during the four years of the war, who were Union men; but whose feelings and opinions were not generally known through the war; by keeping quiet and out of the way of the crowd they were lost to the

public view generally. Since our advent there they have come forth and made known what were their feelings and sentiments all through the four years of the war. These people are now persecuted to death, one might say, by the rebels, who accuse them of having been false to their flag and their country.

Question. I will suppose this case: that the military power and control of the government is entirely withdrawn from Virginia, and from the other rebel States, so that there shall be no longer the restraining influence of the government of the United States upon them; but these States would apparently have perfect liberty to again attempt to secede from the Union; would they or not again attempt to set up the so-called confederate government, or something like it?

Answer. I think this: that if they thought they could succeed, by tearing down the United States flag to-morrow, they would do it.

Question. Suppose this case: that the government of the United States should not exercise or threaten to exercise its military power and restraint in opposition to secession again; or, in other words, suppose there was no immediate prospect of the use of military force for that purpose, would they again undertake to go out of the Union and form a confederate government and take the chances?

Answer. There are so many contingencies involved that one can hardly give a direct answer to that question. I am confident they would fire on the United States flag to-morrow if they thought that by so doing they would effect a separation. But there are many chances against them, and it is a question of how many chances they would take against themselves. My theory of the matter is this: they are determined, I think, to effect a separation from the north socially and commercially; they failed to effect one politically, and they are determined to effect a social and commercial separation if they can. They will make themselves a separate people in every way; make it unpleasant for northerners to be among them; be aggressive, and a northerner will be unable to obtain redress. They will do that for the purpose of effecting a social separation, and making themselves a distinct people, so far as they can, while living under the same government; biding their time when they may effect a political separation.

Question. Ever entertaining the hope of an ultimate separation?

Answer. Yes, sir, that is my opinion; and if we cannot overcome those people, socially and commercially; if we cannot make them homogeneous with us at the north, by introducing among them enough of us, I think it is only a question of time when we shall be separated. They say they cannot mix with us; that they do not mean to mix with us; that they cannot live with the north.

Question. Why?

Answer. Because they say they are above the north. They look upon a man from the north as a mean and despicable wretch, a Yankee. There is nothing so contemptuous or opprobrious, in their estimation, as the term "Yankee." It is the concentration of everything mean and despicable; and if we cannot overcome that feeling by sending capital, and brains, and muscle down there, we will yet be a divided country. At present there is considerable northern capital in Richmond; and men will come up and cringe and fawn for the purpose of borrowing money. A president of a bank there told me himself that they would come up and cringe for the purpose of borrowing money, and then would not speak to the man on the street of whom they got it. Capital has not yet begun to exercise much influence there. A great deal of capital which had been taken there has been withdrawn, owing to the animosity exhibited on the part of the people there. Those who took it there have left, feeling that they could not get along.

Question. Among capitalists who have thus attempted to take their money into Virginia, what is the feeling in regard to their obtaining justice from the courts as they are administered there?

Answer. As the courts have been established very recently there, I do not know that I ought to give an opinion upon that subject. But knowing what the feelings of the people are I can readily anticipate what the result will be; it cannot be otherwise. But as they have had little or no opportunity as yet to show what their course will be in that respect, I, perhaps, had better not express an opinion.

Question. What is your impression as regards the conviction of rebels for treason by a Virginia jury? Could a jury be found in Virginia that would convict a man of treason?

Answer. I have not the slightest idea in the world that it could be done; it would be a farce to attempt any such thing.

Question. How do the people of Virginia treat the emancipated negroes?

Answer. I do not think there is a general feeling of aggression towards the negroes. The more intelligent people there, those who have landed estates, need their labor. Being dependent upon them for labor, they see the necessity of employing them, and are disposed to get along with them. All of the people, however, are extremely reluctant to grant to the negro his civil rights—those privileges that pertain to freedom, the protection of life, liberty, and property before the laws, the right to testify in the courts, &c. They are all very reluctant to concede that; and if it is ever done, it will be because they are forced to do it. They are reluctant even to consider and treat the negro as a free man, to let him have his half of the sidewalk or the street crossing. They cannot get over their prejudices against

him, or have not as yet. Among the lower classes of the whites there is a spirit of aggression against the negro; they are disposed to ban the negro, to kick him and cuff him, and threaten him with what they will do as soon as the Yankees go away.

Question. Is this feeling of dislike of the negro more intense and bitter with the lower classes of whites than with the upper?

Answer. I think that, as a rule, even the more intelligent classes cannot look upon the negro in any other light than a negro. Their feeling may, perhaps, be more deep; and while they are willing to treat him well—not to abuse him physically—they do not accord to him civil rights. The very question of according civil rights to a negro is something very repugnant to them, something at which they revolt from the very bottom of their souls. With the lower classes—I speak now more particularly of the city of Richmond—probably the feeling does not exist to such an extent in the rural districts—there is an impulsive feeling of aggression—a desire to hit the negro out of the way. They do not think about his rights; they do not appear to know what it means; only they feel that the negro has something now that he did not have before; that he is putting on airs. And a great many of the negroes are inclined to take the thing in their own hands; they are not disposed to be imposed upon by those people, if they can have half a show to defend themselves.

Question. Can you think of any motive which would induce the white population of that region to permit the negro to have the right of suffrage?

Answer. No, sir; they will not do it, unless they are compelled to do so—at least not for years. I do not know what motive would induce them to do it now; it must be some great compulsion. I have seen the proposed amendment to the Constitution introduced by the Joint Committee on Reconstruction. My present impression is, that should that amendment be adopted, they would lose a portion of their representation before they would allow the negro to vote.

Question. State, in general terms, what is the condition of the colored population in your district and its vicinity in respect to good order, industry, and willingness to labor and earn a living, if treated fairly and paid reasonably.

Answer. They are getting along there fully as well as could be expected. The affairs of the Freedmen's Bureau have been very well managed, so far as it has come under my observation. I have no doubt of the disposition of the freedmen to work. Of course, take any class of slaves as numerous as were those of the south and remove from them the restraints under which they have always lived, and there will be a great many lawless, idle people among them who will be inclined to prey upon the community; but I have no doubt at all that the mass of the freedmen will soon learn what it is to take care of themselves. I have talked with a great many men down there who have employed a large number of negroes, and I have yet to come across the first case, where the negro has been impressed with the confidence that his employer was willing to accord to him all his civil rights as a free man, that there was any difficulty at all. In those instances where there has been trouble, and the negro has gone off and left the place, I have found the employers to be impracticable men. As I said before, they could not forget that the negro had been a slave. They might not be disposed to punish them or beat them; but there was something in their conduct which excited in the mind of the negro that he had not accorded to him all the privileges of his new *status*, and the consequence was that the negro was discontented, was not so controllable, and was disposed to wander off and leave his work.

Question. Owing to his want of faith in his employer?

Answer. Yes, sir. And then I think there is another cause which may, perhaps, tend to create some discontentedness. No man likes to labor for a contingency. The negroes were necessarily compelled to do so, because the farmers were poor and had no money to pay them. They were consequently employed upon the contingency of receiving a portion of the crop; that was in the future, and the negro could not see it. That, combined with a distrust of his employer, tended to make the negro discontented; but in every instance where he has been paid his wages at the end of every month he has been contented.

Question. Are there many negroes who own property, real or personal?

Answer. There are a great many; I cannot say what per centage.

Question. Do any of them own farms?

Answer. I think very few of them own farms; it was not permitted much under the old system.

Question. Are you aware of any combination among the white proprietors by which the negroes are prevented from becoming the purchasers of land?

Answer. No, sir.

Question. Do you know of any combination in regard to the employment and wages of negroes?

Answer. Not in my district. I understood there was in the lower part of the State; but, being outside of my district, it was a matter about which I did not inquire.

Question. Will you state any other facts which occur to you as being important in this connexion?

Answer. I do not know but I have been over the whole ground pretty nearly.

Question. What military force have you now in Richmond?

Answer. They have just taken away a part of my force, and that is one reason why I

desire to go back immediately. My force now has probably been reduced to about five hundred troops.

Question. Stationed in Richmond?

Answer. Yes, sir. Just in proportion as we have withdrawn from the control of civil affairs have the people expressed their discontent and contempt publicly. It has got so now that actually as disloyal speeches are made, and as disloyal articles published in the papers, as ever there was at any time; and that is increasing just in proportion as we relax our control and authority.

Question. Do you not perceive among the whites of the section where you are, a deep sense of mortification and chagrin at the fact of their having been overcome in war? Is it not a deep-seated and very bitter feeling of disappointment?

Answer. Yes, sir, undoubtedly.

Question. And of mortified pride?

Answer. They have a very deep feeling of disappointment, a very deep feeling. But it never struck me that they felt it as we would, because they have so often confessed to me what was unpleasant for me to hear, what I did not wish to hear, and what I tried to repress them from saying. They would say to me, "Well, you have conquered us; we are whipped." Now, I think if a man of generous soul felt deep mortification he would keep quiet on the subject. I have always thought that their feeling of mortification was more superficial than otherwise. But I think their disappointment was very great in not attaining success. Their admissions six months ago were much more general and much more candid than they are now.

Question. Much more frank?

Answer. Yes, sir. Immediately after the surrender of Lee's army at Appomattox I was sent to Lynchburg to take possession of that city; and I came all the way with my troops from there to Richmond, and I talked with a great many people in the country and in the city, and it was my conviction at that time that the people were disposed to accept the results of the war, but that they were not very clear as to what those results were, or all that they involved. If some of their own people had stepped forward then and told them what they would have to do, they would have yielded a ready acquiescence to almost anything.

Question. What is your profession?

Answer. I have never had any profession but that of a soldier.

Question. Were you educated at West Point?

Answer. Yes, sir.

Question. How long have you been in the service?

Answer. Ten years last June.

Question. What is your age?

Answer. I am thirty-three years of age.

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WASHINGTON, *January* 31, 1866.

Judge John C. Underwood sworn and examined:

By Mr. HOWARD:

Question. Where do you reside?

Answer. At Alexandria, Virginia.

Question. Are you a native of that State?

Answer. I am not.

Question. How long have you resided in the State of Virginia?

Answer. About twenty years.

Question. What official position, if any, do you now occupy?

Answer. I am the United States district judge for Virginia.

Question. How long have you held that office?

Answer. About three years.

Question. During that time in what portion of Virginia have you resided?

Answer. In Alexandria, or near there.

Question. Will you state how the war has left matters in Virginia?

Answer. It has left great bitterness of feeling between those who are loyal and those who adhered to the confederacy; and I think that bitterness has increased within the last two months. It certainly has in Alexandria, and in those parts of the State with which I am most acquainted.

Question. Can you state any incident that has occurred within your district as evidence of disloyal feeling, or of the feeling of bitterness to which you have referred?

Answer. I will mention a fact that came under my official observation last week. A Mr. Minor F. Davis acted as a guide and scout for the Union army during a long period of the war, and was and is a thoroughly loyal man. He was imprisoned in Prince William county jail, under the charge of larceny. The sheriff who held him was a rebel, and has been recently elected sheriff of that county. Application was made to me for a writ of habeas

corpus, the affidavit setting forth that Davis had been imprisoned for guiding some Union forces, so that they succeeded in capturing a band of guerillas in that county, some fifteen or twenty in number, and from these guerillas their horses were taken. That was the only act of which Davis was accused. The affidavit also averred that the sheriff who held him in custody was, at the time Davis rendered this assistance to the Union forces, in open armed hostility to the government; that he had since been elected sheriff of the county. I issued the writ, and Davis has been discharged from custody. About the time my marshal got there the provost marshal got there, and I think Davis was really discharged by the provost marshal.

I will mention this fact also: under decrees of confiscation rendered in my court, sales of property have been made. Several of the persons who became purchasers have recently been proceeded against in the State courts—the circuit and county courts—by way of ejectment, in order to put the old parties in possession of the property thus sold. The purchasers have been prosecuted in several instances. They are annoyed in that way, and in one or two instances they have actually been ejected by the local authority from their purchases.

Question. During the lifetime of the original owner?

Answer. Yes, sir.

Question. That is, the judgments of the State courts have overruled the judgments of your court under the confiscation act of Congress?

Answer. I think it has been done generally by some evasion. I do not think they have done it in direct terms. There are a number of prosecutions of that kind now pending, and one or two I understand have been decided. But I do not know the precise grounds on which the decisions have been rendered.

Question. Do you find it practicable to get a jury of loyal men in your court?

Answer. Not unless it is what might be called a packed jury. I do not believe, from what I have seen, that a Union man could expect to obtain justice in the courts of the State at this time; certainly not if his opponent was a rebel. The bitterness of feeling is very great, and I think the jury would be at least nine-tenths rebel, and the influence of the court would be the same.

Question. Do you think it practicable to call a jury in Virginia that would convict a man of treason?

Answer. It would be perfectly idle to think of such a thing. They boast of their treason, and ten or eleven out of the twelve on any jury, I think, would say that Lee was almost equal to Washington, and was the noblest man in the State, and they regard every man who has committed treason with more favor than any man in the State who has remained loyal to the government.

Question. Do you refer to the whole State?

Answer. Yes, sir.

Question. Would those prejudices against a Union man, and particularly a northern man, operate so far with a Virginia jury as to lead them to deny him ordinary justice in a matter of private right?

Answer. I think they might. I will mention this fact: there was a native of Virginia who was a paymaster in our army. In 1860 he was the only man in his county who voted for Mr. Lincoln. When he left the service he settled his accounts in a most satisfactory manner. In November last he was shot down and killed by a returned rebel surgeon in the streets of Alexandria. Believing that it would be utterly impossible to prosecute him successfully in the State courts, I applied to General Augur to take cognizance of the case, and bring the offender to trial. But the general told me that the State having been so recently turned over to the civil authorities he did not feel that it would be proper for him to take cognizance of the case; and the murderer of Major Dixon has not yet been punished, but is still at large.

On Christmas day there was a riot in Alexandria, in which one negro was killed, and a number of others were seriously wounded. In that case General Augur thought it proper to institute a trial of the offenders by military commission, and they are now undergoing trial.

I mention these facts to show, what, in my judgment, is the truth of the matter, that the condition of the loyal white man in Virginia at this time is worse even than the condition of the colored man, inasmuch as the colored man is protected by military authority, while the white man is not. Therefore the condition of the colored man is much more endurable than that of the loyal white man.

Question. What is the feeling among the people of Virginia toward the freedmen? State any example that may occur to your mind to illustrate that feeling.

Answer. I think the feeling was well expressed by one of the most intelligent, and, I may say, one of the most candid rebel gentlemen of Alexandria. We were engaged in friendly conversation in my office one day, in the course of which conversation he remarked, "Sooner than see the colored people raised to a legal and political equality, the southern people would prefer their total annihilation." I had regarded him as well informed, and almost as candid a man as we have among the rebels.

Question. Have you heard similar expressions from white persons of lower condition?

Answer. Soon after the Christmas riot in Alexandria, one man remarked to me that he "would kill a nigger as soon as he could see him." I think the first man expressed the

sentiment of the educated; the last expressed the sentiment of the vulgar and uneducated, especially of the returned rebel soldiers.

Question. Have you any reason to suppose that there has been and still is any concert or conspiracy among the freedmen to produce disturbances in the State of Virginia, to seize the lands of their masters, or do any other illegal act to the prejudice of society or of individuals?

Answer. I am confident there is no such design. I certainly know the sentiment of the leading colored men there. I am president of the Freedmen's Relief Association of Alexandria, and I have had intercourse with the leading colored men upon various subjects, churches, schools, &c., and I have contributed as liberally as I could to the building of school-houses and churches for the colored people, and I think I have their confidence.

Question. Have you any ground to suppose that any such concert or conspiracy exists or has existed?

Answer. I am satisfied no such conspiracy has ever existed; on the contrary, I have found those people very peaceful and law-abiding.

Question. Do you suppose this disposition on the part of the whites porvades the State of Virginia generally?

Answer. I think it does. And I think the principal reason for it is the assistance the negroes rendered the Union cause during the rebellion. When I was holding court at Richmond recently, I had a conversation with one of the leading men in that city, and he said to me that the enlistment of negro troops by the United States was the turning-point of the rebellion; that it was the heaviest blow they ever received. He remarked that when the negroes deserted their masters, and showed a general disposition to do so and join the forces of the United States, intelligent men everywhere saw that the matter was ended. I have often heard a similar expression of opinion from others, and I am satisfied that the origin of this bitterness towards the negro is this belief among leading men that their weight thrown into the scale decided the contest against them. However the fact may be, I think that such is a pretty well settled conclusion among leading rebels in Virginia.

Question. Have you any knowledge of, or any reason to suspect the existence of, a conspiracy or plan in Virginia or elsewhere in the rebel States to reopen the war or to set up another rebellion?

Answer. I have not. On the contrary, although they are now quite as rebellious in spirit as they have been at any time, I believe their present design is to attempt to accomplish their purpose through the ballot-box.

Question. What is their scheme? What is their idea?

Answer. I think I understand their scheme. I think it is their expectation that there will be some split in the Union party, which will enable them, in concert with the democratic party of the north, to succeed by voting better than by fighting.

Question. Let me put a hypothetical case to you. Suppose that by means of a combination with the so-called democratic party, *alias* copperhead party, *alias* conservative party, they should again obtain political power in Congress, and in the executive department; suppose this to be the result of a combination between the ex-rebel party in the south and this so-called democratic party in the north; what would be the effect of that ascendency upon the rebel States? What measures would they resort to?

Answer. They would attempt either to accomplish a repudiation of the national debt, or an acknowledgment of the confederate debt, and compensation for their negroes. I think these would be their leading measures, their leading demands; and I think if either the rebel debt could be placed upon an equality with the national debt, or both could be alike repudiated, they would be satisfied. But the leading spirits would claim compensation for their negroes, and would expect to get it by such a combination.

Question. Suppose they should not succeed in their scheme of repudiating the national debt, or in their other scheme of the assumption of the rebel debt; what would they finally do, provided they had the power?

Answer. If they had the power they would undoubtedly again go out of the Union, because being aristocratic and not republican in their tastes and feelings, they would greatly prefer some other form of government. I have for twenty years past known that that was the feeling among the leading men. I think they always would have preferred an aristocratic government to any other.

Question. What degree of cordiality exists generally among the people of Virginia towards northern men and loyal people?

Answer. There seems to be an almost total separation, socially, politically, religiously, and educationally. For instance, we have five Union churches and five churches which are recognized as rebel churches in the city of Alexandria—all white churches; and then we have six colored churches there, that are intensely loyal; and there is hardly ever an instance where a man of one political feeling goes to a church of a different political belief. I do not know of half a dozen instances in Alexandria.

Question. How are well-bred northern men treated by the rebels when they visit Alexandria or other parts of Virginia?

Answer. I do not know that they are treated at all; they are simply let alone, according to my impression. I do not think they are treated offensively. The Union element is very considerable in Alexandria—enough so to be respected.

Question. There is no disposition to form social alliances or acquaintance with them on the part of the rebels?

Answer. The separation is very pronounced indeed.

Question. They are rather disposed to be a separate people?

Answer. It would seem so, at all events. Past recollections seem to be very controlling in their social relations.

Question. What, in your judgment, has been the effect of the liberality exercised by the President of the United States in granting pardons and amnesties to the rebels of Virginia?

Answer. Well, to say the least, they have in most instances been ungrateful.

Question. Has that liberality and kindness of the President rather increased than diminished the respect and regard of the rebel community for the government of the United States?

Answer. I think it has encouraged their hopes of ultimate success in obtaining power in this government, and that or some other cause has increased their vindictiveness towards Union men, and their ill treatment of them. I think that has been the cause.

Question. Do you think that has been one of the causes of the increased malignity of the rebels towards Union men?

Answer. I think it has been.

The examination of the witness was here suspended; but subsequently resumed on the same day, and concluded as follows:

By Mr. HOWARD:

Question. State whether you are a member elect of the Senate of the United States?

Answer. I have been elected by the legislature of Virginia to the long term in the Senate.

Question. When were you elected?

Answer. I was elected about a year ago to fill the vacancy about to occur in the Senate by the retirement of Mr. Carlile, for six years.

Question. State what is your own feeling in regard to the readmission of the rebel States into the Union; I wish you to make a clean breast of it.

Answer. Of course I have a strong personal interest in the admission, at least, of members of Congress elect; but that is entirely overpowered by the conviction that the immediate admission of the southern States would produce unpleasant consequences. I fear that it would be fatal to the peace of the country.

Question. What is the general feeling among the Virginians in regard to negro suffrage in that State?

Answer. I think the loyal men, who I suppose do not amount to anything like one-fourth of the white people, are in favor of it. The loyal men are, so far as I know, almost invariably in favor of equal suffrage.

Question. Would they limit the right of suffrage by any qualification?

Answer. I think there is some difference of opinion on that subject among the loyalists. Some would prefer to see it limited, either by educational or property qualifications, or by service in the army of the United States; I have heard that opinion expressed frequently.

Question. Would they generally prescribe a property qualification?

Answer. I think that is not so generally favored as either of the others—either education or military service. But I have heard some say that they would like a property qualification; that, however, they would like to see applied as well to whites as to blacks. At present we have no property qualification.

Question. The mode of voting in Virginia—has it not been, under her law, for ages, *viva voce*?

Answer. It has been.

Question. Not by ballot?

Answer. No, sir.

Question. How do the rebels feel in regard to negroes voting—I mean those who have been rebels?

Answer. Well, sir, I think they are nearly unanimous in their opposition to it.

Question. In case the right of suffrage should be given to the negroes there, is it likely that there will be outrages and disturbances of the public peace, scenes of violence and riot?

Answer. I think that some bad men might perhaps assault negroes when they come to the polls; I think it probable that there would be instances of that kind, but I do not apprehend anything very serious.

Question. Would the rebels themselves, if in authority as municipal officers, preserve the peace with alacrity and defend the negro?

Answer. Well, sir, prejudice is strong against the negro, because they regard him as having turned the scale against them; I think that is a very prevailing notion now, that the negro turned the scale against the rebels. His adherence to the Union cause, and his desertion of the master, naturally produce an unkind feeling against him. That feeling is not universal. I must do some of my rebel acquaintances the justice to say that they consider that the negro was justified in the course he took; that it was human nature to strike for freedom.

Question. In case of hostilities between the United States and one of the first-rate European powers, is it your opinion that the masses of the people of Virginia would stand firmly

by the government of the United States and defend it against foreign invaders and foreign hostilities?

Answer. I think their hostility to the conquerors, as they call them, the Yankees—which means everybody from the north—is greater than it is to almost any foreign power, and they would prefer to be associated with any respectable European power, rather than have their present compulsory association with their conquerors.

Question. I infer from your answer that there would be danger of their adhering to the enemies of the country?

Answer. I fear there would be danger of that if they felt it would be safe.

Question. If they thought that it would give them an occasion to escape from the government of the United States, would they or not avail themselves of it?

Answer. I think most of them would; I think their tastes and habits and feelings are all aristocratic, and that they would prefer an aristocracy, or even a monarchy, to a republican government. I speak of the leaders—those who took the States as they say, out of the Union

Question. During the civil war has there been any considerable feeling among the Virginians in favor of establishing a monarchy in the confederacy?

Answer. I of course had no association with the leaders during the rebellion; we were separated by two lines of bayonets, and I could not speak as to that.

Question. Speak according to the best information you have derived at that time or since.

Answer. I know that many of them would prefer what they would call a strong government—an aristocracy, a government of the wisest, of the property-holders, of the intelligent, as they would say—to a government of the rabble of the people. I know that that is a very prevailing opinion; I have conversed with leading men on the subject.

Question. What is the standing at present among Virginians of Jefferson Davis, in point of popularity?

Answer. He is not as popular a man as General Lee by any means. He is regarded as their representative man, but I know that he is not really as highly esteemed as some others at the south. There are those who are strongly opposed to him at Richmond; some of the newspapers there were very hostile, particularly the Richmond Examiner.

Question. What are some of the principal defects in his administrative career?

Answer. I think they have complained of his want of firmness, as they called it, and his leniency towards prisoners, more than anything else. I have heard that spoken of; I have heard them accuse him of selfishness; and a variety of defects are alleged against him by his opponents. He certainly is not as popular as General Lee.

Question. Could either be convicted of treason in Virginia?

Answer. Oh, no: unless you had a packed jury.

Question. Could you manage to pack a jury there?

Answer. I think it would be very difficult, but it could be done; I could pack a jury to convict him; I know very earnest, ardent Union men in Virginia.

Question. Do you think of any other matters that you deem it necessary to mention on this examination?

Answer. I do not know that I do. I know a man named Joseph Stiles who acted as a scout in Virginia, and who has since been indicted for assisting the forces of the United States in taking horses belonging to guerillas. That is treated as horse-stealing in the State courts of Virginia.

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WASHINGTON, *January* 31, 1866.

Lewis McKenzie sworn and examined.

By Mr. HOWARD:

Question. You reside in Alexandria?

Answer. Yes, sir: I was born there, and have always lived there.

Question. What is your occupation?

Answer. I am a merchant, and I was a representative in the general assembly of Virginia for three sessions. I was in the assembly that called the convention of 1861. I have been elected to Congress twice; but they never gave me a seat.

Question. You were not a member of the insurgent legislature of Virginia?

Answer. I was a member of the legislature that called the convention of 1861.

Question. That was a loyal legislature?

Answer. A majority of the body were not loyal.

Question. Have you served in any legislatures of Virginia since 1861?

Answer. Oh, no, sir; I left the general assembly on the 4th of April, 1861. We adjourned that day *sine die*.

Question. How extensive is your acquaintance throughout the commonwealth of old Virginia?

Answer. I am pretty well acquainted throughout the commonwealth. I am president of the London and Hampshire railroad, and if abuse of me in the disloyal papers is evidence of acquaintance with the people, there can be very little doubt of it.

Question. In general terms, what is the state of feeling among the rebel people of Virginia towards the government of the United States?

Answer. I will tell you. President Lincoln sent me a pass to go to Richmond two or three days before his unfortunate murder. I went down to Richmond, and was in Richmond when the news of the massacre came. I thought the temper of the people was really humble. They seemed to be humble and rather kindly disposed, and when the news came of the death of Mr. Lincoln it created a very great sympathy. Although they were whipped, still they were trembling in their shoes from an apprehension that Mr. Johnson, whom they despised as *a southern Union man*, would execute his purpose, so often indicated before, during, and since the war, in reference to the punishment due to traitors. I thought that the people were getting kindly disposed towards the government, and had made up their minds that Mr. Lincoln was a much better man, more kindly disposed towards them than they ought to have expected under the circumstances, and were satisfied that their State government would be restored; still I know there was a great deal of bitterness towards the government of the United States. I stayed there a week, (this was in April, 1865.) I was anxious for Governor Peirpoint's government to be sustained, and I did all I could to open the door for him. I went down partly for that purpose. I found a very great unwillingness on the part of the people; but still, before I left, they found there was no hope of anything else, and they finally concluded that it would be better for Peirpoint to come there. He did not come for some time after; he stayed in Alexandria waiting for movements on the part of the President and others. I went to Richmond shortly after Governor Peirpoint, and I found the former enemies of the government coming in crowds to the governor to advise him that, under the Alexandria constitution, it would be impossible to organize a legislature. They were anxious for rapid reconstruction, and for the removal of the test oath and other restrictions upon the eligibility to office contained in the Alexandria constitution, which were great stumbling-blocks to the former enemies of the government: and I thought the best thing he could do was to call the legislature together if he could only get ten loyal men, and if he could get even one or two or three more every year, so as to organize a State government, but at any rate that it should be organized upon a Union basis. After leaving Richmond I heard, when going down the James river, that Governor Peirpoint had called the members of the general assembly together, and when I got to Alexandria I found the call in the hands of some of the people. It struck me with great surprise. When that legislature went to Richmond they altered the constitutional provisions in such a manner that I found that the loyal men of the State were to be totally sacrificed and turned over to the power of the secessionists. Still I had some hope that the people would be favorably inclined towards the government, and that the kindness shown to them by the Executive would probably have a good effect. A great many people called upon me to recommend their pardons, and I, having been somewhat of a prominent man in that part of the State, recommended a great many for pardon, and the pardons were obtained; but I am sorry to say, from my experience of things, that this policy has not had a good effect. I am satisfied that the indiscriminate pardoning system adopted by the President has produced a very bad effect, and that the State of Virginia is in a worse condition now than it was last April. That has grown out of two facts which were the cause of all our troubles during the war. One is this: start from Alexandria or Washington or Baltimore, and go down the bay, and through the south, and you find the New York Daily News and the Baltimore Daily Gazette—rabid secession papers—in circulation at every point, and all over the State. There is scarcely a secessionist in Alexandria or along the line down to Tennessee who does not have these papers. Then we have the disloyal sheets of Virginia; and the minds of the people are poisoned and disaffected in that way. It was so during the war, and it is still kept up. In Alexandria one of the newspaper sellers tells me that he sells ten copies of the Tribune, five copies of the Times, one hundred and fifty copies of the Herald, and two hundred and fifty copies of the News, and the numbers run all along in that way.

Question. These two papers, the New York News and Baltimore Daily Gazette, are understood to be what kind of papers?

Answer. The meanest, awfulest secession papers, unfriendly to the government, and the people are constantly plied with that kind of fuel. It seems to me that there are twice as many papers in the State since the war as there were before; so that under such influences I do not wonder that the people are unfriendly to the government. Then they have been spoiled and ruined also by the policy of the President of the United States.

Question. What, in your judgment, has been the effect of the so-called liberal policy of the President of the United States in extending pardons and amnesty to rebels?

Answer. Decidedly unfavorable.

Question. Unfavorable to what?

Answer. Unfavorable to the cause of the Union and to the restoration of the Union sentiment in the State. I have no doubt about it. I am sorry to say it, because these people were friends of mine.

Question. What opinion or feeling does that liberality seem to create among the people there?

Answer. A feeling of contempt. It grows out of the fact that these people have been treated better than they expected; that has had its effect. Then they are constantly influ-

enced by the hope that their disloyal members will get into Congress, and they expect to form a coalition with the northern democrats and copperheads.

Question. Suppose they get the ascendency; what will they do?

Answer. They will repudiate the public debt; that is what they will do; that is what they want to do. In Georgia, South Carolina, and North Carolina, when the people sell their cotton for greenbacks, they go right to the broker's office and buy gold for the greenbacks, paying four per cent. more than gold is worth in the New York market; they do this because they have no confidence in the United States government; they say it will be the same again as it has been, and after they will have saved two or three cotton crops you will find that two-thirds of the specie of the country will be in the cotton States. My own opinion is that they are waiting and hoping for a restoration of the Bourbons in 1868.

Question. By the Bourbons you mean the copperhead party?

Answer. Yes, sir; I mean the copperhead party of the north and the secession party of the south, who are brethren; of course they always were brethren; I have a perfect horror of them myself; but I would not do any injustice to the people; still, that is God's truth.

Question. Suppose they succeed in reaching that point of ascendency in the government of the United States: what do those men in Virginia propose to do now—go out of the Union, or to have another civil war?

Answer. No, sir.

Question. What are they going to do?

Answer. They expect to take possession of the government of the United States. Let them have a majority to-day and they will soon let you see what they will do. They will join with Fernando Wood and those gentlemen of the north, and will form a party to repudiate the national debt; they will not pay the interest on the public debt; and suppose there should be a war between the United States and Mexico, you would get but few men to assist you from Virginia to the Texas line.

Question. You are speaking now from your own observation?

Answer. From what I see going on now; and what you see in Virginia is pretty much the same everywhere else. You might meet occasionally a gentleman who feels kindly disposed towards the government, but there are very few Union men in the south.

Question. In your opinion what proportion of truly loyal men are there in Virginia?

Answer. The district where I was a candidate runs from Frederick down to Prince William, and embraces the counties of Frederick, Warren, Shenandoah, Fauquier, Alexandria, Fairfax, Prince William, &c., I think eleven counties in all. I had supposed from the kindness I had exhibited to that people all along that they would have given me a tolerably decent vote. I was born in the State and have always lived in the State. I used to beat everybody in my district for the legislature; and before the war, I was a tolerably popular fellow, because I was an industrious man and worked pretty hard. I got about 1,900 votes in the district, and I was beaten about 3,000 by a secessionist. The county of Frederick did very well, giving me, perhaps, 600 votes. I got a tolerably decent vote in Loudon county; 400 perhaps, and about 400 in Alexandria. I think that in the county of Fauquier, Billy Smith's county, I got only nineteen votes; that is the South Carolina of Virginia. These people would not vote for me because I was a Union man; of course they would not; they told me openly at the polls that they did not intend to vote for anybody who was a Union man. There are some very good Union men in the State, but they were to be found among the masses of the people chiefly; mostly hard-working Union men; for instance, in the town of Winchester there are very respectable, sensible, hard-working men, who are Union men, and you will find that pretty much all the Union men are of the middle class of people; but there is no hope in the Union men of Virginia. I had hoped myself that the rebels would have left the State, would have gone to Minnesota, Iowa, Illinois, or to Mexico, and that their places would be supplied with honest, industrious northern settlers; but the rebels are coming right back, and I do not see any hope in the world for the Union men without the immediate aid of Congress or the President. I do not know what is to become of them. We had a meeting at Alexandria the night before last, and we are going to memorialize Congress to put Virginia in a territorial condition. I do not know whether Congress will have the power to do that, and I suppose the President will be opposed to it. The proposition is pretty radical, but the evil requires a radical cure. The difficulty about the provisional government is simply this: We have had experience of it in Governor Peirpoint; that gentleman did as well as he could under the circumstances. If you put a provisional governor there, the same people who control Governor Peirpoint will have the control. You have got to commence at the foundation and build up. This is my opinion about it; it is the unanimous opinion of pretty much all the Union men of Alexandria, and it is going to be the opinion of the Union men throughout Virginia.

Question. How do the rebels in the neighborhood feel towards the freedmen?

Answer. The Union whites treat them remarkably well; they are paying them fair wages. In 1860 and 1861 I was a large merchant in Alexandria, shipping a very large amount of goods, and I have had to do with negroes all my life. The price of labor in Virginia then for field-hands was $120 to $130 a year, and $70 a year for a woman. In addition to that the master, who hired them, furnished them with clothes, provisions, house, and fuel, and at Christmas the bond was paid for his wages. That was after the price of cotton had advanced, and when the negroes had advanced in South Carolina to $1,000 and $1,500. Now, at the close

of the war, employers are only willing to pay these people from six to seven or eight dollars a month, or a hundred dollars a year, out of which these laboring people have to buy their clothes and pay their doctors' bills, while the price of clothing is double what it was in 1860. I employed, three months ago, from eighty to a hundred of these freedmen to work on land I have got this side of Drainesville. They came in at Christmas, when I paid them their wages. I give them seventy-five cents a cord for cutting pine wood, and supply them with a month's provisions in advance. They all work cheerfully and pleasantly. They went back after Christmas, and have remained there ever since. There is no difficulty about the freedmen working, but they work better for gentlemen who treat them kindly than they work for rough people. If you pay them and treat them kindly there is no difficulty about the negro working. The only difficulty about it is with overseers who become proprietors, and between whom and the colored race there is a natural antagonism. That is the trouble I apprehend about all this affair. These people and the miserable newspapers will destroy the colored people finally. My own opinion is, that whenever the day comes for colored men to vote, they will vote for nobody but gentlemen. They are not going to vote for pot house politicians. It will be the most conservative vote ever given.

Question. What is the disposition of the freedmen in your neighborhood in regard to education?

Answer. They are very smart; very anxious for education.

Question. Eager for education?

Answer. Very much so.

Question. Are there any facilities for going to school?

Answer. Oh, yes; there are a good many free schools in Alexandria.

Question. What is the feeling of the whites generally in regard to the education of the colored people?

Answer. The rebels are not in favor of it; they are opposed to it.

Question. What is the feeling of that class of people in regard to negroes voting?

Answer. They are very much opposed to it. They think it a very great outrage.

Question. In case the negro should be allowed to vote, how would he be treated at the polls in voting?

Answer. I reckon if the darkies ever get to vote some of these fellows will want their votes, but they will not get them. I reckon there will be no difficulty on that head; but I do not think it would do to remove the Freedmen's Bureau from Virginia at present.

Question. What would be the effect of that removal?

Answer. It would be very disastrous to the colored people.

Question. Would it not have the effect of reducing them to a condition worse even than slavery itself?

Answer. I do not know about that. I am not prepared to say. The effect would be very injurious, and I think it would be very unsafe to do so.

Question. Has not a bill passed the senate of Virginia requiring a five years' residence in the State before a person can vote?

Answer. The bill has not passed. It was reported by committees of both houses; but I think the legislature got alarmed about it, and has put back the provision of the old law requiring a two years' residence. The object of the five years' limitation was to prevent northern people from voting there, and to keep the power in their own hands. They have taken our Alexandria charter away pretty much, merely to get power in their hands; and that is the fear I have about this Congress.

Question. They do not intend to permit any immigration from the north?

Answer. They do not want northern immigrants to vote there anyhow, and do not want them there at all, if they can help it.

Question. How are their commercial relations with the northern people? Are they friendly?

Answer. I do not know. The secessionists or disloyal people hold very little intercourse with the loyal people after their pardons are obtained. They all worship in the same church.

Question. The rebels go to rebel churches, and the Union men to Union churches?

Answer. Yes, sir. It is a great misfortune. I do not know how it is to be settled. I think you will find that Alexandria is a very fair exponent of Virginia.

Question. You think that these disloyal newspapers do a great deal of mischief?

Answer. I think they are the cause of all our present difficulties. I think the war was prolonged two years by them. During the time that General McClellan was in command in Virginia the proportion of newspapers sold in the camp was one thousand Heralds, five hundred copies of the Daily News, ten copies of the Tribune, and five copies of the Times. What could you expect? You could not get the government to say that these copperhead papers should not be sold in the army. If it had stopped their circulation I think the war would have been closed long ago, unless it was that God did not intend it to be closed sooner.

Question. If the rebels had the opportunity, would they assume the payment of the rebel debt?

Answer. Why of course. All the rebel States would if they could do it. And I do not know what constitutional amendment can be devised to prevent them. The difficulty to be

apprehended is, that if these people are permitted to come in and effect a coalition with the democrats of the north they will finally control the government, and will certainly never pay the federal debt. That is my opinion. The government ought to take care of the public debt.

Question. Would they not also overturn the whole system of emancipation if they could?

Answer. I really cannot say about that; but they hate the government of the United States bitterly. There is no question about that. They have no love for the government of the United States. It is a great misfortune.

Question. To them?

Answer. Yes, and to the government.

Question. Do you think the rebel people in Virginia and elsewhere respect the power of the United States?

Answer. No, sir; but they are *afraid* of it.

Question. Is there anything about the United States which they respect?

Answer. I do not know that there is. They will give the government trouble some of these days. They will try to get into power before 1868.

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WASHINGTON, *January* 31, 1866.

George S. Smith sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I am now residing in Maryland. I am a citizen of Virginia, but am temporarily residing in Maryland.

Question. In what part of Virginia have you been residing?

Answer. In Culpeper county.

Question. What is your business?

Answer. Farming.

Question. How long did you reside in Culpeper county?

Answer. I moved into Culpeper county in 1846 from Spottsylvania county.

Question. Are you a native of Virginia?

Answer. No, sir; I am a native of the State of New Hampshire.

Question. You must, of course, be pretty well acquainted with the condition of affairs in Culpeper county, and the state of public feeling there towards the United States?

Answer. I have had very good opportunities of becoming so. I am very well acquainted throughout the State.

Question. According to your observation, what is the state of feeling among the disloyal portion of the people of Virginia towards the government of the United States?

Answer. I think it is hostile.

Question. In what sense is it hostile?

Answer. I do not think that they will yield obedience to the government of the United States any further than they are compelled to do. None whatever willingly.

Question. To what particular classes does this feeling attach itself?

Answer. I think to the leading classes; what we call representative men. I think the common class of people could be handled very easily. The trouble is with our leading men, and with the newspapers.

Question. Among the leading classes is there, properly speaking, any attachment to the government of the United States?

Answer. I do not know of an instance—not an instance.

Question. If they could have their own way, what would they do?

Answer. If they could have their own way, they would certainly separate. There is nothing that would induce the south to live with the north if they could have their own way. That is a settled fact.

Question. You mean to be understood as saying that there is a hatred on the part of the southern people to the north?

Answer. Yes, sir; a perfect hatred.

Question. What do you regard as the principal cause of that hatred?

Answer. Education. They have been educated up to it. I have lived among them nearly thirty years, and it was not so when I first went there. The people on the stage of action now have been educated up to it. They believe in themselves as a superior class of people, and that northern people are a low-lived, degraded class of people.

Question. In what respect do they regard themselves as superior?

Answer. Intellectually.

Question. Morally?

Answer. I do not know that I can say that.

Question. Physically?

Answer. They did believe physically.

Question. Has that feeling become, in any degree, changed or modified as a result of the war?

Answer. I do not know that I am capable of answering that question properly. I went into Richmond with our army. There I met with a great many gentlemen of my former acquaintance—influential, leading men. They then gave up everything. They were very plastic indeed; you could have moulded them in any way. I have since met with them repeatedly, and they have gone back again to their first notions. They now say that they do not regret anything they did; that if they had to do it over again they would do the same thing. They only regret their want of success. Their object in going into it is just as strong now as it was.

Question. What effect has the President's liberal policy toward the rebels and rebel States had, with reference to the increase or diminution of loyal feeling towards the government of the United States?

Answer. I think it has brought forward a class of men as representative men, who would not otherwise have come forward. I think it has brought forward the original leaders of the rebellion, who would not have sought position if they had not thought they could get it through this policy.

Question. Has that policy of the President increased or diminished the respect of the slaveholding class of Virginia towards the government of the United States?

Answer. I do not know, for I do not think they ever had any respect for it.

Question. Then I am to infer that it has not increased that respect?

Answer. Certainly it has not.

Question. Speaking of that policy, has it, or has it not, made that class more contemptuous towards the United States than they were before?

Answer. I should think it has.

Question. I mean in their expression?

Answer. Yes, I think it has.

Question. How has that result arisen?

Answer. From the leniency of the government. They did not expect it. The representative men of the south have had power and are ambitious of power. When the rebellion was first brought to a close, they did not expect that they could reckon upon that power any more. They thought that they had lost it, and that they would have to step aside. But when a mild policy was resorted to, and inducements were held out to them to come back, they thought there was an opportunity for them again to step back and regain what they thought they had lost; and they took that opportunity. It has brought in a different class of men, who would not have come in if that policy had not been resorted to.

Question. What, in general, are the schemes which that class of southern people now have in view?

Answer. To overthrow the general government and to repudiate the national debt.

Question. And to assume the payment of the rebel debt, think you?

Answer. I do not know that I can venture to say that because I have different views from most people respecting that rebel debt. I do not think that the masses of the people at the south could be induced to vote to pay that debt. The men who have been in the army receiving $13 a month could not be degraded so low as to make them tax themselves to pay at the rate of sixty or seventy dollars for one, for the benefit of a few speculators.

Question. You think they have in view still the overthrow of the government of the United States. What are the means by which they propose to accomplish it?

Answer. By political combinations. I talked with a great many of the leading politicians, and they say they want to try to accomplish by stratagem what they failed to accomplish by war.

Question. Let us hear what their plan is.

Answer. I think that they have a great many friends among the democracy of the north, if I may use plain language.

Mr. HOWARD. Yes, use plain language.

WITNESS. They say that the large proportion of the national debt is owned at the east, and that the west, when they are taxed to pay it, will begin to squirm—will be dissatisfied; and they think that with their peculiar ingenuity they can influence the west to go with them and assist them in repudiating the federal debt and establishing their independence, perhaps.

Question. Have you any reason to suppose that there are combinations in Virginia or elsewhere in the south, any secret associations, having such an object in view?

Answer. I do not know of any. I believe, however, that is the fixed determination of every one of the leading men.

Question. And you think that their general purpose is to get rid of the authority of the United States?

Answer. I do.

Question. What, in brief terms, have been your means of knowledge?

Answer. I have been connected with the internal improvements of Virginia before the war. I have been a contractor on some internal improvements and have become well acquainted with some of the leading men of the State in that way. The first year or year and a half of the war I was inside the rebel lines. General Pope let me out when he came to Culpeper. Since then I have been with the federal army in Virginia. Wherever the army has been

I have been. I have met with a great many Virginians, men of influence. Not being subject to military control, I would drift around, and these people would talk more freely with me than with an officer, and I could get their opinions in that respect. I have not met with a gentleman of influence or position who is not just as determined in his purpose now as when he first entered the rebellion, that is, to have a separate government if they possibly can get it.

Question. Do you think that the policy of Mr. Johnson has encouraged that purpose?

Answer. I really do, sir.

Question. Do you think that his establishment of State governments under military orders and decrees has had the effect of encouraging that hope of the ultimate independence of the rebel States?

Answer. I think the encouragement held out to them in allowing them to elect their own officers has had a tendency to make them think that they can in time carry out what they failed to carry out by the sword.

Question. What effect has that policy had on the Union men?

Answer. It has diminished them in this way: it has made a great many men who were Union men cloak it over; they dare not say anything. I do not know that the cases are innumerable, but they are very common. Union men who have been speaking to me have said, "Mr. Smith, please to say nothing about what has passed between you and me as to politics. My property is here, my life is here, my associations are here, my business is here, and I do not want to have it known that I ever said anything in favor of the federal government." They want to cloak it up. They dare not at this day have it known that they are Union men.

Question. Do you think, then, that that policy has brought upon the Union element a feeling of despair rather than of courage and hope?

Answer. That is my experience, sir. It has suppressed among the common people a good deal of the Union feeling which was growing up.

Question. Suppose the question was now put in the proper form to the people of Virginia whether they would secede—whether they would go out of the Union; and suppose that there should be no danger of military interference to prevent it, or any effort on the part of the United States to prevent it; what would probably be the result of the vote?

Answer. More than ninety-nine out of every hundred would vote to secede.

Question. Suppose the question should be submitted in the same way to the people of Virginia whether they would pay their just share of the federal debt contracted in the prosecution of the war: what would be the result of that vote?

Answer. They would vote against it.

Question. Why?

Answer. They think it is unjust. They think it is forced upon them.

Question. Suppose the United States should be engaged in a war with a first-rate foreign power, such as England or France: what would be the conduct of the people and the government of Virginia on such an occasion?

Answer. I think they would study policy in regard to it. I think the leaders, if they thought it was for their interest—that they could gain anything by doing it—would sustain the government; otherwise they would go against it.

Question. Suppose that, at such a moment, there should be a combination and concert between the rebel States, and suppose that that combination should assume, apparently, strength enough to assure success in case they joined the enemies of the United States: what, then, would be their conduct?

Answer. I think they would join them; I am sure they would.

Question. Have you ever talked with any men of influence and position in Virginia, or elsewhere in the slaveholding States, on that subject?

Answer. Not bearing so strongly as that; but, from such conversation as I have had with them, I should certainly think that that would be the course they would pursue. I do not think that there is any loyalty at all in the leading men of the State of Virginia.

Question. In the event of such a war, would you regard these ex-rebel States as elements of strength to the United States, or of weakness?

Answer. Of weakness.

Question. How do they feel generally towards the freedmen?

Answer. Hatred. Their hate, first, is to the citizen Union men; their next hate is to the negro; and their last is to the Yankees, as they call them.

Question. If left to themselves, what would they do with the negro?

Answer. They would entirely extirpate him from the face of the earth. They would first commence with the Union men, and then they would take the negro.

Question. Do you think they would murder the negro?

Answer. I do; and they are doing it every day.

Question. Why should they murder the negro?

Answer. I cannot answer that in any other way than by supposing it owing to human depravity.

Question. They need the negro's labor?

Answer. Yes, sir; but a man's passions go beyond his interests. They always have been the negro's masters; they controlled him; they never acknowledged that he had any rights: he had no rights more than a beast had; I was a slaveholder myself, and I know it. When

you come to give the negro his rights, it is very galling to men educated in that way. They cannot yield to the negro those rights that they can to the white man.

Question. How do they feel in regard to the education of the freedmen?

Answer. I never discussed that question with them.

Question. How do they feel in regard to negroes voting and exercising political rights?

Answer. Prejudiced against it. I know of no men, except strong Union men, who are in favor of it.

Question. How do they feel in regard to the Freedmen's Bureau?

Answer. They are prejudiced against it. They think that it is a thing forced upon them, and that there is no constitutional law for it.

Question. They raise the constitutional point upon it?

Answer. Certainly, on every question, as though they were interested in the Constitution which they were trying to overthrow.

Question. Have you noticed a disposition generally among them to maltreat the negro?

Answer. I have.

Question. To deprive him of the fruits of his labor?

Answer. Yes, sir: they maltreat them every day they can. I have been in the provost marshal's department, under General Patrick, almost ever since he has been provost marshal, and have had great opportunities of seeing the cases that are brought before him. Although I am prejudiced against the negro myself, still I must tell the truth, and must acknowledge that he has rights. In more than nine cases out of ten that have come up in General Patrick's office the negro has been right and the white man has been wrong, and I think tha that will be found to be the case if you examine the different provost marshals.

Question. What chance does the negro stand to obtain justice in the civil courts of Virginia?

Answer. Not a particle—no more than a rabbit would in a den of lions; nor a Union man, either.

Question. Do you regard it as safe for people of the free States to settle in Virginia and other rebel States?

Answer. Yes, sir, I do. The prejudice against the northern man is not so strong as to jeopardize his life. It is only the Union man who has lived among them and taken an active part against them whose life is in jeopardy. I think that, if I had never lived among them, and were as strong a Union man as I could be, I would not hesitate to go and live among them.

Question. What chance would a Union man have of obtaining justice in a Virginia State court?

Answer. I do not think he would have justice done him.

Question. Do you think it practicable to obtain a jury in Virginia that would convict a man of treason for being engaged in the late civil war against the government?

Answer. I do not think such a jury could be summoned outside of the element that is known to be Union.

Question. How large is that element?

Answer. Very small, sir, at the present time. There are a good many Union men in Virginia who dare not let it be known.

Question. Is their influence increasing or diminishing?

Answer. I have not seen any increase. I do not know of any change from a rebel to a Union man, or from a Union man to a rebel.

Question. Are the ex-rebels as bitter at present in their proscriptions of Union men as they were during the war?

Answer. I think they are worse to-day than they were, except during the first year of the war.

Question. Have you had any acquaintance in North Carolina or South Carolina?

Answer. No, sir, not outside of Virginia.

Question. Are you a man of competent education?

Answer. Yes, sir, in English education; I am not a graduate.

Question. You have mingled a good deal with the people of Virginia, both previous to, and during, and since the war?

Answer. Yes, sir; there were very few men who knew more of Virginia than I did.

Question. Arising from what?

Answer. From my business. I raised my family in Virginia. If I should write out my own experience I could not for my life do it as well as it has been written out for me in different reports. Take for instance that report of Major General Carl Schurz; it is the experience of every Union man in the south. Take Governor Brownlow's letter; take the two letters from North Carolina that were published in the Chronicle yesterday—there is not an honest man in the south who will not say that they describe the true sentiments and the true feelings of the whole south. You may summon before your committee every man in the southern States, and you cannot get anything more than you have got there. They embody the whole of it. No man can express himself better than they have expressed it for him. I have been driven from the State of Virginia away from my property; and such is the state of feeling in the neighborhood where I resided, that I dare not go back for fear of personal violence.

WASHINGTON, *January* 31, 1866.

Dr. G. F. Watson sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I reside in Accomac county, Virginia, when at home—Wise's old district.

Question. What is your profession?

Answer. A doctor of medicine. I am at this time, and have been for nearly three years, one of the board of United States direct tax commissioners for the State of Virginia.

Question. Do you know the feelings of the people of the State toward the government of the United States?

Answer. I think I do pretty well.

Question. What is the loyalty of Accomac and Northampton counties?

Answer. When I visited Accomac and Northampton counties in October last the citizens were then disloyal; and from reliable information since, I have no reason to believe that they are better disposed toward the government at this time. I think I have had as good an opportunity to know the sentiments of the people of the State as almost any other man, having lived in it from my birth to the present time, and my official duties having called me to different portions of the State. I feel that the educated class of the community are as disloyal now as they were at the time of the surrender of Lee.

Question. How has that happened?

Answer. I think mainly through the leniency of the government. I was in Richmond in November and December last, and saw some apparently good feeling on the part of the ex-rebels toward the government; but on my late visit to that city I found that feeling materially changed. The Union men in business there were afraid to be seen conversing with other Union men for fear of injuring them in their business. I spent last winter in the city of Norfolk. At that time the mercantile business was engaged in principally by northern Union men. The citizens not feeling disposed to encourage them in trade, and opposed to northern emigration, raised their rents to such an exorbitant price that they were compelled to discontinue business and leave; consequently the ex-rebels have the entire control. In Alexandria city the same proscription has been carried out. I am credibly informed that in Richmond the northern capitalists have partly suspended operations in the erecting of buildings on account of illegal legislation and a feeling of antipathy toward northern emigration. There is one other thing of which I feel fully satisfied; that is, that the loyal men of the State cannot get justice in the reconstructed disloyal courts.

Question. Why not?

Answer. For the reason of the disloyalty of the jurors and lawyers. As an instance, in the counties of Accomac and Northampton there is not a loyal man practicing at the bar out of some fifteen or twenty.

Question. Have they been all engaged in the rebellion?

Answer. Yes; some of them, however, did not leave, but used their baneful influence at home; whilst others, who ran the blockade and returned, were captured; others, who were the best and most respected, went with the southern confederacy, and remained there until the surrender of Lee.

Question. What is the feeling among that class of people as to remaining in the Union?

Answer. The feeling is this: if they can be thoroughly reconstructed in accordance with their desires—giving them full control of the government, the emoluments of office, and the honors connected—they might be induced to remain in the Union. They have said to me that they have no interest in the government. A prominent lawyer in the city of Richmond said to me last December that he would prefer to see Fred. Douglass emperor of the country than a Yankee to be at the head of the government.

Question. What was his idea about having a king or emperor?

Answer. They feel, I suppose, that they have been whipped, and those of prominence and wealth before the war, now being poor, feel that they have lost their power and have not their former influence. It is the leading politicians who do all the mischief; were they properly dealt with we would have less trouble, and I believe that the medium class would sustain the government.

Question. Could any of these persons be convicted of treason by a Virginia jury?

Answer. I think not; but a Union man would be very readily prosecuted by them.

Question. How is it with reference to freedmen?

Answer. They despise the freedmen; they think, and frequently express, that all they want is for the military to be removed and they will handle them roughly; they also speak in the same terms of Union white men. If reconstruction of the rebel States, as proposed, be successful, and they get possession of the States, my opinion is that not a Union man can stay in Virginia, as taxation and persecution by these parties must necessarily drive them from this State.

Question. What are the feelings and opinions of the Union men of the State?

Answer. The feelings and opinions of the Union men are, that they do not desire any form of reconstruction, either by a provisional or civil governor; we desire a territorial govern

ment. If we can have that, I think in a short time we could induce emigration, which will not come in under the present state of things. It would also give time to make the colored man more intelligent and less under the influence of his former master. When a proper time shall arrive for reconstruction, we shall then be able to cast a majority of loyal votes—friends to the government, not enemies, as would be the case under the present policy of reconstruction. Without some such protection God save the Union men!

Question. Suppose the restraint arising from the presence of Union forces in Virginia was withdrawn, and suppose the Freedmen's Bureau was withdrawn, what would be the condition of the loyalists and freedmen in Virginia?

Answer. There would be no protection for Union men, and the freedmen would necessarily suffer much.

Question. Would there be scenes of riot and violence?

Answer. I think it probable. You have heard of the riot which took place on Christmas day, almost under the eye of the military, in Alexandria; from that you can judge what it would be if the military were withdrawn. At the late election at many places the ex-rebels paid no attention to the provisions of the Alexandria constitution, which required such voters to take the oath that they had not borne arms against the government of the United States since ——. A number of the members of the legislature who were elected, as I have been informed, were engaged in the rebellion as officers and otherwise, and have never taken the oath required by the constitution adopted in Alexandria in April, 1864.

Question. Is that the character of that legislature?

Answer. A large majority of that legislature, in my opinion, are disloyal men, but of course profess to be loyal. A member of the senate informed me a few days since that the money in the treasury, and for which the loyal men had been taxed, would not last more than twenty days.

Question. What effect has the liberal policy of President Johnson in granting pardons and amnesty to the rebels in Virginia had?

Answer.-It has had no beneficial effect as far as my experience has been. I will give you a case in point. A wealthy gentleman, owning much land near Richmond and on the peninsula, came to my office in the month of December last, and said to me that he understood his lands had been forfeited to the United States government for the non-payment of the direct tax. On looking over my books I found his information to be correct. He asked me, "Can I redeem them?" I answered him, he could by paying the tax and interest. I made out a redemption receipt, and on handing it to him he gave me a check, with these words: "This is the bitterest pill I ever took except one, and that was the oath of allegiance to the United States government." That did not prove to me that leniency had caused him to feel any devotion to the government.

Question. What effect has been produced by the Union victories over the rebels on the minds of that old class of Virginians?

Answer. They had a considerable effect at the time of the surrender of Lee, but they seem to have been encouraged by the hope of reconstruction and leniency from the government of the United States, and now assume to demand rights which they have forfeited.

Question. Suppose the rebel States are admitted to a representation in Congress, what would be the effect upon the people of Virginia?

Answer. I think from what I know that the members elected would obey the wishes of their constituents, which are inimical to the government.

Question. Suppose they should get the power by a combination with some other party; what then?

Answer. That is what I alluded to. I believe they would use it if they got it.

Question. In what way would they use it?

Answer. First, to repudiate the federal debt.

Question. Would they stop there?

Answer. I think not; they would go for the payment of the confederate debt.

Question. Would they stop there?

Answer. I doubt it very much. I am of the opinion that should they get the power by combination with other parties a second rebellion might be the consequence.

Question. Have you any reason to suppose that any of the leaders of the late rebellion have it still in contemplation to bring about another war?

Answer. I do not know that they have.

Question. Have you any idea that any such conspiracy exists in any of the rebel States?

Answer. I have not.

Question. Have you any reason to suppose that they are collecting arms in any locality?

Answer. I have not. I would be the last man in Virginia to know it.

Question. Have you heard any such rumor?

Answer. I have not. I believe that there is a desire on the part of them that a difficulty between this country and some foreign power should take place. In Richmond, last November, in a conversation with a confederate captain, at the time there being much talk of difficulty between France and this government, he seemed rejoiced, and made this remark "I regret that my little company is squandered, but I can whistle them up."

Question. What was he going to do in case of a war with France?

Answer. I inferred from his remarks that he would join Maximilian.

Question. In case the government of the United States should be involved in a war with England or France, what would be the course likely to be taken by the rebel States?

Answer I think they would join France or any other foreign power. I will not say that all of the ex-rebels would, but I think a very large portion of them would.

Question. Have you any other fact upon your mind which you wish to state to the committee?

Answer. No, sir. I would prefer to make some notes of what does not occur to me at present. In the first part of my testimony before this committee I spoke of the State legislature. I deem it proper to offer the following on that subject. The present legislature of Virginia should be set aside because of its illegality, and all its acts passed since the adoption of the Alexandria constitution declared null and void. In the Alexandria constitution, which was passed or adopted by the convention on the 7th day of April, 1864, among others it adopted the following provisions:

Article 4, section 1: "The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of delegates." Section 2: "The house of delegates *shall* consist of *not less* than *eighty* and of not more than one hundred and four members. The senate *shall never* be *less* than *one-fourth* nor more than one-third the numbers of the house of delegates." Section 8: * * * "A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner and under such penalty as each house may provide."

Since this constitution was adopted, there have been three sessions of the general assembly: a regular session commencing December 3, 1864; an extra session commencing June 21, 1865; and a regular session commencing December 4, 1865, and not yet closed. At the first regular session, and the extra session, the house consisted of fourteen members and the senate of six. No more were elected, or could be as matters then existed.

These facts are now matters of history and cannot be controverted.

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WASHINGTON, *January* 31 1866.

John Hawkshurst sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Alexandria, Virginia. I am a citizen of Fairfax county, Virginia, and am in the employment of the government as United States direct tax commissioner.

Question. How long have you held that place?

Answer. For three years.

Question. What is your age?

Answer. Forty-nine.

Question. Are you a man of family?

Answer. Yes.

Question. Are you a man of property?

Answer. I had property before the war, but it is pretty much all gone now.

Question. Are you a native of Virginia?

Answer. No; I was born in Queens county, New York. I moved to Virginia in 1846, bought property there, and engaged in milling.

Question. Have you been in the rebel service?

Answer. No.

Question. You have been a Unionist all along?

Answer. Yes, sir. I left my place, believing that there was an order out for my arrest, on the 28th day of May, 1861, going through the woods and avoiding the highways, and came to Washington.

Question. After that you did not pass back through the rebel lines?

Answer. No. I was then appointed to represent my county in the first Wheeling convention, and served in it; and then was elected to the legislature of Virginia, sitting at Wheeling. While I was a member there I was appointed to my present place.

Question. State what the general feeling is in Virginia, so far as you know, towards the government of the United States.

Answer. The feeling would seem to be sullen silence among a large portion of the people; a disposition to acquiesce so far as they must, but no further; a very strong desire to obtain their political influence, and to wield the actions of the general government to suit them.

Question. How are they satisfied in regard to the emancipation of their slaves?

Answer. They take it as a matter of necessity; a few, perhaps, do not regret it. Those who are loyal accept it and are satisfied.

Question. How extensive is your acquaintance with the rebel portion of the population?

Answer. Not very extensive; am well acquainted with most of the leaders of our county.

Some of the original Union men became active and efficient in the rebellion at a later date. The man who represented our county in the convention that passed the ordinance of secession was such. His error was, that he took ground against coercion, and, upon the call of the President for troops, went against the government. He has come back and taken the oath, and I think him reliable; but some of this class seem more dissatisfied than the original secessionists.

Question. How does that happen?

Answer. They seem to feel the disgrace, as they deem it, more keenly than the others, and a large portion of them were not Union men from principle, but from policy—deeming secession a mistake rather than a crime; but when the State was committed to the measure they ceased their opposition, and became as active as the others, and feel the disgrace of defeat more keenly.

Question. What is the feeling of all these people towards the northern people?

Answer. It appears hostile.

Question. If they could have their way would the rebel people generally remain in the Union?

Answer. No; I think they have a stronger aversion and dislike of the Union than when they seceded.

Question. What has produced this increase of hatred?

Answer. The irritation of the war, and the humiliation of their State pride, which is a very strong element in their character, and predominates over all national feelings.

Question. Do you think they generally desire to see the government of the United States preserved?

Answer. I think not; do not think one-tenth of those engaged in the rebellion heartily desire the success of our government if it continues to be controlled by the present party, and will submit to it no longer than they are compelled, and hope yet to see the time when they will be free from it.

Question. You think, then, they have not given up that expectation?

Answer. I think not; I believe a large portion of them are looking to a foreign war as the means of their deliverance; meantime they are active in endeavoring to obtain political standing to the end that they may either control the government to their interests or produce a separation, as may best suit their purposes when such time comes.

Question. Suppose they get control of it in that way; what, in your judgment, will they be likely to do in regard to the public debt of the United States?

Answer. I think they will repudiate it.

Question. Suppose they cannot repudiate it; what then would they do; would they then ask to have their own debt assumed by the United States government?

Answer. Yes; I think there is a strong feeling that their own obligations should be paid as well as ours; I think, however, there is a strong feeling in favor of repudiation of the whole; but failing in that, would endeavor to throw in their own.

Question. In case of a war between the United States and a foreign power, such as England or France, would you regard the rebel States as an element of strength to the government of the United States or of weakness?

Answer. A great weakness; it would be much stronger at present if the Union was cut in two at the Potomac. The north is much stronger alone than combined with the south; and it would probably require more men to control the rebel States than to meet any foreign force that could be sent against us.

Question. Do you think they generally love this government less than they do the government of almost any other nation?

Answer. I think they have a strong and predominating desire for independence. They hold the government of the United States as a foreign government, and in about the same respect as they do others.

Question. What is their social demeanor towards Union people, either residents or from the loyal States?

Answer. There is not much social feeling between the rebels and the resident Union men; in many cases friendships are utterly destroyed. There does not seem to be so much bitterness towards those who have come from the loyal States since the war, as towards those who were here at the commencement and acted against them during the rebellion.

Question. How are they disposed towards the freedmen?

Answer. I have not been in a situation to see much on which to form an opinion in that respect. Two instances have come to my knowledge in which endeavors were made to keep them out of business: one in which a man had rented his farm to a freedman, and he heard of threats to burn his house in consequence, and on examination, sufficient danger seemed to exist to prevent him from fulfilling his contract with the freedman. Another, who employed freedmen to do nearly all his labor, heard of threats that induced him hastily to have his buildings insured. The corporate authorities of Alexandria refused to grant them licenses to do business, the law of the State not allowing it; and attempts were made in that city to enforce the old law against them in respect to whipping and carrying fire-arms, nearly or quite up to the time of the establishment of the Freedmen's Bureau in that city.

Question. What are the chances of Union men getting justice in a State court in Virginia?

Answer. I do not think it is good: we have sold considerable property for the non-payment of the United States direct tax, and no person has been able to obtain possession of it through the State courts. To aid this, Congress at its last session gave the commissioners authority to issue writs of possession; a number of suits of ejectment have been brought in the State courts against purchasers at government sales, creating distrust and uneasiness.

Question. How have they resulted?

Answer. None have yet been decided that I know of; several persons have been indicted for acts done while in the service of the United States as guides, but have been released by the military.

Question. What chances have the freedmen of obtaining justice in the State courts?

Answer. I do not think good, although it has not yet been fairly tried. The first organization of the counties with which I am most familiar, the loyal men obtained control, and they are as well disposed towards the blacks as any other people. In the counties organized after Lee's surrender, where the disloyal obtained control, the Freedmen's Bureau has taken charge of the matter.

Question. Have you any idea that a jury could be called in Virginia that would convict any of the ringleaders of the rebellion?

Answer. No; I do not think you could get a jury in the State to convict any one of treason, unless unfair means were used in obtaining it.

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WASHINGTON, D. C., *January* 31, 1866.

George Tucker sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Alexandria, Virginia.

Question. Are you a native of Virginia?

Answer. I am not; I am a native of New Hampshire.

Question. How long have you resided in Virginia?

Answer. I have been in Virginia most of the time for the last four years.

Question. What has been your occupation in Virginia during that time?

Answer. I have been practicing law in Alexandria and Fairfax counties. I am commonwealth attorney of Fairfax county; I commenced the practice of the law in these counties in the spring of 1863; I came out as an officer in the army in the first place.

Question. How extensive is your knowledge of the state of public feeling in Virginia?

Answer. My personal knowledge of the state of public feeling in Virginia only extends to the counties of Alexandria and Fairfax, but I have had pretty extensive correspondence throughout almost all parts of the State.

Question. You have had good opportunities to know the condition of public feeling throughout the State?

Answer. I think I have.

Question. How is it in regard to the government of the United States?

Answer. The opinion of a large majority of the people of Virginia is, that they have no respect for the government of the United States. I have heard leading men among them say that they had no respect for the government of the United States; that they were subjects, conquered, but that they had no respect for the government, and that the time would come when the east and the west would disagree, and when the south would have sufficient power to achieve its purposes. That is a very prevalent idea among them. It is also a prevalent idea among them that in their rebellion they made a mistake in regard to seceding; that if they had revolutionized, as they now say, they would have succeeded, and that if there be any further difficulty it will be a revolution and not a secession. Secession was a mistake.

Question. You are a lawyer, and can give us the difference between secession and revolution as understood by the Virginians.

Answer. As understood by them it is this: that if they had revolutionized, it would have been a general thing throughout the Union; would have extended its ramifications all over the country; have had friends all over the country, and would have fought under the colors of the nation, so that it would have been a national movement, and a struggle between them, aided by those thinking like them, and the national power all over the United States.

Question. So that if it had succeeded it would have amounted to a usurpation?

Answer. To a usurpation; and my judgment, founded on what I have seen and heard, is, that it is a favorite object with them to destroy the United States government whenever an opportunity shall present itself.

Question. Do they foresee any particular method of getting at it just now?

Answer. I think that in that respect they are somewhat in the condition of the man who was waiting for something to turn up; but in my judgment, in the case of any foreign war, if they could see any reasonable hope of success, by joining their forces and power with a foreign government, they would do it; and if they did not do it collectively, they would

do it very extensively, as individuals. That is to say, I believe that, as at present organized, and even as at present governed by provisional governments, they would be a source of weakness to the national power.

Question. Have you heard that particular subject spoken of by rebels of position and influence?

Answer. The subject was broached in a conversation I had with one of them, but of course there was no plain statement made of what they would do. The subject came up in the course of conversation in regard to the present state of affairs in Mexico. The gentleman with whom I was talking is one of the most respectable of the returned rebels whom I have met. He was one of that class who were Union men at the commencement. Although he believed in the right of secession, he did not believe that they had occasion for it; or, rather, he was one of that numerous class in Virginia, and I presume in the rest of the south, who did not believe that at that time they ought to secede, but that they ought to wait for an overt act, as they called it, on the part of the general government. I would not have a legal right to infer what I did infer from the remarks he made, but I inferred, that if a war should spring up now between us and France, it was his judgment they would be a source of weakness to us. I do not think that he personally would be on that side; but others, of equal intelligence and more bitterness, say that they have not the slightest respect for the national government—that we have not any national government. Others say, and I have heard them, that they are among the number of those who look upon emancipation as an outrage, and who believe that slavery will be reinstated. Of course it cannot be reinstated without force and opposition to the Constitution and laws of the United States. In the course of my practice in Fairfax county, where I am the attorney for the commonwealth under the reorganized government, which, a year ago, we were taught to consider loyal and good, I found a great difficulty in getting anybody punished who was a secessionist, or a sympathizer with secessionists, and who had committed any depredation upon a Union man. We had one capital case—a case of murder—where a Union man was killed by a fellow who had been in Mosby's gang—a noted guerilla. He was one of that class of men who would go on both sides. He had deserted, for some cause, from Mosby, and had acted with us for a while, giving information, but his feeling as a rebel was not changed. This fellow murdered a man at the village of Falls Church. It was a clear case of deliberate murder. The man who was murdered was a Union man, and he and others were talking of the subject of the Union. It was directly after the re-election of Mr. Lincoln, and that was the subject of conversation between the deceased and several other gentlemen on the front stoop of a store there. This man drove up and heard some of the conversation. He immediately came upon the stoop, and in a very violent manner threatened one of the men in conversation. They were in the position of two men about to fight, when this man, Porter, who was killed, interfered. He had at the time a very sore thumb, with his arm slung up. There was a grudge between them on account of general politics. Porter interfered by stepping up and touching the party who finally killed him, with his elbow, and saying, "Don't let us have any fighting here." The other fellow turned around, with an oath, and demanded to know if he took it up. I suppose Porter noticed that there was danger: He stepped back and said, no, he didn't take it up. The fellow immediately drew his pistol for the apparent purpose of shooting him, when he was interfered with by other parties. After disengaging himself he went around where he could get a fair shot at the man, and he shot him, so that he died in a few hours. On the trial of that case, which was made very plain, we had a jury, unfortunately, consisting of men who had sympathized with the rebellion. There was but one Union man on the jury. They were men of comparatively good standing, in other respects, in the community. They refused to find a verdict of guilty of murder in any degree, and eleven insisted upon an acquittal. The one Union man, however, would not agree to that, and the eleven thinking, I suppose, that it was safer, finally brought in a verdict of manslaughter. According to the provisions of Virginia law, the juries, in such cases, are allowed to prescribe the amount of imprisonment, and they made it one year. That was the result of that kind of trial before that kind of jury. When I tell ~~you that~~ Fairfax county is the best county in the State of Virginia, so far as Unionism is concerned; so far as the influence of northern men is concerned; so far as loyalty to the government is concerned, you can draw your inference in regard to the rest of the State. The fact is, that Fairfax county has been the county where a great many northern ~~men~~ have settled. At the time of the breaking out of the war, there were nearly two-fifths of the population northern people.

Question. What is the feeling towards the freedmen on the part of these ex-rebels?

Answer. It is very malignant. The freedman before any of their juries stands no chance of obtaining his rights, although he will stand as good a chance as a Yankee will, or as a native-born citizen of Virginia who has been a loyal man. The latter even stand a worse chance. These men, all of them, will be compelled to leave the State, just so soon as they cease to be protected by the national power. They cannot stay there. I am intimately acquainted with the Union men of Fairfax county, necessarily, and I do not know one of them who does not feel that he has got to leave. I know that almost all of them are preparing now to leave, and if it were possible for them to sell their lands, even at a large sacrifice, they would do so and leave. I have a pretty good opportunity to know that, from the fact that some months ago, when we hoped for a different state of affairs, I undertook to act

as agent there to sell lands; and the lands of these people are nearly all for sale. They feel that they must leave the country.

Question. What does this arise from—from a feeling of insecurity?

Answer. Yes, sir; if they understood that they would be surely protected in their natural and political rights they would not only remain, but if a territorial government was given to us we should have a tremendous rush of immigration, and it would be for a little while only that it would be necessary for the general government to make any special protection for us, especially if we had equal suffrage. We do not feel afraid of the suffrage of the negroes; we do not feel afraid that they would give their votes to their old masters.

Question. In case the negroes were allowed to vote, would they not be likely to be controlled by their old masters, and vote in his interest and according to his dictation and desire?

Answer. I presume that would be true to a certain extent, and in certain localities; but these colored people who have mixed with northern men would be controlled by them. I infer that our influence over the negro would be far greater than that of the rebels. Probably on some plantations in the more southern States the masters might have an influence over the freedmen for the time being, but we do not feel any danger in Virginia in that respect. I think there is no difficulty in reaching them, and especially if we can have a territorial government long enough to let the freedmen get a little education, which they are very anxious to get.

Question. How do the Union men feel in regard to the policy of Mr. Johnson, in granting pardons so liberally?

Answer. They do not approve of it, and never have approved of it.

Question. Is the present government of Virginia generally acceptable to the people of that State?

Answer. It is acceptable to those who were active in the rebellion.

Question. But is it acceptable to the Union men?

Answer. It is very unacceptable. They consider, in fact, that the government, as it was reorganized, and out of which grew West Virginia, is entirely destroyed, and that that has been done by disregarding the constitutional provision made by the convention at Alexandria; though I am of the opinion that even with the provisions of that constitution, the white Unionists could not have sustained themselves against the influence of overpowering numbers. They legislate now without the slightest regard to that, and are there without having taken the oaths required by that constitution. They have been elected by men who were disfranchised by that constitution; and this has been done by the approval and assistance of Governor Peirpoint, whom we consider an apostate. He was advised to it, as I am credibly informed, by a man who, it seems to me, has more influence in this city than he ought to have, who never did anything for the benefit of the Union till after the surrender—I mean John Minor Botts. The Union people feel all this very much, especially those native-born Virginians who risked their lives and property, and everything, in order that the nation might not be hurt.

Question. What effect has the liberal policy of President Johnson exerted over the public mind of Virginia, whether upon rebels or Unionists?

Answer. The effect upon Unionists has been to discourage them; it makes them doubt whether they are going to be protected hereafter; it makes them feel as though those who had been against the government during the war were more sought after and more cared for than they, and that they would continue to be in their power. The effect of it is this, that many who were Union men, and who desired, when the fall of Richmond came, to have it known that they were Union men, are now afraid to have it known that they were loyal. They feel that they must deny their master. On the other hand, that policy makes the rebels impudent, exacting, intolerant, boasting, and vainglorious. That is the effect of it.

Question. On the whole, do you think that that policy has done any good?

Answer. I would say this: that if it had been intended, and was acted upon, as an experiment to ascertain the *animus* of the people, it may have had a good effect in that way; but having ascertained that *animus*, the further practice of the policy, it seems to me, should stop.

Question. You think the experiment has been fully tried?

Answer. I do, certainly; and it has proved a failure, unless it were for the purpose of ascertaining what effect it would have. My own opinion always has been, and still is, that they should have been treated as rebels, and should have been made to feel that to be a rebel was dishonorable; that they have lost their caste among men, and the leaders ought to have been made to feel that they were, and ought to be, outcasts.

Question. Do they exhibit any such feeling now?

Answer. Not the slightest. They claim that they acted honorably and well. They act in all their movements upon the principle that those who took the most active part in the rebellion should be first cared for in the way of civil offices, or anything of that kind. Their legislature has already proposed to pension the widow of Stonewall Jackson.

Question. You mean the legislature of Virginia?

Answer. Yes; I said "their" legislature, because it is theirs; it is not ours; they have proved that. They say that Lee shall be the next governor of Virginia, and they even think that he ought to run for President.

Question. Do you know of anything else you wish to state to the committee?

Answer. I cannot think of anything particular.

Question. What would be the fate of the freedmen in case the Freedmen's Bureau was abolished and the federal forces withdrawn?

Answer. They would be in a worse state of slavery than ever before—those that remain.

Question. Would they be suffered to remain in the country?

Answer. I do not think they would, as a general thing, unless they remained as servants, subject to the absolute rule of the whites. They have not any idea of prosecuting white men for offences against colored people; they do not appreciate the idea. I do not think, and have not thought for two years, that there is any way to reach these people except for the government to take control of the country and give perfect security to all loyal people so as to repopulate the country.

Question. In such a case as that, there must be an exodus of rebels?

Answer. There would probably be a great exodus of rebels if we took stronger measures.

Question. Would that be injurious to the material prosperity of the State?

Answer. I do not think it would be injurious to the material industry of the country; I think, on the contrary, it would be beneficial, and for this reason: They feel a great repugnance to northern enterprise, and will use all their influence to keep it out, and their influence is great, for the people of that country have been always subject to their leaders, obeying their orders as much as soldiers obey military orders. To see any northern capital come in there and set up industrious pursuits, manufactures, or anything of that kind, so as to increase immigration from the north, is distasteful to them, and they will do everything to prevent it. The action of the legislature shows that in its proposition—to make a five years' residence necessary for voting.

Question. How does that measure stand in the legislature?

Answer. I understand they have amended it so as to reduce the term to two years. The constitution which the loyal men made before the breaking up of the confederacy provided for one year's residence only, as is usual in other States. They are going on to legislate without reference to that constitution at all.

Question. They do not regard the constitution formed at Alexandria as of any force?

Answer. They do not seem to.

Question. Is it not under that constitution the legislature is assembled?

Answer. Yes, so far as the form is concerned.

Question. They disregard the provisions of the constitution?

Answer. They discard its provisions in many respects. There is one simple provision in it providing for a change by the legislature in one particular item; they make that a stepping-stone and an excuse to do pretty much as they have a mind to with the constitution.

Question. What is that item?

Answer. It was in reference to the disfranchisement of a certain portion of the population. The constitution made two different classes of disfranchised persons, and provided that the legislature might enfranchise one of these classes; that, I think, was the extent of the provision. They make good use of that clause. I do not think of any other items at this time.

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WASHINGTON, *January* 31, 1866.

Lysander Hill sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Alexandria.

Question. What is your occupation?

Answer. I am a lawyer.

Question. How long have you resided in Alexandria?

Answer. I have resided in Alexandria for two or three years.

Question. Of what State are you a citizen?

Answer. Virginia.

Question. Are you a native of Virginia?

Answer. No, sir; I am a native of Maine.

Question. What have been your opportunities to observe the state of public feeling in Virginia since the close of hostilities in regard to the government of the United States?

Answer. I have made it something of a study to observe the state of feeling there; and while I have been confined for the most part, in my own observations, to the city of Alexandria, yet I have seen a great many persons from all parts of the State.

Question. Have you seen persons from the southern and eastern parts of the State?

Answer. Yes; I have seen persons from all parts of the State.

Question. What is the general state of feeling on the part of the rebel portion of the State of Virginia towards the government of the United States—friendly or unfriendly?

Answer. I think it is very unfriendly. There are very few, indeed, of those who are rebels, who would accept the present state of affairs and go in honestly with a reconstructed State

government; but the majority of them are just as bitter and more bitter than they were when actual hostilities were going on.

Question. What has produced that increase of bitterness?

Answer. I think that the lenient course of the government towards them has tended to produce it. The abolition of all restrictions on the elective franchise, admitting those who were rebels to come in to a full participation in the elective privileges, has made them a great deal worse than they were before.

Question. From what source has that relaxation proceeded?

Answer. It has proceeded really from Governor Peirpoint Peirpoint engineered the matter after he went to Richmond.

Question. Is there no limitation in Virginia of the right of rebels to vote?

Answer. Not in the slightest.

Question. And has the present legislature been elected without reference to the distinction between loyal and disloyal citizens?

Answer. Yes, sir; elected almost unanimously by rebels.

Question. Then the legislature is a rebel legislature?

Answer. It is a rebel legislature emphatically.

Question. And that character has arisen from the policy of Governor Peirpoint, you think?

Answer. There is no doubt of it at all.

Question. What restrictions or qualifications does the Alexandria constitution contain in regard to the right of voting?

Answer. The Alexandria constitution imposed certain restrictions on the right of voting and holding office. Article III of the constitution reads as follows:

"QUALIFICATION OF VOTERS.

"SEC. I. Every white male citizen of the commonwealth of the age of twenty-one years who has been a resident of the State for one year and of the county, city, and town where he offers to vote, for six months next preceding an election, and who has paid all taxes assessed to him after the adoption of this constitution under the laws of the commonwealth, after the reorganization of the county, city, or town where he offers to vote, shall be qualified to vote for members of the general assembly and all officers elective by the people: *Provided, however*, That no one shall be allowed to vote who, when he offers to vote, shall not thereupon take, or shall not before have taken, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the constitution or laws of the State of Virginia, or in the ordinances of the convention that assembled in Virginia on the 13th day of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as restored by the convention which assembled at Wheeling on the 11th day of June, 1861; and that I have not, since the 1st day of January, 1864, voluntarily given aid or assistance in any way to those in rebellion against the government of the United States for the purpose of promoting the same.

"But the legislature shall have power to pass an act or acts prescribing means by which persons who have been disfranchised by this provision shall or may be restored to the rights of voters when, in their opinion, it would be safe to do so. Any person falsely so swearing shall be subject to the penalties of perjury.

"No person shall hold any office under this constitution who shall not have taken and subscribed the oath aforesaid; but no person shall vote or hold office under this constitution who has held office under the so-called confederate government or under any rebellious State government, or who has been a member of the so-called confederate congress, or a member of any State legislature in rebellion against the authority of the United States, excepting therefrom county offices."

Question. State what has been done under that provision of the constitution.

Answer. This was the provision of the Alexandria constitution which was adopted in April, 1864, and is the fundamental law of the State. The legislature which was in existence at the time of the surrender of Lee consisted of about twenty members altogether. As soon as Governor Peirpoint got to Richmond and had time to communicate with the leading Virginians, chiefly of the rebel persuasion, he sent around to the members of the legislature asking them to meet him in Richmond to consult with him in regard to the state of public affairs. After they went to Richmond he issued a call for an extraordinary session of the legislature. That legislature met at Richmond on the 20th or 21st of June last, and immediately repealed all restrictions upon voting and referred it to the people at the next election whether the legislature which next met should not be clothed with power to repeal all restrictions upon holding office or upon amending the constitution. All restrictions having been taken away from voting, power was given almost unanimously to the legislature that is next to convene to alter or amend that article of the constitution. The legislature that has just assembled at Richmond this winter has considered itself clothed with full power to do this, and has proceeded to make such amendments as they considered necessary. These amendments have been to abolish all restrictions upon holding office or voting, growing out of the rebellion. In electing members of that legislature I may say that the first qualification throughout the State was that

the candidate should have been actively and warmly engaged in the rebellion against the government of the United States; any person who put himself upon his record of loyalty was sure to be defeated. The condition of the people as regards obedience to the government of the United States has been growing gradually worse since the surrender of Lee; and it has been rapidly growing worse, I think, since the legislature met at Richmond.

Question. What effect has the President's liberality in extending pardons and amnesty to the rebels had upon the rebel community in Virginia?

Answer. It has had the same effect in character as the repeal of the restrictions upon suffrage and voting. It has tended to produce upon the minds of the late rebels in Virginia the idea that they can split the Union party of the country, and array President Johnson and certain classes of the Union party with him in opposition to that party which did the actual and effective work in carrying on the war. They are going to form an extensive alliance with the copperheads, and to combine to confiscate the government of the United States. That is the idea they have. They have learned to regard President Johnson as a natural ally of theirs against the republican party.

Question. Have you ever seen any of them who have talked with the President about that?

Answer. I do not recollect that I have.

Question. How do they feel about a foreign war?

Answer. There is a small party among the old men, I suppose, who would do nothing in case of foreign war; and they might perhaps advise others to do nothing, but the great majority of the active men, the young men, would try to assist any foreign nation at war with us. I have no doubt that, in the event of a foreign war, the first thing a foreign power would do would be to send emissaries among them who would find material ready for use, plenty of it. I do not know that I have heard any of them express that sentiment boldly, but I have heard of their expressing such sentiments, that they were desirous of a foreign war.

Question. Is the organization known as the Knights of the Golden Circle in vogue in any part of Virginia?

Answer. If it is it is secret.

Question. Do you know of the rebels entertaining any plan of reviving the rebellion in any form whatever?

Answer. A great many threaten to revive it in the same old form. They intend to revive it in Congress, and in the administration of the country, if they ever get the opportunity. They are just as hostile and more hostile to the government of the United States to-day than they were a year ago. They know that their military power is broken, and that is all the difference.

Question. Have they got any arms or military facilities at all in case of an outbreak?

Answer. Not to any great extent. There is a quantity of arms, of course, all through the south, but not to such an extent as before the rebellion.

Question. Have you any grounds to suppose that there is any concert between the leaders of the rebellion now existing, having in view a renewal of the war, or an attempt to get out of the Union?

Answer. I should not suppose there was a concert with a view of getting out of the Union, but I would have fears in case of a foreign war.

Question. Are you a practicing lawyer?

Answer. Yes; and I have made it a special study to examine the feelings of these people since I have been in Alexandria. I have had a great deal of curiosity to know what their feelings were, and what changes have been going on. I have tried to induce immigration there, in the hope of changing public sentiment in that way; and I have been obliged, of course, to understand the feelings of the people in order to talk with the persons who were coming from the north, and who would ask me a great many questions. I have probably seen hundreds coming here with a view of settling, and have been obliged to answer their questions and give them information, and I am constantly looking out for that information.

Question. Do you suppose it is safe for northern men to go into Virginia for the purpose of settlement?

Answer. At present, in some parts of Virginia, if they will ignore all political ideas and simply attend to the cultivation of their land, they may remain there.

Question. Suppose they do not ignore or suppress their Union sentiments?

Answer. Then I would not want to advise any one to go to Virginia.

Question. Has your acquaintance extended beyond Virginia into the other rebel States?

Answer. No, sir; except as derived from the public prints and from gentlemen who have been there.

Question. Is there any further statement that you wish to make?

Answer. I do not think of any.

WASHINGTON, *January* 31, 1866.

Josiah Millard sworn and examined.

By Mr. HOWARD:

Question. Where do your reside?

Answer. Alexandria, Virginia.

Question. Of what State are you a native?

Answer. I am a native of Massachusetts.

Question. How long have you resided in Alexandria?

Answer. For three years past. I have been in the State of Virginia nine or ten years.

Question. What is your occupation?

Answer. I am now assessor of internal revenue for the third district of Virginia.

Question. What counties does your district include?

Answer. Alexandria, Fairfax, Prince William, Loudon, Clark, Shenandoah, Frederick, Warren, and other counties.

Question. You must be quite well acquainted with the state of public feeling in your collection district?

Answer. Tolerably well.

Question. Is it loyal or friendly to the government of the United States?

Answer. No, sir, except a very small proportion compared with the population.

Question. About what proportion?

Answer. The original Union men, who were favorable to the government from the commencement, are about one out of twenty—perhaps hardly that.

Question. Were you residing in Alexandria during the war?

Answer. No, sir; I was residing in Loudon county. I was taken prisoner by the rebels on the 28th of May, 1861. I was the first prisoner taken in Virginia.

Question. What effect had the emancipation proclamation upon the rebels?

Answer. They did not think it had any effect at all. They did not think it would ever be executed.

Question. Did they look upon it as a pleasant proceeding on the part of Mr. Lincoln?

Answer. They looked upon it as something that could not be maintained.

Question. As if it was the "Pope's bull against the comet?"

Answer. Yes, sir.

Question. How did they like the fact that their slaves were all emancipated?

Answer. They did not like it at all. They protested against it to the very last, and some of them in the country now are trying their very best to make the colored men believe that they are still theirs; that they are not free.

Question. Have you ever occupied any other public station than you now hold?

Answer. No, not in Virginia.

Question. How do the rebel people feel in regard to the preservation of the government of the United States? Are they willing to pay the taxes necessary to preserve it and carry it on?

Answer. It is with great reluctance that they pay their taxes.

Question. Suppose they had it in their power, would they abolish all taxes to pay the national debt?

Answer. Yes, sir, unanimously so. I do not think there would be one dissenting voice among them. I have heard it repeatedly.

Question. Would they consent to contribute their proper share to the payment of the rebel debt if they had the opportunity?

Answer. I think they would. They simply claim that they are loyal now from necessity.

Question. Suppose that necessity was taken off?

Answer. To illustrate what I believe to be the general feeling among the rebels, I will state a conversation I had with one of the leading ones the other day. He said to me, "Sir, I entered into this thing in good faith. I honestly believed it to be right. I now propose to be a loyal man, to accept the laws of the United States, and to carry out all proclamations and requirements of the President of the United States in good faith." I said, "Suppose we examine the record and see. There is one thing you have not done; you did not open your church on Thanksgiving day." He seemed to be very much agitated when I spoke about that, and said, "Why, sir, do you think I could get upon my knees and ask God to forgive me for something which I believed to be right?" Said I, "That is the point. You are as big a rebel to-day as you ever were. You are simply loyal because the strong arm of the government makes you so." And that is the general feeling with all the leading men I have conversed with, and I have conversed with a great many.

Question. Has there been great destruction of property in your district during the war?

Answer. Yes, sir, very great.

Question. What kind of property has suffered principally?

Answer. Agricultural property, live stock, and mill property.

Question Have you ever heard anything said by leading men in your neighborhood about a foreign war with the United States?

Answer. Not directly. I have heard it intimated that if such a thing should come up, and if there was a possible chance of their gaining their independence, they would join any power to accomplish that object.

Question. Have you heard that intimated very frequently in conversation?

Answer. Not very frequently. They do not intimate it unless you get them rather excited and warmed up in conversation. They do not like to be heard saying that, particularly persons who have taken the oath, because they think there might be some advantage taken of it.

Question. Could a jury be called in your collection district which would convict a rebel of treason for making war against the government of the United States?

Answer. No, sir, it could not, nor could there be one selected in the ordinary way to give a Union man any justice.

Question. What is that owing to?

Answer. To their violent prejudices against Union men.

Question. Would they treat men from the free States in the same way in your courts?

Answer. Yes, sir; I think they would.

Question. How would they treat the freedmen?

Answer. The freedmen would have no show of justice at all, not a particle.

Question. Do they seem to like or dislike the freedmen as such?

Answer. They dislike them as such. Up in Loudon county and in the valley they have resolved not to employ the freedmen.

Question. Are there associations for that purpose?

Answer. Rather neighborhood association of that kind. I know of several such.

Question. How are they going to get their work done?

Answer. They will try to get white foreign immigration.

Question. What is the reason of that? Is not work done by a negro as good, in their estimation, as that done by a white man?

Answer. The negro being free, they cannot say to him, as they used to, "Tom, you must do this, and if you don't I will give you a cut." They cannot talk in that kind of way. They say they have raised the negroes, and have fed them all their lives, and it is the negro's duty to work for them.

Question. The point of mortification is that they cannot lawfully whip them any more?

Answer. Yes, sir; that is it.

Question. They regard that as depriving them of a luxury?

Answer. Yes; I think so. I have seen them performing it as if it was a luxury.

Question. Have you in your mind any particular facts which you wish to state to the committee—any facts illustrating your views?

Answer. I only desire to say this—that unless Congress relieves us by giving us some other kind of government, either a military government, or some other government that will protect the Union men, the firm Union men, who have been firm to the government, have got to leave Virginia and the south. They cannot remain there. It would not be safe for me to go back on my farm and reside there.

Question. What have you to apprehend?

Answer. From their threats I apprehend personal violence.

Question. Are such threats of frequent occurrence?

Answer. Very frequent.

Question. You are a Union man and an employé of the government?

Answer. Yes, sir.

Question. Suppose you should be murdered by an ex-rebel out of revenge and from dislike to you as a Union man, and suppose your murderer should be indicted and prosecuted in the proper court of that district, and a jury should be called under the existing laws of Virginia, have you not grounds to suppose that, in case the evidence was plain and clear, the jury would convict that man?

Answer. That would depend upon circumstances very materially. If the case was very plain and clear, and there was no possible chance to cover it up, the jury might bring in a verdict of guilty, but it would be very pressing circumstances that would compel them to do it.

Question. Under such circumstances you would rather expect that they would render a verdict of guilty, if the evidence was plain and without doubt?

Answer. Yes, sir; if there was no possible chance to avoid it. I have seen cases tried there similarly, which, to me, were as plain as the sun that shines, and the verdict was rendered quite the reverse.

Question. And that, you suppose, is owing to the prejudice felt generally by rebels against Union men?

Answer. Yes.

Question. Are they still anxious for independence of the national government?

Answer. The leaders are, all of them. There are a good many men who are very poor—reduced almost to starvation—who say "we have got enough fighting; we are not going to fight any more." But hitherto the leaders have always induced them to do what they wanted, and they will probably do the same in the future.

Question. Has the material prosperity of the people in that district been seriously affected by the ravages of the war?

Answer. Yes, sir; the valley of Virginia, Loudon county, Fairfax, and some of those counties, have been very materially injured.

Question. Have many estates been confiscated under the laws of the United States?

Answer. There were a good many seized, but the proceedings were stopped and the costs paid. There were quite a good many estates sold in Alexandria and some in Fairfax.

Question. What would be the effect on the freedmen if the Union military forces were removed?

Answer. It would be an awful affair. It would be something which I have not language to express.

Question. What would you anticipate?

Answer. The freedmen would be reduced to take just what compensation their employers chose to give them, and the latter would impose such penalties upon them as they might deem necessary. The result would be really the annihilation of the freedmen in a short time. It would not take a great while. They could not remain. They would be starved to death.

Question. How would it be in reference to the sick and aged and infirm among the freedmen? Would the whites be willing to contribute anything for their support?

Answer. I do not think they would.

Question. Would they leave them to die without giving them a helping hand? I speak of the people generally.

Answer. The general sentiment among the leading people, I think, is, that they would rejoice if the freedmen were out of existence. They would say, "God speed them: let them get out of the way as soon as they can."

Question. Why do they feel so to the freedmen?

Answer. I cannot tell you the reason why. They feel very indignant also toward the Union men who had been living among them. They say that the Union men—the northern fanatics—were the cause of their failing.

Question. Why should they detest the negro so bitterly?—he has been passive and substantially neutral.

Answer. That is true. I suppose they hate him because he was the cause of the war, and because the result has not been as they anticipated.

Question. Is that the cause of their deep mortification?

Answer. I expect that it is; I see no other.

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WASHINGTON, *January* 31, 1866.

Joseph Stiles sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Alexandria city. I am a citizen of Fairfax county, but I am temporarily residing in Alexandria. I was a refugee during the war, and have not gone back yet.

Question. Where were you born?

Answer. In Burlington county, New Jersey.

Question. How long have you resided in Virginia?

Answer. About twelve years.

Question. Were you ever a slaveholder?

Answer. My wife had an interest in a slave estate, but I never became fully possessed of it.

Question. How have you been employed during the war?

Answer. I have been in the military service of the government as a guide and scout and military detective. I served three years and about ten months.

Question. That was rather a perilous service, was it not?

Answer. Yes, sir, sometimes.

Question. Relate some of your adventures.

Answer. I left my home in Fairfax county the Sunday before the first Bull Run battle, and immediately became connected with the army in that capacity, and served until the first day of June, 1864, when I was captured by the rebels and served a short term in Libby prison. I went through many other adventures incident to that business.

Question. How long did you serve in Libby prison?

Answer. About two months.

Question. The apprenticeship was sufficiently long for your comfort?

Answer. Yes, sir, plenty.

Question. How did they treat you there?

Answer. The treatment was bad, but I fared as well as anybody else. They were not exactly aware of my business, or else I should not have got exchanged. Since my discharge from the military service, I served a short time as deputy United States marshal, during which time I travelled over some few counties in eastern Virginia, libelling property. I met with a great many people, and talked with a good many of the returned soldiers and officers of the rebel army, and with a good many citizens. At the time of Lee's surrender the feel-

ing appeared to be generally that they were glad to get home; they were worn out; they appeared to fear confiscation, taxation, and the penalties of treason. About the first of September I commenced collecting United States direct taxes in Virginia, and since that time I have been continually out in the counties collecting, and have met with a great many people. I find the sentiment of the people to have been gradually changing for the worse, in my opinion. It seems to me that the rapid promotion of rebels, the old politicians, to places of trust and honor, has had a great tendency to render treason popular instead of odious. It appears to me that a great many of those persons who at first were quiet are now beginning to talk about their rights again. I think that the disloyal feeling of the people is more intense now than it was immediately after the surrender of Lee's army.

Question. What effect has the liberal policy of President Johnson in granting amnesty and pardons, and restoring property that was confiscated, had upon their minds?

Answer. The general feeling and sentiment of the people appears to be as I have stated—getting worse, getting more unfriendly to the government. It appears to me that the leniency of the President was very bad for the Union people. Any man in that country who sets himself up as a candidate for office, and pretends to base his claim upon the ground that he has been loyal to the government of the United States, would be considered impudent—highly so. The successful candidates for office all base their claim upon the ground that they have been positive rebels, and that they fought this thing out. I have heard them boast that they were in the army until the surrender. These men are almost universally elected.

Question. Do they appear to be proud of the part they have acted in the war?

Answer. Yes, sir. There is a class of men in eastern Virginia who are good, honest people. They are tired of this thing. They are anxious to see peace and quiet restored to the country; but unfortunately that class of people, like the immigrants from the north, have very little to say in the reconstruction of affairs. The disappointed politicians, the disappointed ex-rebel officers, who were slaveholders and wealthy, and who now find themselves in a poor condition, seem to take the lead in these things, and it has often occurred to me that the editors and politicians were using the United States mail as a channel for communicating matter appealing again to the passions and prejudices of the people.

Question. Have you any ground to apprehend another outbreak in the rebel States?

Answer. No, sir, I think not. But it looks to me as though the politicians were attempting to gain by political intrigue what they failed to secure by resort to arms. If they cannot get the independence of the confederacy, they will try to get all the control they can.

Question. Suppose they should get the control of the government of the United States, both in Congress and in the executive branches, how would they use their power, judging from what you have seen and heard among the rebels themselves?

Answer. That is something I never thought of; but they certainly would use it very arbitrarily, judging from what they do.

Question. From what you have seen and heard, have you the impression that the masses of the rebel people have any respect for the United States government, or for the loyal people who have upheld it?

Answer. No, sir. I think there is a majority of them who are to the contrary, decidedly so—especially the politicians and those other classes I referred to. A loyal man, especially one who has been actively loyal, stands no chance of a show of justice among them at all. At the very first term of the circuit court of Prince William county, indictments were found against four of us who had been in the service of the government. I believe I was the only one in the actual service of the government; but the other three were refugees, and went as volunteer guides upon a scouting expedition in the autumn of 1863, by special order of Major General Heintzelman, who was in command at Washington. It was a scouting expedition in pursuit of guerillas, and the soldiers on that occasion took from a man who was caught running the blockade, two mules, and stole some of his chickens. At the first term of the circuit court this man went before the grand jury and made a statement, and they brought in a bill of indictment against four of us. I wrote to the clerk of the court for information concerning it, and he informed me that this man charged me with being present with a squad of soldiers when this stealing took place; but still this reconstructed grand jury could bring in an indictment on that information. There was a bench warrant issued for my arrest, and I sent them word where I was and to come and arrest me; that they would have to take me to jail, as I would not give bail. I concluded that, if the military authorities would suffer it, I would see what it would result in. They failed to come and arrest me. I suppose they thought that there was something behind by my sending them word. There were two or three other men who were in the service, and who were arrested since on the same charge. One of them gave bond for a thousand dollars; the other two had to go to jail. The one who gave bond came to General Augur, having been in his employment before; and the result was, General Grant's order directing military division and department commanders, whose command embraced any portion of the seceded States, to issue and enforce orders prohibiting civil courts from prosecuting any person who had been in the employment of the United States for acts done in the service. The officials of the county of Prince William refused to release these two men at first on that order, but held them for some time on the ground that they were not enlisted men: but finally, on the order of General Terry, they did release them. I was indicted, but never arrested. I suppose the indict-

ment is on the docket yet, and that, when the military is withdrawn, it will be renewed. Some weeks ago I heard a party of men at the county seat of Culpeper county remarking that one Smith came and lived on their land and then joined their enemies as a guide to Kilpatrick. One of them remarked that Smith had killed two confederate scouts. A young lawyer, now a member of the Virginia State senate, advised them to have Smith indicted and tried for murder; stating that they could convict him.

Question. Has that been attempted?

Answer. That has not been attempted yet, but that was the advice which this member of the Virginia State senate gave. It almost discourages me, after fighting four years and whipping these men, to be placed again in their power, and be sat in judgment upon by these very men. By-the-by, Moseby was engaged to assist the prosecuting attorney at the trial in my case.

Question. Where is Moseby now?

Answer. He is at Warrenton, practicing law. It occurred to me that, after fighting four years and still feeling need of protection, I had better leave and give up Virginia; but then, again, it occurred to me that they could make a requisition for me as a fugitive from justice. Some persons have looked to immigration from the northern States into the south to neutralize, in a great measure, this rebel sentiment; but unless there is protection given, it never will be; and if these State governments are permitted to reconstruct, and to go on in the manner they are going on, the south will remain a nursery of treason. The rebels say, "We know that we are whipped; we are overpowered; but we hate you, and we will teach our children's children to hate you!" Their favorite expression is, "Every dog has his day, and the time will come, some time or other, when an opportunity will present itself to us."

Question. Is that feeling very general?

Answer. Yes, sir.

Question. You have seen evidences of it wherever you have been in Virginia?

Answer. Yes, sir; especially within the last two months.

Question. What chance does a Union or a northern man stand in their State courts?

Answer. No chance at all.

Question. Why not?

Answer. The popular feeling is against him altogether, and he has it all to butt against. It appears to me, when men who commit treason manifest such bad faith towards the leniency shown them, there is no show for justice to Union men in any case that affects rebels.

Question. What chance does a freedman stand for justice at their hands?

Answer. As a general thing, he does not stand any chance for justice at all. You may find men among them who would do him justice; but they are too few, and have but little to say. I found lots of men who said that it was wrong in the grand jury of Prince William county to indict me; but their saying so did not have any effect; it did not get rid of the indictment or affect public sentiment at all.

Question. Do you think there is generally in the State of Virginia a willingness to have the free negroes remain among them?

Answer. A majority of the persons whom I have heard speaking about it are anxious to have them sent away.

Question. Where do they propose to have them sent?

Answer. I have not heard any suggestion as to the place where the government should have them sent.

Question. Why do they want to have them sent away?

Answer. I have not heard any good reason advanced for it—anything more than a bitterness of feeling on the part of the rebels toward the negroes because they cannot control them any more.

Question. They dislike the negroes because they can no longer control them by force?

Answer. That is it. I find a very strong desire to get rid of the troops also. That is very prevalent, as far as I have been. I found it very prevalent among all persons connected with the State government.

Question. In case the troops were withdrawn, would you anticipate scenes of violence and riot?

Answer. Yes, sir, towards loyal men and freedmen.

Question. Would you anticipate the expulsion of loyalists from Virginia and also of freedmen?

Answer. Yes, sir. I would anticipate the expulsion of loyalists, and that the freedmen would be subjected to a peculiar kind of servitude similar to the kind they are attempting to bring about through the State legislature. I have heard them complaining that the negro will not work.

Question. Is there any foundation for that complaint?

Answer. Some of the negroes will work, but of course some of them are idle. I have told a good many of these rebels that they were standing about in idleness themselves, finding fault and apparently waiting for something to turn up, and that I thought the negroes were looking on following their example, and that it was better for them to go to work themselves and set a good example.

Question. If they paid the negro fairly for his labor, would he not work as willingly as the white man?

Answer. A majority of them would. There are some of the negroes, of course, who, being suddenly emancipated, do not really understand it: but they will soon come into it.

Question. Has not the negro a strong love of property?

Answer. Yes, sir.

Question. They love money, do they not?

Answer. Yes, sir. The negroes who are working the best are those who have been permitted heretofore to hire their own time and go around and work for themselves, which I think proves conclusively that when they have an opportunity they are inclined to work and take care of themselves.

Question. Have you any other statement that you wish to make?

Answer. None that occurs to me at this time. I sincerely hope that the government of the United States will not resign loyal men into the hands of these people.

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WASHINGTON, *January* 31, 1866.

Jonathan Roberts sworn and examined.

By Mr. HOWARD:

Question. What is your official position?

Answer. I am sheriff of Fairfax county, Virginia.

Question. How long have you been sheriff of Fairfax county?

Answer. Nearly four years. They elected me sheriff when we reorganized our county, after the rebellion broke out. They re-elected me before the rebellion burst, and my time is not out yet.

Question. Does your acquaintance extend much beyond that county?

Answer. Not minutely. I have been seventeen years a resident of that county.

Question. How much chance is there for a Union man in the courts of that county who should be a party against a rebel in a suit?

Answer. None; not so far as justice goes. Let me qualify that. In the reorganization of our county the magistrates who were elected were almost all Union men, and, so far as they go, they are all right; but, when we come to a jury, we have to take the masses as they come, and there is no chance at all for justice.

Question. You have to draw your jurors by lot?

Answer. Yes; and, since the surrender and coming home of the rebels, there is less chance for getting a jury who will act justly.

Question. Could you gather a jury in Fairfax county that would convict of treason one of these rebels?

No, sir.

Question. Could you pack a jury in that county that would do it?

Answer. No, sir. I have no means of packing a jury. As the sheriff of the county I have the right to select the jurors to be summoned, and then a jury is drawn from them by lot. Just before the surrender of Lee there was a case tried of a returned rebel who shot a Union man at Falls Church. I endeavored, not particularly to get all Union men, but to get all who I thought would do right. The lawyers for the defence, however, managed to get nine out of twelve rebels on the jury. The evidence was just as plain and positive as it could be—indeed, the facts were admitted; and yet the jury brought in a verdict of manslaughter, with one year's imprisonment. Nine of them went for acquitting him entirely; but the three Union men would not agree to it, and finally they compromised with one year's imprisonment. If it had been the other way, or if a rebel had killed a rebel, there would have been no doubt at all about his conviction.

Question. How large a proportion of the people of Fairfax county are Union men?

Answer. I suppose we have twelve hundred votes in our county, and I do not suppose we could number, with the returned northern men and all, three hundred Union votes, all told.

Question. Is there any real friendship for the government of the United States among these rebels?

Answer. None whatever among the leading rebels. I would modify that. If they could get the power that they had before the rebellion they would not try it again while that was the case. But they hate the Yankees, as they call all northern men, and while the government of the United States is in the control of northern men, or Union men, they will hate it, and they do hate it, and do everything they can to injure it.

Question. What has been the effect of President Johnson's liberal policy in granting pardons to rebels and restoring their estates to them?

Answer. We think, down there, and I think, that it has been bad. As soon after the surrender of Lee as the rebels could get home they all seemed to be perfectly satisfied with everything. So as they only got home, they were glad enough to submit to anything. They would shake hands with the Union men and be as clever as you pleased. But leading men

got their pardons, and then they began to sue Union men for everything they could get hold of. A returned rebel, who was taken prisoner for shooting our pickets up at Fauquier county—an old slave trader—came back and sued me, as sheriff, for property which I was put in possession of for the benefit of the court. I was put in possession by an order from the Secretary of War. He sued me as a trespasser the minute he got back. If it was to go on to a trial they would convict me.

Question. You have resorted to some means to stop it?

Answer. Yes; that is good while the military are there, but will not protect me one hour after the military are taken away.

Question. Are you a native of Virginia?

Answer. No, sir, I am a native of New Jersey. I have been in Virginia for seventeen or eighteen years. I went there in 1848.

Question. How do they feel toward the freedmen?

Answer. Some have a liberal feeling toward them, but the great majority of them are very bitter, just because they have been liberated. Many of them who used their slaves pretty well before are very bitter now. They want to drive them away, and do everything they can to drive them away, to make the government odious for freeing them.

Question. Could they easily supply their places as laborers?

Answer. They could not.

Question. What are they going to do for laborers?

Answer. They seem to be reckless of consequences.

Question. Is it a species of blindness?

Answer. Yes, sir; it is a kind of mania that has possession of them; it seems to be their old prejudice, and the result of blasted hopes and blasted doings. That seems to be the definition. You asked me whether Union men would be protected and allowed to live quietly if the troops were withdrawn. I have got one thing to say in that respect. If it was known publicly that I came here and made this statement before you, I would not be safe one hour. There is evidently a band of people secretly bound among themselves to be true to each other, and to do all the injury they can to Union men. There are plenty of horse-thieves over there. They steal horses and cattle, and there is no convicting them because they are bound together; and if one undertakes to blab upon another, some of the party will shoot him. That was the case there recently, where a man named Sexton was shot.

Question. Do you suppose there is a secret association among them to protect each other?

Answer. I have no doubt of it at all. This Mr. Sexton, who was shot at Herndon the other day by McDonald, one of the gang, stated upon his dying bed that he was shot to prevent his giving evidence against them for horse-stealing.

Question. How do they feel in regard to the war debt of the United States?

Answer. I do not know that I can say much about it, only from what I learn from the newspapers, &c. They would hate most to pay this direct tax; but, as a war debt, I do not know that I have heard much said about it. My brother-in-law, who is United States assessor at Richmond, tells me that they talk down there as if they would like to pay their own war debt, but they do not like to pay Uncle Sam's. I have heard but little of it, except in newspaper editorials.

Question. Do you think that the general sentiment is that they would repudiate the federal war debt, if they had the power to do so?

Answer. There is not a particle of doubt about that.

Question. Do you think they would consent to assume to pay the debt of the confederate government if they had the opportunity?

Answer. There might be some who would object to it, but the leading men—those who would control things—would pay it. There is no doubt of it.

Question. Would the rebels join a foreign enemy in case of a war between this country and a foreign power?

Answer. I do not think they would like to join England. They are sore upon England. I think they would willingly join with France, and that they would jump at the chance of a war with Mexico. The rank and file do not want to go to war, but they are completely under their leaders. They do not talk much, but I can hear them saying, once in a while, "We are biding our time; we are only just subjugated at present; we are not whipped; we are only overpowered; we will be at it again one of these days; we will bide our time"—and such expressions as these.

Question. It appears to be not a state of contentedness under the government of the United States?

Answer. None whatever. If you knew the southern character as well as I do, you would confess that there is nothing but force will make them yield. You cannot coax them. They respect force, and nothing else. They are educated to it. One class is educated to drive, and another to be driven, and they do not believe in anything else. Law they do not respect for its moral obligations; but, if they can do anything which the law cannot absolutely take hold of; if they can just manage to steer clear of the law, they will do it. If they have a grudge against a man, they will plan all manner of schemes to gratify their grudge in a manner that the law will not get hold of them. They will get drunk and to quarrelling with a

man that they have a spite against, so that they may not appear to be malicious in the matter.

Question. In their personal resentments are they perfidious?

Answer. They are really nothing but perfidy.

Question. Are they revengeful?

Answer. They are especially revengeful just as far as they think they can escape the law. Before the war, when northern men went there, they would be glad to receive them, and get their money; and as soon as they got their money they seemed to take a delight in banding together and injuring them as much as they could—in contriving to cheat them, and then drive them away. That seemed to be a systematic thing. All the northern people of that county will tell you the same thing. I was a little isolated when I went there, and yet they would come and tear down my fences, and turn in their hogs and stock, and do all they could to injure me. The Union men will have no kind of show at all unless the government will protect them.

Question. You would advise the continuance of the military force there?

Answer. The Union men cannot stay there unless the military force is continued.

Question. And also the Freedmen's Bureau?

Answer. I would. We are not going to have any safety under our present State organization. I say that although I am a sheriff, sworn to sustain the reorganized government, yet I do not believe that it is reorganized while rebels control it. They are now passing laws there to disfranchise men who have been voters there. They are passing vagrant laws on purpose to oppress the colored people and to keep them in vassalage, and are doing everything they can to bring back things to their old condition, as nearly as possible.

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WASHINGTON, D. C., *January* 31, 1866.

Charles R. Joyce sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Alexandria.

Question. What are you by profession?

Answer. Machinist and engineer.

Question. How long have you resided in Alexandria?

Answer. Fifteen years.

Question. Are you a native of Virginia?

Answer. No, sir; I am a native of Maryland.

Question. How extensive is your acquaintance in the State of Virginia?

Answer. Nothing outside of Alexandria; I have never been further in Virginia than Gordonsville.

Question. Have you taken any part in the late war?

Answer. At the beginning of the war I was nine months in the volunteer navy as engineer on board of one of the transports; she was afterwards taken by Admiral Goldsborough as his flag-ship. I was at the battles of Roanoke Island and Newbern; I was taken sick with typhoid fever and sent home and got discharged. I afterwards went to work for the government at the depot of the military railroad; I have been to work for the government during the war up to the 13th of November last.

Question. What is the feeling of the people of Virginia in regard to the government of the United States?

Answer. I believe, from the intercourse I have had with them, that they are opposed to the government; not all of them, however; there are a few Union men in Alexandria, but those rebels who have come back since the war are, I believe, as strong if not stronger against the Union than they were when they went away.

Question. Your acquaintance does not extend much beyond Alexandria?

Answer. No, sir.

Question. Have you any acquaintance with the leaders of the rebellion in Virginia?

Answer. No, sir; except with some men who went away from Alexandria, officers of companies.

Question. What effect has the liberality of President Johnson in regard to pardons and amnesties had upon the minds of the rebel population, so far as you have been able to observe it?

Answer. I think if a different course had been pursued they would have been a different people.

Question. Different what way—better or worse?

Answer. I think they would have been better; I think there has been too much leniency used; I think the government has extended too much leniency towards them.

Question. What particular effect has that leniency produced upon them?

Answer. It has made them more defiant. It looks to me as if they thought the government was afraid of them, and was pursuing this course to conciliate them.

Question. Is there any particular fact on your mind which you desire to state to the committee?

Answer. No, sir; my opinion is that if the rebels should get control, they would proscribe the Union men politically and socially.

Question. In such an event, would you stand in fear of violence on the part of ex-rebels?

Answer. Yes, sir; they threatened to drive me out of the town at the commencement of the war; they sent me word if I was not careful of how I talked they would drive me out of town; but I defied them, and they never bothered me.

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WASHINGTON, *February* 1, 1866.

J. J. Henshaw sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Lovettsville, Loudon county, Virginia.

Question. How long have you resided there?

Answer. I have resided there since 1856, with the exception of being absent from the 28th of June, 1863, until the 4th of July last. I was necessarily compelled to be absent during that time in consequence of the rebellion.

Question. Are you a native of Virginia?

Answer. I am; I was born in the county of Frederick, Virginia.

Question. What is your occupation?

Answer. I am a practicing physician.

Question. How extensive is your acquaintance throughout the State of Virginia?

Answer. Not very extensive; I have been in Richmond as a member of the legislature last spring—I mean the loyal legislature that went from Alexandria. I was called there on that extraordinary session, and was there three days; I have never been in Richmond before. Some years ago I travelled the whole length of the Shenandoah valley, but I cannot say that I know much about the country or the people now, of course.

Question. From your knowledge and information, what is the general feeling of the rebel people in Loudon county towards the government of the United States?

Answer. In the precinct where I reside we had but very little disloyalty; we have about 375 voters, at the lowest estimate, and there are not twenty-five rebels among them, all told. Consequently, there being so few rebels in that particular locality, they are very quiet, and, generally speaking, conduct themselves very well. I have noticed this difference: Before I left the State, in the spring of 1863, my own warmest friends and most intimate associates were rebels, who had belonged to the whig party generally before. Since I went back, with the exception, I think, of three families that I have met in the outskirts of my ride, I have not been invited to call and see one of my old friends.

Question. Do you mean professionally?

Answer. No, sir; socially.

Question. Have you been called professionally among them?

Answer. Only in my immediate vicinity; there I practice among them as well as among others.

Question. Have you been, uniformly, a Union man yourself?

Answer. Yes, sir; all the time.

Question. You never have rendered any service to the rebel confederacy?

Answer. None; and in consequence thereof I had to leave; I was compelled to leave or report to General Jones, at Charlestown, on the 28th June, 1863.

Question. Who was General Jones?

Answer. A rebel general. The rebels were then on the raid into Maryland, and I was captured and notified to meet my captors the next evening or morning, at a certain point, to go with them to Charlestown. I of course did not meet them, but crossed the Potomac river into Maryland.

Question. How were you treated by the rebels into whose hands you fell?

Answer. They gave me time to report at a certain place and to go with them to the general; but I left the State and did not go back to remain there until the 4th of July last.

Question. What is the feeling on the part of the rebel population where you are acquainted towards the government of the United States?

Answer. As far as I am capable of judging, they are as hostile to-day to the government of the United States and to the loyal people of the State of Virginia as they ever were. There may be a few honorable exceptions, but they are very few.

Question. Are there many among them who have been pardoned by the President?

Answer. There are some in our county.

Question. What kind of feeling do they manifest?

Answer. I have not met with them at all, and cannot tell what their feeling may be.

Question. What effect has generally been produced on the minds of ex-rebels by the liberality of the President in granting pardons and amnesties; how do they regard that policy, and what effect has it had upon their hearts and conduct?

Answer. That would be a very difficult question for me to answer, and it is a little deeper in than I am able to see. But, if I am to judge from what I hear, they do not appreciate the kindness of the government at all, or only so far as it may serve their purpose.

Question. Do you think that that policy has had a tendency to quiet their feelings and reconcile them to the authority of the United States?

Answer. It should have had.

Question. But does it have according to your observation?

Answer. I do not think I can say it has.

Question. You have mingled among them to a large degree since you went back?

Answer. Yes, sir; with the few that we have in our neighborhood.

Question. State whether, in speaking of the United States and its government, they are in the habit of using expressions of respect for it or of contempt, or dislike?

Answer. I do not know that I can say that I have heard one, since I have been back, speaking disrespectfully of the government; I do not know that I have.

Question. Is there any other fact which you want to state to the committee?

Answer. If I am only to state mainly what I am an eye-witness to I do not believe—

Mr. HOWARD. You can state what you hear from credible sources of information.

Answer. I will state a circumstance that I have from unquestionable authority, from some young men with whom I was well acquainted when a refugee and who have since gone back to their homes in Fauquier county. These men have been loyal and respectable, and they assure me that they got this information through Mosby's men—that Mosby had notified them to hold themselves in readiness. His words were: "Boys, hold yourselves in readiness, for it will not be more than twelve months until I want you again."

Question. What are the names of the persons who gave you this information?

Answer. John E. Fletcher, William H. Fletcher, and Marion Fletcher, three brothers with whom I was well acquainted when north of the Potomac. They got it from members of Mosby's gang. I do not know a better man than John E. Fletcher to be summoned before your committee.

Question. Do you get this statement from Mr. Fletcher?

Answer. Yes, sir.

Question. And he told you that some of Mosby's men had made this statement in his presence?

Answer. Yes, sir.

Question. Does Mr. Fletcher live in Lovettsville?

Answer. No, sir; his post office is Middleburgh, Loudon county. He lives on the road from Middleburgh to Upperville. I will relate another incident to the committee. I was intimately acquainted with a lady in our county before the war; and since the war, although she is an avowed rebel, I am still on intimate terms with her. She assures me that she is as much a rebel to-day as she ever was; and also assures me that those who have taken the oath, so far as she knows, are just as much rebels to-day as before they took it. Her husband was a rebel during the war.

Question. What do they think of the constitutional right of secession?

Answer. I do not think that they consider that their State rights or anything of that sort have been impugned. They have been overpowered, but they were right nevertheless. What they claimed and what they struck for they were entitled to, and are entitled to yet. That seems to be their impression. I do not think you can find one of them who will admit that he was wrong in sustaining the rebellion and in making war upon the government.

Question. Have you any reasonable ground for supposing that there are combinations or conspiracies anywhere in the rebel States, in Virginia or elsewhere, having in view the renewal of the war, the overthrow of the government of the United States, or the independence of the rebel confederacy?

Answer. I have never been induced to think anything of the sort until very recently; and my reason for thinking now that there may be something of the sort, is the manner in which the rebels and the disfranchised portion of the people of Virginia seem to be disposed to act. We are kept in the dark entirely as to anything of that sort; we can only get at it by accident, if at all. But if you would refer to the acts and speeches of that rebel legislature at Richmond, you would see that they either wish the government of the United States to destroy the State of Virginia, or are determined to let the government of the United States see that they will have things, and do things, and say things, just as they choose, whether loyal or disloyal.

Question. Is that a very general feeling among them?

Answer. I think it is almost unanimous. We have a member of the senate in the legislature from our county; I look upon him as a loyal man. I asked him the question recently, "How do you get along with these fellows?" He says, "Oh, very smoothly." I then asked him about the elective franchise, and about the proposition to require any one immigrating into the State of Virginia to remain there five years before he could exercise the right of a citizen. "Oh," says he, "that will not pass." "Well," says I, "they have got a bill

up of that kind." That is one of the best indications I have seen from any quarter of the direct hostility of that part of the State of Virginia to the government of the United States—that five years' bill.

Question. Why did he think it would not pass?

Answer. I did not ask him. I just met him on the road as I was going home, and he did not enter into any particulars in reference to it.

Question. What do you suppose to be the *animus* of that bill, of which you have spoken, requiring five years' residence to enable one to vote in Virginia?

Answer. My supposition is, that it is designed to keep northern men—intelligent working men—from immigrating into the State of Virginia, and, at the same time, to prevent those who left the State and went north, and took part against the rebellion, from exercising their rights as citizens when they come back, because they have lost their residence in Virginia.

Question. Among what class in Virginia does this indisposition to welcome immigration from the north operate most powerfully?

Answer. Among the most wealthy and influential portion of the people.

Question. Do you mean the old slaveholders?

Answer. Yes, sir.

Question. How are that class of persons generally disposed towards the freedmen in Virginia?

Answer. From what little I have seen (I have not seen a great deal) they are hostile, as a general thing, to the freedmen—decidedly so.

Question. If they had the power, would they or would they not reduce the blacks again to slavery?

Answer. I do not think they would hesitate a moment in doing so.

Question. Do you think it is their intention, by some artifice of State legislation, again to reduce the black man to a state of servitude?

Answer. I do not know. If they could do it with safety, I have no doubt but that they would do it; if they could have help enough from the United States, they would do it.

Question. Is the Freedmen's Bureau of any utility in Virginia, so far as you know?

Answer. We have a branch of it in our county-town, but I have seen or heard but little of its workings there. There is not much material for it to attend to. I know of but one family in my neighborhood that has undertaken to take care of freedmen.

Question. What effect would the withdrawal of the United States troops from Virginia have upon the peace and quiet of the State?

Answer. If the loyal white man and the freedman would willingly obey all the commands and dictates of the rebels, we would get along peaceably enough.

Question. Suppose they would not do that?

Answer. I do not suppose we would be allowed to do anything else but obey. I think we would necessarily be compelled to obey, if the military were taken away from the State of Virginia. We would have to succumb to the wishes of the rebels and to keep quiet, or else we would have to leave the State. We see from the papers that they complain now of certain parties telling falsehoods upon them, in order to excite Congress and the President against them; that they are loyal while these men are disloyal; and that if those men do not like what they are doing, the community would be as well without them—giving them permission to leave. That is a bold and significant indication, and I think it more than likely that it would be pressed in another form. I, myself, having taken a prominent stand all the time in favor of the government of the United States, would not feel very safe in Virginia if the military were taken entirely from the State.

Question. Would you not feel pretty safe in any of the civil courts of Virginia—you, a Union man; would you not expect impartial justice from a court and jury, if you were an accused person in the court, or were suing there for redress of any of your wrongs?

Answer. I do not believe that you could get an impartial jury hardly in our county to try a case between an avowed Union man and an avowed secessionist; I do not believe that you could do it.

Question. Could you not find a jury there who would convict a man of treason against the United States for waging war against it, wilfully and wantonly?

Answer. If you would select a jury, you could do it, because we have no less than seven hundred loyal men in the county.

Question. But if the jurors were taken up by lot, could you do so?

Answer. If they were taken up by lot in the ordinary way, you could not get a jury that would convict a man of treason against the government of the United States; I do not believe you could.

Question. You mean to say that it would be very difficult to get a verdict of twelve men, constituting a jury, to convict anybody of treason?

Answer. Yes, sir, I think it would, unless you selected a jury and picked them out. You could not do so if the jury was taken in the ordinary way.

Question. Have you any reason to suppose that that feeling is prevalent throughout the State of Virginia?

Answer. Yes, sir.

Question. Does anything else occur to your mind that you wish to state to the committee?

Answer. I might mention the treatment which Methodist preachers receive at the hands of the people in our county. Within the last three weeks a Rev. Mr. Ross, of the Baltimore conference, a Methodist preacher, was ordered into our county by the proper authorities of the church. About three weeks ago last Sabbath, while he was going from Leesburg to Warren to preach, he was attacked by three or four men, taken from his horse and pretty severely beaten; his pocket-book was demanded, but there proved to be nothing in it; they released him with the understanding, that in so many hours (a day or two) he should leave; if not, he would fare worse the next time. That is a notorious fact.

Question. What was the real character of the gang; were they mere robbers or highwaymen, or were they rebel guerillas?

Answer. I do not suppose they were robbers, or highwaymen, or rebel guerillas; but they were men who are determined that ministers of the Baltimore conference shall not continue to preach to them.

Question. What is the political character of these ministers?

Answer. Their political character is, that they come from the north, and are sent there as men loyal to the government of the United States. Being members of the Baltimore conference, they are not, of course, members of that other conference which proposed to meet in Alexandria a week or two ago.

Question. What sort of men are *they?*

Answer. They call themselves southern Methodists.

Question. Has the split in the Methodist church never been healed?

Answer. It has never been healed. Nearly all those who during the rebellion adhered to the Baltimore conference, have gone now with the southern Methodists; and that reduces the northern Methodist church—as the southern people call it—to very few, except along the northern border of the county. I heard Mr. Ross state last summer, in the pulpit of the Rehoboth church in our county, that he proposed to preach at Hamilton, in Loudon county: but they would not let him have the key of the church in which he proposed to preach, and they would not let him have the church. These are evidences of their hostility.

Question. Are the municipal affairs of Loudon county in the hands of rebel officials?

Answer. No, sir; our sheriff, clerk of the county court, clerk of the circuit court, and three of the five deputies, are loyal men. The presiding judge of the county court, William H. Gray, is a reconstructed rebel. He has taken the oath and is a member of this Virginia legislature.

Question. How is the legislature now in Richmond regarded by the people of your county—as being a true representative of the State of Virginia?

Answer. Yes, sir; they are regarded as a true representative of the people of Virginia they represent them very well.

Question. What is the feeling in your county among the rebels towards Jefferson Davis?

Answer. I never heard a rebel in the county say aught against him or anything in his favor; more than that, he ought not to be hanged, and would not be hanged.

Question. Is there anything else you wish to state to the committee?

Answer. There would be no difficulty in getting every man in the county of Loudon to sign a petition in favor of doing away with that rebel government at Richmond, and giving us something that will not be such a government as that. I am satisfied of that; and I am not so sure but you will have petitions to that effect brought in soon.

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WASHINGTON, *February* 2, 1866.

Watkins James sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I reside in Winchester, Virginia. I am about two-thirds of my time in Winchester and one-third in Woodstock.

Question. How long have you resided at Winchester?

Answer. Since May last. I am assistant United States assessor under the revenue act.

Question. And you find it necessary in the discharge of your duties to travel about a good deal?

Answer. Yes, sir; I had charge of three counties recently, but within the last three months I gave one of them up. Those counties were Frederick, Shenandoah, and Warren. I have not been acting in Warren since September last; I had more than I could attend to, and that county was assigned to somebody else.

Question. Are you a native of Virginia?

Answer. No, sir; I was born in Maryland. I left Maryland in 1844, and since that time have resided in Virginia with the exception of the last two and a half years, when I was compelled to leave.

Question. In the course of your journeyings throughout your district what opinion have you formed of the feeling of the once rebel people towards the government of the United States?

Answer. I have come to the conclusion, from travelling through the country, that their feelings towards the government, towards Union men, and towards the freedmen, are more hostile to-day than they were at the close of the rebellion.

Question. Is that feeling confined to any particular class?

Answer. The under class as we, may term it, manifest that feeling; but the great difficulty is that there seems to be no disposition on the part of those who can control that class of the community to suppress it. I have, in my official capacity, gone to the leading men of several towns and talked with them on the subject, impressing upon them the necessity of trying to control that feeling, telling them that we would never get rid of the military until they learned to control that element. I had a conversation the other day with a gentleman in a store in Edinburgh, where there were some twenty persons present. I commenced making inquiries about our representation in Congress; I asked if he did not believe that there were influential men in that town who would dissolve the government to-morrow by legislation if they could. He said he believed there were. I asked if he did not believe that a majority of the people would do so. He said he believed they would. I said that there had been too much blood and treasure sacrificed in the country to let them step in now and accomplish by legislation what they failed to accomplish by the sword. I feel satisfied, from the conversations I have had, that if the troops were removed there would be trouble. It seems to me that our protection depends altogether upon United States troops. A little circumstance occurred on the 29th of last month (January) which I will mention: about seven o'clock in the evening, when the mail arrived, I went to the post office, and was in the ante-room, where there were some fifteen or twenty persons around. There was a little black boy there between eight and nine years of age, and there were some four white boys teazing him, knocking off his hat, pulling him, and calling him "Freedmen's Bureau," &c. One of these boys was, I suppose, fifteen years of age. I looked on for some time, and the boys kept it up for about fifteen minutes; at last I spoke, and said that they must stop that, as the boy was not troubling them. The boys stopped at once, and I then turned to the crowd and spoke to them about the impropriety of their permitting such conduct. I said, "You are anxious to get rid of the United States troops, who seem to be a nuisance to you, and why not try and put a stop to such conduct as this." I further stated that it was unpleasant for me, occupying the position I did, to interfere. Nobody made a remark except one old gentleman, who said it was outrageous, and that it occurred every night. I said I wanted to know who that boy's father was; I intended to see the boy's father and tell him about his son's conduct; I could not get one individual to tell me who that boy was. I talked to them in a spirit of kindness, and reasoned with them as though it was my interest to get rid of the troops. I do not regard the troops as a nuisance, because I believe they are necessary for my protection, but I talked as if I regarded them as a nuisance. After I left the post office one of the fellows there made the assertion that I seemed very much concerned about the troops, but that I knew damned well that I couldn't stand there twelve hours if the troops were gone. I have here the sworn statement of the postmaster. Witness produced and read the statement as follows:

"On the 29th day of January, 1866, I heard Watkins James talking to several persons about permitting some persons pulling a little negro about and calling him Freedmen's Bureau. He, James, insisted that it was the duty of every citizen to check such conduct, and gave as a reason why they should take the matter in hand, that unless they put a stop to such conduct we never would get rid of the troops. After said James left the room some person in the room remarked that James knew very well that if the troops left he, James, could not stay there.

"GEORGE W. TAYLOR,
"*Postmaster of Winchester, Virginia.*"

"FREDERICK COUNTY, *State of Virginia:*

"Sworn to and subscribed before me, Joseph S. Denny, a justice of the peace, January 30, 1866.

"JOSEPH S. DENNY, *J. P.*"

Witness continuing: It is a common saying, and they believe it, that we cannot stay there longer than we are protected by the military. My own idea is, that we cannot. If the military were withdrawn, nothing in the world could save us except the influential rebels were to take a stand and move in the matter.

Question. Does this feeling pervade these three counties?

Answer. I have not been in Warren county recently. Immediately after the surrender that feeling did not seem to pervade either of these counties. The principal inquiry seemed to be what the government would do.

Question. In which of the counties does this feeling prevail?

Answer. In Shenandoah and Frederick. The other county I would suppose was worse, because there are worse rebels there, and more of them. When I was in that county I found but one loyal man in it, and that was at Front Royal. The remark is often made, and it is the general impression, that we must go away from there as soon as the troops are re-

moved. I have been struck by the good behavior and forbearance of the negroes. I have seen them pelted with snow-balls by boys fifteen years of age. The negroes seem to pass by and take no notice of what is done to them. There is almost negro element enough in the town of Winchester to weed out the rebels if they chose. I entertain the idea that the leading men are too much afraid of the government to take any part in the matter; but I look every day for patience to cease to be a virtue. The negroes have behaved thus far remarkably well. After this transaction which I have spoken of as having taken place in the post office, I went to Mr. Philip Williams, one of the leading lawyers, and told him about it. My object was to show him that there was no disposition to stop this thing. He rather apologized for the boys, and supposed they were playing with the negro. I told him about the remark which the fellow made about my having to leave. He said that I was popular among the people; that he had never heard any one speak disrespectfully of me, and that there was no danger of me. He said that the fellow must certainly have been drunk.

Question. What are Mr. Williams's politics?

Answer. Mr. Williams has been aiding the rebellion all he could since the State seceded. Before that, he made some of the most eloquent Union speeches I ever heard. The reason they do not try to suppress this element is this: they are working on the political board and want these boys' votes. It does appear to me that they are laboring now as faithfully to bring about a dissolution of the Union by legislation as they did by the sword, and they think they will accomplish it.

Question. Do you suppose there are any conspiracies or secret associations having in view the dissolution of the Union?

Answer. I do not know that there are; but I think that there is a general understanding among them in their political movements, and that they hope to accomplish a dissolution of the Union by legislation.

Question. How are they going to work at that?

Answer. If they can get representatives in Congress, and get up any question that will divide the north, they expect, by co-operation with their copperhead brethren, to embarrass legislation, and get the government into difficulty.

Question. By means of concert with their copperhead brethren?

Answer. Yes; I feel satisfied that if there was a rupture to-morrow between the United States and France or England, four-fifths of these men would engage with any ally who they might think would prove the destruction of the country. I cannot be mistaken about that.

Question. Have you heard anything said about that?

Answer. No; I have heard nothing said about it; but I have heard men arguing about the great principles that underlie the government—men who have not been defenders of their country or protectors of its honor; and the only object in the world they could have in wishing to get the country into trouble was to have their revenge.

Question. Do they generally detest the government of the United States?

Answer. Yes, sir.

Question. Are they in the habit of speaking of the government of the United States in terms of opprobrium or contumely?

Answer. Yes, sir; they hardly ever speak of it in any other terms. They speak of it as a tyrannical, oppressive, Yankee government, and everything else. They would injure themselves and the entire community if they thought they could ultimately injure the government. They suffer the basest misrepresentations to be gotten up about the currency, for instance. Men who have too much common sense to believe a story of that kind suffer it to be repeated in their presence a hundred times. For instance, they allow statements to be made in relation to the national bank notes which they know to be false. They will suffer the entire community to be injured by those misrepresentations simply that they may ultimately injure the government. I happened to be at Woodstock on Monday week, when a merchant came into the office and offered a note in payment of his taxes. I had seen this underhand work in trying to depreciate the currency, and I thought it was a good time to say something in favor of the currency. The room was pretty full, and all of them were rebels. Said I, "Mr. Smith, if I understand anything about the national currency—and I do not profess to understand much about it—the holder of this note is safe anyhow, unless the government breaks. Now," said I, "do you know how the bank gets this note?" He says he did not know. Said I, "Let me tell you how I think it is. The banks do not now issue their notes as the old banking institutions did; but before one of these national banks can issue a note they have to deposit a sufficient amount of government bonds for the ultimate redemption of their notes. Now," said I, "I can see how the bank itself can break, but the holder of the note must get paid." They began to talk about the matter, and all of them agreed upon it. "Now," says I, "if you all understood it before, why did not you simply say so, and stop these reports? They can do no good, but injure the currency of the country. This paper is worth from sixty to seventy cents on a dollar. If you drive this out of circulation, the next best money you can get is the notes of some broken bank of Virginia, that will be worth only from ten to twenty-five cents on a dollar." And yet they allow these reports to pass uncontradicted.

Question. Do you mean to say that business men who are in the daily use of large

amounts of money—merchants and dealers who know the necessity of a good currency—will remain silent while these aspersions are cast upon the credit of the national currency?

Answer. Yes, sir. I saw in the town of Winchester lists of broken banks given to men who came into the country to put them on their guard, and the reason of it was this: None of the issues of these banks were in circulation; but the idea was to give the impression that there were bills of broken banks in circulation, so as to make people suspicious of the national bank notes. I was in Woodstock the day the military were withdrawn from there, and was stopping at the house of a Mr. Ives. A teacher of the colored school came down to see Mr. Ives, and spoke about giving up his school. He advised him to go on and continue his school, and take six or seven of the young men home with him to protect him. That night they put up a piece of writing on the postmaster's door, blaming him for boarding this man who was teaching the colored school. The writing made inquiry about his board bill—whether he had paid it, and remarking that the postmaster had gone up the spout for boarding him. After a day or two they took to snow-balling the teacher, and he had them up before the court. There their fathers promised that they would not do so any more, and they were let off. That judge was elected before the right of suffrage was extended. I do not believe that a Union man can have any justice in the courts for any outrage done him during the rebellion; and I will give my reason for that belief. Some Union lawyers there instituted certain suits of that kind, which have come off before the county court, and they have all been moved up before the circuit court, so as to get Judge Parker's opinion.

Question. Is that circuit court a State court?

Answer. Yes.

Question. How can a case be thus removed from a county court to a circuit court?

Answer. I am not lawyer enough to tell you; but there is a mode provided by law. I heard Mr. Pollock, a lawyer there, say that Mr. Williams, another lawyer, had four or five suits of that kind, and withdrew them because he would not involve his clients in further costs, as he did not believe there was any chance for them. He was afraid of the rulings of the circuit court being in favor of the rebels.

Question. You think that if the troops were withdrawn there would be scenes of riot and bloodshed committed by the rebels upon Union men?

Answer. I think so. I think Union men would not be permitted to stay there. I heard a lady who had been a refugee during the war say that she went to a church in Woodstock, and that a lady came in and took a seat beside her, but upon discovering who she was she got up and took a seat in another part of the house. The rebels will set to and curse the Union men who went off and followed the old flag as traitors.

Question. Do the rebels generally disregard the obligatory character of the oath?

Answer. It seems to me they entertain the idea that that oath is forced upon them for the purpose of their obtaining equal rights with other citizens, and therefore is not obligatory or binding upon them. I think that nineteen out of twenty believe that. It is a doctrine taught by high authority. Soon after the surrender I went up the valley and found these people quiet and peaceable, disposed to submit to almost anything. Some of the leading men inquired earnestly as to the policy the government would pursue towards them. I thought there would be no confiscation, and I remarked to them that there was nobody in the Shenandoah valley of importance enough for the government to notice if they behaved themselves. I gave them every assurance, so as to pacify them. Since that time they have assumed a different attitude altogther.

Question. What, in your opinion, has been the cause of that change?

Answer. My own impression is that the leniency of the government is the cause. They expected to have been dealt with more harshly than they have been. They found that the right of suffrage was extended to them, and that they could control the State and county and had nothing to fear.

Question. What, in general, is the disposition of the rebel portion of the population towards the freedman?

Answer. They are as hostile to him as they possibly can be. If it were not for the Freedmen's Bureau he would be in a worse situation now than when he was in bondage. My honest impression is that, if you remove the military, the negro will either have to leave there, go back to bondage, or be annihilated. It seems to me there is an animosity between the rebels and the negroes which never will be settled in this world. If there was a collision between the rebels and negroes to-morow in Winchester I would not be afraid to walk the streets while the contest was going on, for I know that the negroes would not trouble me. Their conduct has been orderly beyond my expectations. Their conduct has been unexceptionable, only that some of them will not work as well as they were expected to work; but there are a great many white people who will not work either. It is not an uncommon thing to see five or six of these young aristocrats, who never worked a day in their lives, and who are depending on bank stock which is not worth a cent, cursing and damning the negroes for not working, while the negroes can get along better without work than they can.

Question. What is the truth of the case in regard to the negro's inclination to work now that he is set free?

Answer. The negroes there seem to be sustaining themselves. I do not know that any charity is given to them in Winchester. I have said to these people: "I have no sympathy

with the negroes; I am not going to grieve myself to death about them. Here is work for them to do."

Question. If the negro is fairly and honestly paid for his labor will he not work enough?

Answer. My own impression is that he will work much better than those people who are denouncing him. It is all a humbug, and has been a humbug from the beginning, to say that he will not work. The negroes know where they are treated well.

Question. What do you think of the present State government of Virginia?

Answer. I think that is the rock on which we split—in extending the right of suffrage so that the rebels could get control of things. I regard Mr. Peirpoint as having been deceived by them. He thought his lenient course would work well; but it has only made them arrogant.

Question. Does a Unionist stand any chance of being elected to office in Virginia?

Answer. None in the world: he never will be elected to office there. You have no idea of the tyranny exercised over men's opinions there. A friend could not sit down and talk with you if the negro was concerned in the conversation. Here was the prosecuting attorney, with the law on the one hand, and the mob with tar and feathers on the other. Talk about liberty! there never was more tyranny exercised on the face of the earth.

Question. Is it likely that a rebel who has been wilfully and willingly engaged in the war against the United States could be brought to justice and convicted of treason before a Virginia jury?

Answer. No, sir; no possibility of it unless you pack the jury with Union men. They believe now that they had the right of secession. The Virginia legislature want to assume the direct tax of 1861, and my opinion as to their object is, that it would be a stepping-stone towards establishing their great doctrine of State sovereignty. Another objection to their assuming it is, that they will collect the tax in their own way, by a capitation tax, so as to make the laboring people pay it, because the landed aristocracy are not able to pay it. Besides, a great many of the Union men went forward and paid their taxes, while the rebels are holding back as if by concert of action.

Question. Would they not be likely to discriminate between rebels and Unionists in the imposition of this tax?

Answer. It would seem to me that they would do so.

Question. And compel the Unionists to pay the principal part of the tax?

Answer. If there was any way in the world to put it all upon them they would do it. They say we are the ones who created the debt—that we would not let them alone.

Question. Is there anything else you wish to say to the committee?

Answer. No, sir; nothing else.

WASHINGTON, *February* 16, 1866.

The following letter was this day received from the witness Watkins James, and was directed to be attached to his testimony:

ASSESSOR'S OFFICE, U. S. INT. REVENUE, 3D DISTRICT VIRGINIA,
*Woodstock, Shenandoah County, Va., February* 12, 1866.

DEAR SIR: You will remember that I was before the Committee on Reconstruction on the 2d day of February. Permit me to add to my testimony some things that have taken place since my return. I came from Winchester to this place to attend to my duty. I passed up Cedar Creek valley, and the rebels in this county have shown such a vindictive spirit that my friends here were alarmed about my safety, and were much relieved when I arrived. The reasons they gave, there was no security for life. A few days ago an anonymous letter was dropped in the post office, notifying the teacher of the freedmen's school that he must leave or take the consequences. About the same time, or a few days thereafter, two United States detectives were run from New Market. A black man, who called at New Market to collect some money due him, was run out of the town. There was a juvenile exhibition in Woodstock, the county seat of Shenandoah county, under the supervision of the minister of the Methodist church south—his name is Armstrong—at which the lone star was exhibited in the room, with the word excelsior written under it. An argument was made, drawing a comparison between General Lee and George Washington, in which General Lee was made the greater. A man named Lamberson, who is engaged in a business in Woodstock, was coming from where his parents lived to town. He was shot at twice in quick succession, one ball passing in front of his face, and a Minnie ball passing through his carpet-sack, which he was carrying in his hand. This man's offence is, he served in the Union army. The Union men feel there is great danger. About the same time a teacher of freedmen, who was teaching about six miles east of New Market, and in Page county, was called on some time in the night by fifteen or twenty persons and taken from his bed; taken to the Shenandoah river, put in a ferry-boat, taken to the middle of the stream where the water was about four feet deep, and held under the water some time. He was put under a second time, and then threatened, if he did not leave the county in three days, he would be shot dead. This teacher came to Woodstock and reported these facts. The man who kept the key to the ferry-boat is either postmaster or deputy postmaster. The key to the boat was used by the mob. All these transactions took place about the same time, and but for the timely arrival of a few

Union soldiers at Woodstock, there is no telling where these atrocities would have ended. The teacher at Woodstock, and the one they ducked near New Market, went to Winchester and reported this case of ducking to Major General Ayres. He referred them back to the lieutenant at Woodstock, and thus the matter at present rests. It is said as soon as the cavalry arrives some arrests will be made, as several of the parties engaged in this outrage are known. While under examination you asked me if I knew of any secret organization existing in Virginia which I thought was operating against the government. I told you I did not, but there was a concert of action among the rebels since my arrival here. I now think there is, for this reason: A Union man, upon whom I can rely, told me a rebel asked him whether he had heard of such an organization, and from the character of that man I feel confident, from the manner in which the question was asked, it was done simply to find out whether the Union man knew of the existence of the organization. Rebel songs are sung nightly in our streets, and sometimes shouts for Jefferson Davis. When the purport of the Emperor of France's address was known here the leading rebels evidently showed they were disappointed. I am fully satisfied they would rejoice to see a war between the United States and any other power that they thought could damage the government.

Yours, very respectfully,

WATKINS JAMES,
*Assistant Assessor 3d District Virginia.*

Hon. JACOB M. HOWARD,
*United States Senator for State of Michigan.*

P. S.—The teacher who was ducked in the Shenandoah river made an affidavit to that fact before the lieutenant in command at Woodstock to-day. While I am writing there is a crowd in the street singing "Down with the Yankees and up with the bars." A pistol was fired in front of this house not two minutes ago.

ASSESSOR'S OFFICE U. S. INT. REVENUE, 3D DISTRICT VIRGINIA,
*Shenandoah County, Va., February* 12, 1866.

I, Watkins James, do solemnly swear that I believe all the above statements are true. They have come to my knowledge by such sources as I cannot reasonably doubt.

WATKINS JAMES.

Sworn to before me this 12th day of February, 1666.

GEORGE RYE, *Justice of the Peace.*

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WASHINGTON, *February* 3, 1866.

Rev. E. O. Dunning sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I reside in Winchester, Virginia. I am not legally a resident of Virginia, but that is my headquarters.

Question. In what capacity are you acting?

Answer. I am a clergyman, and I am agent of the American Bible Society. I was sent out to Tennessee and Virginia after the close of the war to make some explorations in regard to the condition of things there.

Question. How long have you been actually at Winchester?

Answer. I have been at Winchester about a month; but I have been in the valley of the Shenandoah and southwestern Virginia and East Tennessee for five months; I have been through all that region.

Question. Where is your home?

Answer. My family resides in New Haven, Connecticut. I am a citizen of Connecticut. I resided, I may say, ten years, before the war, in Virginia. I left there when the war broke out.

Question. In what part of Virginia did you reside?

Answer. In Winchester; that is, I resided there, as I do now. Occasionally I went home north to see my friends.

Question. Have you travelled about in Virginia much since the commencement of hostilities?

Answer. I have.

Question. Have you mingled freely with the people of all classes?

Answer. I have.

Question. What portions of Virginia have you visited since the war?

Answer. I have visited the tier of counties which belong to southwestern Virginia and the whole valley of the Shenandoah. I have been in nearly two-thirds of the counties of the valley since the close of the war. I visited at least twenty counties.

Question. How do you find the state of public feeling among the ex-rebels, where you have been travelling in Virginia, in reference to the government of the United States, and in reference to the loyal people?

Question. My opinion is that they are, as a general thing, disloyal. When I speak of their being disloyal I mean this: that they seem not to have fidelity to the government. They do not seem to have any good will to the government. They are not true, as I understand it, to the Union of the States, because I think that the old disunion feeling still exists there, and that they would like to be independent to-morrow.

Question. Do they tell you so, or is that an inference of their own?

Answer. Well, I will say this—that I have heard such expressions used.

Question. Among people of condition and influence?

Answer. I would not say that. I merely say that I have heard such expessions used as this: that they did what was perfectly right, and would do the same thing again; that I have heard, and that expression is published in the correspondence of the London Times as being the opinion of the young men of Virginia.

Question. What part would the ex-rebels generally be likely to take in the event of a war between the United States and any foreign power, such as France or England?

Answer. I have heard a great deal on that subject. I have heard general exultation at the prospect of a war with Mexico and France, because it would cripple the United States, and I have heard this remark made in connexion with it, and by respectable men, too, that were war to occur between the United States and Mexico, thousands of young men would rush to Mexico.

Question. What side would they be likely to take?

Answer. Against the United States.

Question. What young men?

Answer. The southern young men who had been in the rebel army. They would rush to Mexico; I have heard that. I have made a little arrangement of my ideas on paper here. Would it be pertinent to the subject to mention the ecclesiastical divisions upon sectional grounds, and the feelings of the people in that respect?

Mr. HOWARD. Certainly, sir; go on and give your narrative in your own words touching upon all the subjects that you choose to touch upon.

WITNESS. I would say with reference to church divisions that ecclesiastical bodies in Virginia are now divided upon sectional grounds. Before the war, churches in Virginia and in the south were connected with one of the general assemblies. They have now a synod of their own in the south, and on no ground that I can see, except on the sectional ground. I refer to the Presbyterian body, Old School. The Presbyterian body, New School, was divided before the war; that is, there was a southern assembly and a northern assembly. Since the war the Old School body and the New School body have merged all their doctrinal divisions, and have come together and united in doctrine; whereas they were divided before, discarding all connexion with the north.

Question. How do these religionists of whom you speak regard the abolition of slavery?

Answer. They say that the question is settled, so far as slavery is concerned.

Question. Do they think the abolition of slavery right or wrong?

Answer. They do not like it; they think it wrong.

Question. Is that feeling pretty general in that church?

Answer. Yes, sir. As to the Methodist denominations the same things have occurred there, which I thought very significant. Although the Methodist denomination was divided before the war on the question of slavery, yet there were many churches in the valley of Virginia still connected with the north by the Baltimore conference. Since the war these churches have gone over to the south, and withdrawn their connexion from the north. The preacher who was sent by the Baltimore conference to the church at Winchester was confronted in the pulpit by Mr. Wilson, a minister, who belongs to the southern connexion, and who took the hymn-book out of his hand and went on and preached the sermon. That was since the war. General Ayres, the general of the department, was in the congregation at the time, and sent word to Mr. Wilson not to appear in the evening; he had given notice of a meeting in the evening. That congregation has all withdrawn from the church and gone to the southern church, leaving the pews to the few Unionists who are there, officers of the army, &c. They all go to the Union church to sustain it, but the body of the people have gone to the southern church—all on sectional ground entirely.

In Berryville recently a mob broke up the meeting of a Methodist minister who had been sent by the Baltimore conference, in his own church where he was preaching. The mob assailed him, and drove him out of the pulpit and out of the church, and one of them fired a gun or pistol. The rebels said that they had fought four years, and would fight four years longer to break up such an establishment as that. I suppose that may be important to indicate the state of public feeling there. Northern ministers are not invited to preach in the south at all.

Question. How general is that refusal to invite them?

Answer. Almost universal, unless a northern minister is known to be a southern sympathizer. Some northern men may preach in the south.

Question. So far as your observation extends, is this universal?

Answer. Yes, sir. Dr. Bacon, of New Haven, went to the south, and I suppose he would give the same testimony. As an agent of the Baltimore conference I did business there, but was not invited into any pulpit, as I used to be. I am speaking now of Virginia; there is a

very different feeling in Tennessee. I went all through the valley of Virginia, and western Virginia to Charlottesville, andover the ridge to Lynch burg, and was not invited to preach anywhere. I never heard a prayer for the President of the United States, or for the government, except in the Episcopal service, which requires it. I have heard since the close of the war expressions made in the pulpit, of which the people approved, in regard to the oppression of the United States government. I was in Charlottesville on the thanksgiving day appointed by Presiden Johnson, and while the stores were shut up, there were no religious observations taken of the day at all.

An Episcopal minister of high standing in one of the towns of Virginia went down town with his coat to be mended; in one store that he went into he asked the tailor if he was a Union man: the tailor said yes, and the minister would not leave his coat to be mended, saying that he would not trade with Union people; he would rather do without having his coat mended. His congregation embraces friends of very influential men in the south.

A distinguished Presbyterian minister, Dr. Boyd, died recently in the valley of Virginia. His funeral sermon was preached by one of the most celebrated clergymen of Virginia, the well known Dr. Stiles, who was formerly settled over one of the Richmond churches, and in his sermon he made these remarks: he alluded to Dr. Boyd; said that he was a strong southern man, and had done what he could to separate the churches north and south, which he did not regret; then he spoke of Dr. Boyd having been taken from his family as a prisoner (he had been taken and carried to Wheeling as a hostage for the safety of two members of the West Virginia legislature who had been taken to Richmond.) He remarked that Dr. Boyd regretted nothing he had done for the separation of the churches, and asked who had any right to drag him from his family, to take him away and place him among felons as a prisoner?

Question. Did he say that the clergyman who was made a prisoner was placed among felons by the Union troops?

Answer. Yes, sir; he used that phrase, and I was pained to hear it. I was there myself part of the time: but this thing came directly to me from a lady who heard it. I thought it was calculated to keep up a state of bad feeling and excitement there.

I would say, in the next place, that there is very little social intercourse between the Union people and the secesh people of the district with which I am acquainted. The rebels will not have anything to do with the Union people. As a general thing, they shun them, and, as they are in the majority, the Union people expect them to make the advances which they are willing to meet; but the secesh people stand aloof and show very little social feeling. Union ladies are not recognized in the churches where they have been accustomed to go. No notice is taken of them by the secesh people in the churches. They will not trade with the Union people in that section of the country, if they can help it. I think there is a general disposition manifested not to do so, and I can relate some instances of it.

Mr. HOWARD. If they illustrate the state of feeling, relate them.

WITNESS. An apothecary in that district said that all his secesh customers had fallen off since the war. A shoemaker said that he had not had six cents' worth of custom from a secesh since the war closed. When I was going back south at the close of the war I met in Baltimore a gentleman from Winchester. He asked me where I was going. I told him I was going to Winchester, and asked him a little about the state of things there. He is a man of some influence. He said that northern men could not stay there, and he told me the circumstance of a Union man who came there with a carpet bag full of money to buy land, and who very soon found his way back to the railroad cars, because there was such a feeling of opposition to men who come there to buy land.

Question. You think there is an opposition to northern people going there to buy land and settle?

Answer. I think there is.

Question. How strong is it?

Answer. It exists among the majority of the people. A gentleman told me the other day that he bought a farm a few miles from town, but that there was such a state of feeling there, he was sorry he did so, and would sell it as soon as he could. A secesh lady who had been in the habit of trading with a Union man inquired of his brother if he was a Union man. He said yes. She had been trading at the rate of a thousand a year, but she said she would do no more trading with him.

I will relate an anecdote as to the feeling towards the United States government, the troops, and the Freedmen's Bureau. I met two or three gentlemen in Marion county, Virginia, within the last two months. They were conversing about the state of things. One of them was a principal lawyer of the county, and another was one of the most influential men of the county. One of them said, "Well, we submit because we are obliged to, but we hate the government, and, if the government were to get into trouble, we would laugh at their calamity, and mock when their fear cometh." The other gentleman, turning to his son, said "Yes, we teach our boys to hate the Yankees; there is a boy twelve years old who is trained up to hate the Yankees." These are two as distinguished men as are to be found in the valley.

I have often heard it mentioned as good news, the possibility of a rupture with France upon the Mexican question. General Lee's chief of artillery (Curtis or Custis, I think) was travelling with a friend of mine in the State, who related to me this fact; The chief of artil-

lery found out that my friend was from the north and said to him "You have the advantage now, but we will try you again if you do not give us our rights," or words to that effect. It was as strong as that certainly. This was reported to Mr. Seward. A gentleman in Woodstock, an influential man, said the same thing to me. He is the tavern-keeper there. He said "well, we are whipped; but if the government does not give us our rights, we will fight again."

Question. What did he mean by their rights?

Answer. That he did not specify. I suppose he meant State-rights. I heard a remark made in reference to which was the strongest party in Virginia, the Union or the rebel party. The remark was, that if the United States troops were withdrawn we would soon see who were the strongest party. It was a rebel who said so. The army wagons belonging to the government were recently stoned when they were leaving Woodstock. This was within a few days past. They were also fired upon from a house. I have these facts upon the authority of Captain Howe, who is on duty at Winchester; and I suppose General Ayers will make a report of it to the War Department; but I thought I might as well mention it to the committee. Lieutenant Hall told me that he was travelling in an omnibus going to the cars; that there were two rebel officers sitting beside him, and that one of them said to the other that the member elect to Congress had promised him an office, and that he supposed he would get him his old office in the Coast Survey. I think myself that the way the rebels parade their uniforms, wearing their buttons, is a sign of disloyalty.

Question. State how they parade them.

Answer. A great many coats are worn which were worn in the rebel army. As a general thing their buttons are cut off; but there are a good many who still wear their buttons. some coats are evidently new, made in the old shape, but merely denuded of buttons, while a great many wear buttons. The gray predominates throughout the south. They seem to fancy it. As to the Freedmen's Bureau, of course there is a universal hostility against it. There is no doubt about that. Mr. Tookay, assistant superintendent of the Freedmen's Bureau in Staunton, was lately hooted in the streets. His authority was repudiated by persons whom he had summoned before him, on the ground that the Yankees were gone. A circumstance occurred recently in the cars at Gordonsville to Mr. Cohan, superintendent of colored schools. He had got out of the cars for a moment, leaving his baggage on the seat. When he came back into the car he found that his baggage had been set aside, and that a lady had taken his seat. He finally hunted up his baggage and remarked to a person near him that he thought no lady would use a gentleman's baggage in that way. The gentleman afterwards conversed with the lady and she told him the facts. When they were getting out of the cars he told Mr. Cohan that if he did not ask the lady's pardon he should suffer for it. Mr. Cohan said that he had not insulted any person, and was not going to ask pardon. Upon that the gentleman knocked him down. His name is Strother, and he is a member of the house of representatives of Virginia. Cohan rose from the ground and asked if there was no guard there, meaning the United States soldiers. One man remarked, "We have got enough of you, you d—d Yankee;" and that was the general shout of the car-load of passengers. They had inquired of the conductor who Cohan was, and when they found out who he was the general feeling was against him—a feeling of exultation that he had been knocked down. I would say that colored schools have been broken up in Virginia since the troops have been withdrawn. That has been the case in Waynesboro', near Staunton.

Question. Is that to your personal knowledge?

Answer. I had it from Mr. Tookay, assistant superintendent of the Freedmen's Bureau at Staunton. A southern lady, who had undertaken to teach a colored school there, had been told to leave. They would not allow her to teach there.

Question. Who told her to leave?

Answer. The secesh portion of the people.

Question. Did she leave?

Answer. Yes, sir; but they were going to restore the school again. She did leave, and the school was broken up. Ladies who go there as teachers of colored schools find it almost impossible to get any quarters; people will not take them in to board. I have heard it said often that if the soldiers of the United States were not there, there would be no colored schools open. Mr. Creever, pastor of the Methodist church in Winchester, told me the other day that although he had done nothing but preach in the church, he should not consider his life safe in Winchester unless there were troops there. I have heard some of the conservative secessionists say that it is the mob that does this thing; but the question arises, why there is not some exhibition of feeling on their part to put down such things. I believe, from my general observation of the people of that district, and from what I know of Virginia before the war and since, that there is as bitter feeling prevalent among the people against the Union citizens at the south—those who sided with the Union cause in the rebellion—as there was during the war; and that is the general feeling there among Union people. I do not think that the Union men can stay there, unless they are protected by the United States soldiers. A circumstance occurred the day before yesterday in Winchester, which it may be as well to mention. Two Union men were conversing in the street, and one said to the other that for his part he approved of a certain measure introduced in Congress to consider the States lately in rebellion as conquered territory, to be treated as such. A person who was said to be the first man to appear when the war broke out, with his musket, in the streets of

Winchester—he was a major afterwards in the rebel army throughout the war, and is an influential man—was passing at the time and overheard part of the remark. He turned to the other Union man and asked, "What did he say?" The other mentioned what he had said, that he had approved of the measure introduced by Mr. Stevens. "Ah," said he, "he ought to have been hanged ten years ago, and you with him," and he passed on. The postmaster at Winchester is my authority.

Question. Do you know anything about the condition of East Tennessee?

Answer. Yes, sir, I do. I visited about twenty counties, out of thirty, in East Tennessee. I consider the people of East Tennessee as decidedly loyal—very much so. I did not go into West Tennessee. Judging from what they said and did, there is a strong feeling manifested against the rebels. There have been some excesses of mobs, which, of course, I do not approve of; but they were excesses running the other way. The rebels there are altogether more subdued and more submissive than the rebels in Virginia, and have, I thought, a different feeling towards the government of the United States.

Question. Is it not because there are more Union men in East Tennessee that the rebels feel thus mollified?

Answer. I think it is. I found there the old feeling against the colored people, just as much as in Virginia.

Question. What is the general disposition of the rebel people toward the freedmen in Virginia where you have been acquainted?

Answer. Decidedly hostile.

Question. If they could have their way would they reduce the blacks again to slavery?

Answer. I cannot say, as a general thing; some would.

Question. Would they expel them from the country if they had that power?

Answer. I think they would.

Question. Are they willing to supply their places with free laborers from the north or from foreign lands?

Answer. They manifest a preference to supply their places with foreigners.

Question. Are the rebel people, with whom you have been acquainted, generally anxious still for southern independence, so called?

Answer. Yes, sir; I regard them so.

Question. Do they seem to feel a disposition to separate themselves and to be by themselves as an independent people, unconnected, either commercially or socially, with the northern States?

Answer. Yes, sir; they do, very decidedly.

Question. Do they appear to hate the government of the United States generally as a government?

Answer. I think they do.

Question. And do they appear to hate the north as a community?

Answer. Yes, sir; decidedly.

Question. In case of the removal of the military forces of the United States from those communities, is it likely, in your mind, that there would be scenes of violence and riot there?

Answer. I have no doubt of it.

Question. What would be the special object of such violence?

Answer. I think it would manifest itself against Union citizens and against colored people.

Question. In your opinion, could any considerable portion of the rebel population be induced to volunteer their military services to defend the government of the United States?

Answer. I think not; that is my opinion.

Question. How do they regard General Lee?

Answer. With a great deal of admiration.

Question. How do they regard Jefferson Davis?

Answer. I never heard much said about Davis in my travels. They did not talk about him much. They talked pretty much about Lee.

Question. Did you hear any censure cast upon Lee, among intelligent men, either for the terms of his surrender or for the fact of his surrender?

Answer. I did not.

Question. When they say that they "accept the situation," what is the practical meaning which they attach to that very indefinite phrase?

Answer. I suppose them to mean this: that they could not wage the war any longer; that they were conquered, and had to submit to the government of the United States, but unwillingly, and that they would prefer to be independent all the time. That is my opinion.

Question. Have you any reason to believe, from information which you may have gathered, that there are conspiracies or combinations of rebels having in view the renewal of the war or the securing of southern independence?

Answer. I have not. I have not any knowledge of that sort.

WASHINGTON, D. C., *February* 3, 1866.

Calvin Pepper sworn and examined.

By Mr. HOWARD:

Question. Of what State are you a native?
Answer. Of Massachusetts.
Question. Where do you reside?
Answer. At Norfolk, Virginia.
Question. How long have you resided at Norfolk?
Answer. I have resided at Norfolk about eighteen months.
Question. What is your occupation there?
Answer. I am a lawyer.
Question. Are you in the practice of the law there?
Answer. Yes, sir. I was in the practice of the law at Alexandria six months before going there.
Question. How extensively are you acquainted with the political and social condition of affairs in Virginia?
Answer. I will state the sources of my knowledge and information. I am delegate here from a loyal league council, No. 7, of Norfolk. I have come commended by that league. I have been delegated to come to Washington to represent the state of feeling in Virginia. I am also sent here by an association of white persons exclusively, at Norfolk, to promote the right of impartial suffrage. This loyal league and this association comprise, as I believe, every one of the white persons in that section of the country who have been loyal during the war.
Question. How numerous are the two associations put together?
Answer. The number of white persons whom I feel authorized to represent is about two hundred and fifty.
Question. Are they all embraced within the city of Norfolk?
Answer. Norfolk and Portsmouth. I am also deputed to represent about twelve mass meetings, held irrespective of color, but principally composed of colored people, held at Norfolk, Portsmouth, Hampton, Old Point, Yorktown, and Williamsburg.
Question. To whom are you deputed here?
Answer. I was deputed to the President of the United States, to this committee, to the War Department, to the Freedmen's Bureau, and to represent the interests of the people whom I have come to represent. I would state that I have also been elected by the colored people of Norfolk county as their judge in the freedmen's court, so called, and that I have been, by many separate meetings, appointed the attorney and counsel of colored people in regard to those matters, and that I should judge that there are at least thirty persons a day on the average at my office, especially colored people, consulting me in regard to matters pertaining to their interests.
Question. What is the state of feeling on the part of the rebel people in and about Norfolk toward the government of the United States?
Answer. It is decidedly hostile.
Question. Is that hostility apparently on the increase?
Answer. It has sensibly increased within the last three months—that is, by expression.
Question. What, in your opinion, is the cause of that increase?
Answer. I do not say there is an increase of the feeling, but there is an increase of the manifestation of that feeling.
Question. What do you fancy has been the cause of that increase?
Answer. Their restoration to power by pardons.
Question. What effect has the liberal policy of granting amnesties and pardons had upon the minds and hearts of the rebels?
Answer. To encourage them in their hopes of establishing an independent government eventually.
Question. What appears to be the ultimate hope of the rebel community there; what do they intend; what is the ultimate purpose and great end to which they are looking?
Answer. I think they still fondly cherish the hope of eventual separation from the United States government, but to be brought about in other ways than by the battle-field. They seem to have abandoned that.
Question. What other scheme have they in view now?
Answer. I will state that I am seriously apprehensive of direct hostile collisions between loyal citizens and the former rebels, unless checked.
Question. Suppose the Union forces were withdrawn from those localities, what result would it have?
Answer. I do not believe there would be protection to the colored people or to the loyal white men, or that it would be safe for a loyal white man to reside there.
Question. What would the rebels do?
Answer. I think we would not be safe in property, liberty or life.
Question. You mean to say that you apprehend scenes of violence and outrage?

Answer. Yes, sir.

Question. How do the rebels feel toward the freedmen?

Answer. They feel vindictive toward them because of their aid in suppressing the rebellion and their steadfast loyalty to the country.

Question. If they had the power, what kind of policy would they pursue toward the freedmen?

Answer. They would reduce them again to slavery, or its equivalent under some other name, so far as they could do so without interference.

Question. Would you apprehend an expulsion of the blacks from the neighborhood?

Answer. Their expulsion or complete subjugation, one or the other.

Question. Is that feeling, in your opinion, prevalent in the State of Virginia?

Answer. I believe that is the opinion of all the colored people without exception, and that is the opinion and conviction of all the white Unionists with whom I have come into correspondence, many of whom are native Virginians. The native Virginians are the most decided in that conviction.

Question. Do you draw these conclusions from your actual conversations with the rebel portion of the community, or from the loyal portion?

Answer. From both, and from what I have seen and observed and know.

Question. What is the feeling in relation to any foreign war in which the United States may be engaged?

Answer. I think that, with the present feeling, it would be quite unsafe, if we would preserve peace at home, to engage in foreign war.

Question. What do you anticipate would be the course taken by the rebels?

Answer. I think they would make use of that opportunity to show resistance again to the United States government.

Question. Would they generally join the enemies of the United States?

Answer. If by that course they could secure their independence, as they call it, I think they would.

Question. What is the general feeling among the rebels toward the northern people; are they willing to have social and commercial intercourse with them?

Answer. They carefully abstain from it, and persistently, so far as they can and maintain any of the other decent appearances of life.

Question. How much chance does a northern Unionist stand in a State court in Virginia in the prosecution of his rights?

Answer. A very poor chance.

Question. In an ordinary suit between a loyalist, whether northerner or southerner, and a rebel, would you expect that justice would be fairly administered by a State court and jury in Virginia?

Answer. As a general rule, I do not. Of course there might be some jurors who would insist on justice being done; but, as a general rule, I do not think there would be.

Question. In your opinion, could one of the ringleaders of the rebellion, if brought to trial for treason before a jury selected in Virginia, be convicted of treason upon clear proof of his having participated in the war against the United States?

Answer. I should regret very much to have the experiment tried.

Question. What, in your opinion, would be the result in case the proofs were clear and sufficient; would the jury find a traitor guilty?

Answer. I think the verdict of a jury could not be relied on. It might be possible that they would convict him, but my own opinion would be that a conviction would not follow. Yet it would be possible if the jury were as fairly constituted as it might be.

Question. Suppose the jurors were taken by lot?

Answer. If they were taken by lot, I do not think that a conviction would be possible.

Question. Could you pick out a jury in the county where you live that would convict Jefferson Davis of treason in case the proof was perfectly clear that he had participated in overt acts of war?

Answer. Not unless northern men should be selected as jurors, or native Virginians who have been loyal throughout the war, and are known to be such.

Question. How do the rebels feel toward the freedmen?

Answer. Within the last six months I have had more than a hundred complaints made to me with reference to the abuse of freedmen by the rebels, or at their instigation. They have been beaten, wounded, and in some instances killed; and I have not yet known one white man to have been brought to justice for an outrage upon a colored man.

Question. Are these scenes of frequent occurrence?

Answer. Quite frequent. I am at present employed in the prosecution of a white man for hanging a colored man; in a prosecution against a white man for shooting, with intent to kill, a colored man; in a prosecution against a mob of white men who broke into the house of a colored man at Portsmouth and robbed him and destroyed his property. These are cases still untried. I am also employed in a case in which a colored man was beaten by a member elect to Congress.

Question. What, if they had the power, would the rebels do with the freedmen—expel them from the country?

Answer. Or subject them, so that they could have their unrequited labor and be masters over them.

Question. From what you have seen, are you of opinion that that feeling is extensive in Virginia?

Answer. I think it prevails as extensively as ever it did.

Question. Are there colored schools established at Norfolk?

Answer. There are.

Question. How are they regarded by the rebel whites?

Answer. With detestation.

Question. Are the teachers treated with respect?

Answer. They are not, but quite the reverse. They do not expect to be treated with respect.

Question. Is there anything else that you desire to say on this examination?

Answer. A year ago I thought it my duty to bring before the district court of the United States the right of a colored man from another State to testify in the State courts in Alexandria. I filed a bill in the district court of the United States, before Judge Underwood, in behalf of a witness whose testimony was excluded. I held that the State law excluding his testimony could be treated as a nullity by the United States court, and that that right to testify should be enforced; for which, and which only, I was indicted at the instigation of the governor of the State.

Question. Indicted for what?

Answer. Indicted for this disloyalty to the State of Virginia.

Question. For arguing in that way in a court?

Answer. Yes, sir; for taking that position; for that I was indicted. I want to show you what protection we have. I was told by the governor of the State, in view of that (although his opinions are ostensibly changed since) and for other reasons, that, if he had the power, he would build a wall as high as the clouds to exclude every Yankee from the State.

Question. What governor said that?

Answer. Governor Peirpoint. He told me so to my face, and for no other reason than for those proceedings which he asked me to stay. I told him I would if he would pledge his influence to have a law passed allowing such testimony.

Question. Where did you hold this interview with Peirpoint?

Answer. In Alexandria.

Question. Have you anything further to state?

Answer. I will state, that the colored men who are here with me are delegates appointed at the meetings of which I spoke, and are representative men in Virginia, men of influence. The meetings at which these delegates were appointed numbered actually in attendance at least five thousand persons, and this delegation must represent at least fifty thousand persons in Virginia.

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WASHINGTON, *February* 3, 1866.

Dr. Daniel Norton (colored) sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I reside in Yorktown, Virginia.

Question. How old are you?

Answer. About 26 years old.

Question. Are you a regularly licensed physician?

Answer. I am.

Question. Where were you educated?

Answer. In the State of New York. I studied privately under Dr. Warren.

Question. How long have you resided at Yorktown?

Answer. About two years.

Question. Are you a native of Virginia?

Answer. Yes, sir; I was born in Williamsburg, Virginia.

Question. What is the feeling among the rebels in the neighborhood of Yorktown towards the government of the United States?

Answer. They do not manifest a very cordial feeling toward the government of the United States. There are some, of course, who do, but the majority do not seem to manifest a good spirit or feeling.

Question. How are they disposed to treat you?

Answer. Me, as a man, they are generally disposed to treat well, but there are others of my fellow-men whom they do not treat as well.

Question. Are you employed as a physician in white families?

Answer. I have not been employed in any white families, except in one case, since I have been there. I principally practice among the colored.

Question. How do the returned rebels treat the colored people?

Answer. They have in some cases treated them well, but in more cases they have not. A number of persons living in the country have come into Yorktown and reported to the Freedmen's Bureau that they have not been treated well; that they worked all the year and had received no pay, and were driven off on the first of January. They say that the owners with whom they had been living rented out their places, sold their crops, and told them they had no further use for them, and that they might go to the Yankees.

Question. What is the condition of the colored people in that neighborhood?

Answer. They are poor, sir. There is a large settlement near Yorktown, called Slabtown, settled by the government during the war with those who came within the lines. The colored people there are doing such work as they can get to do, oystering, &c.

Question. Are not their old masters ready to employ them for wages?

Answer. There have been some sent for, and in several cases they received such bad treatment that they came back again. (Witness related several instances of this kind.)

Question. Are the colored people in your neighborhood willing to work for fair wages?

Answer. They are, sir.

Question. Do they find any difficulty in obtaining employment at fair wages?

Answer. They do find some difficulty. The slaveholders, who have owned them, say that they will take them back, but cannot pay them any wages. Some are willing to pay a dollar a month, and some less, and some are only willing to give them their clothing and what they eat. They are not willing to pay anything for work.

Question. Are the colored people generally provided with houses in which they can eat and sleep?

Answer. Yes, sir; such houses as they have built themselves, slab-houses.

Question. How do the colored people feel toward the government of the United States?

Answer. They feel determined to be law-abiding citizens. There is no other feeling among them.

Question. Are you a delegate sent to the city of Washington by some association?

Answer. I am. I was sent by three counties; I represent, perhaps, something like fifteen or twenty thousand people. The great trouble, in my opinion, is, that the colored people are not more disposed to return to their former homes on account of the treatment which those who have gone back have received.

Question. State generally whether or not the treatment which these colored people receive at the hands of their old white masters is kind or unkind?

Answer. It is not what I would consider kind or good treatment. Of course I do not mean to be understood that there are not some who treat them kindly, but I mean generally; they do not treat them kindly.

Question. In case of the removal of the military force from among you, and also of the Freedmen's Bureau, what would the whites do with you?

Answer. I do not think that the colored people would be safe. They would be in danger of being hunted and killed. The spirit of the whites against the blacks is much worse than it was before the war; a white gentleman with whom I was talking made this remark: he said he was well disposed toward the colored people, but that, finding that they took up arms against him, he had come to the conclusion that he never wanted to have anything to do with them, or to show any spirit of kindness toward them. These were his sentiments.

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WASHINGTON, *February* 3, 1866.

Reverend William Thornton (colored) sworn and examined.

By Mr. HOWARD:

Question. What is your age?

Answer. Forty-two, sir.

Question. Where were you born?

Answer. In Elizabeth City county, Virginia.

Question. What degree of education have you received?

Answer. My education is very narrowly limited; I have not had the advantages of a first-a teeducation.

Question. You can read and write?

Answer. Yes, sir.

Question. Can you read the Bible?

Answer. Oh, yes, sir.

Question. Can you read ordinary newspapers?

Answer. Yes, sir.

Question. Can you write a letter on business?

Answer. Yes, sir.

Question. Were you ever a slave?

Answer. Yes, sir.

Question. When were you made free?

Answer. I was made free under the proclamation.
Question. Where do you reside?
Answer. Hampton, Elizabeth City county, Virginia.
Question. How do the old rebel masters down there feel toward your race?
Answer. The feeling existing there now is quite disagreeable.
Question. Do they not treat the colored race with kindness down there?
Answer. No, sir.
Question. What acts of unkindness can you mention?
Answer. I was asked the other day if I did not know I was violating the law in celebrating marriages. I did not know that that was the case, and I went up to the clerk's office to inquire; I said nothing out of the way to the clerk of the court; I only asked him if there had been any provision for colored people to be lawfully married. Said he, "I do not know whether there is or not, and if they are granting licenses you can't have any; that is my business, not yours." After I found I was violating the law, I went to the Freedmen's Bureau and stated the case. A provision was afterwards made in the bureau granting licenses, and authorizing me to marry. Some days after that an old gentleman named Houghton, a white man living in the neighborhood of my church, was in the church. In my sermon I mentioned the assassination of Mr. Lincoln. Next day I happened to meet Houghton, who said to me, "Sir, as soon as we can get these Yankees off the ground and move that bureau, we will put you to rights; we will break up your church, and not one of you shall have a church here." Said I, "For what? I think it is for the safety of the country to have religious meetings, and for your safety as well as everybody else's." "We will not have it, sir," said he, and then he commenced talking about two classes of people whom they intended to put to rights, the colored people and the loyal white men. I asked him in what respect he was going to put them to rights; said he, "That is for myself."
Question. Is he a man of standing and condition in the neighborhood?
Answer. He owns property there.
Question. Is he a rebel?
Answer. Oh, yes.
Question. Can you speak of any acts of violence committed by the whites upon the blacks?
Answer. Yes, sir; about three weeks ago a colored man got another one to cut some wood for him, and sent him into the woods adjoining the property of a Mr. Britner, a white man. The colored man, not knowing the line between the two farms, cut down a tree on Britner's land, when Britner went into the woods and deliberately shot him as he would shoot a bird.
Question. Was he not indicted and punished for that?
Answer. They had him in prison.
Question. Is he not in prison now?
Answer. I heard that they had let him out last Sunday morning.
Question. Do you know any other instances of cruelty?
Answer. I have church once a month in Matthews county, Virginia, the other side of the bay. The last time I was over there an intelligent man told me that just below his house a lady and her husband, who had been at the meeting, received thirty-nine lashes for being there, according to the old law of Virginia, as if they had been slaves. This was simply because they were told not to go to hear a Yankee darkey talk. They said he was not a Yankee but was a man born in Virginia, in Hampton.
Question. Why did they not resist being flogged?
Answer. They are that much down.
Question. Did they not know that they had a right to resist?
Answer. They dare not do it.
Question. Why?
Answer. I do not know. On the 1st of January we had a public meeting there, at which I spoke. The next night when I was coming from the church, which is about a mile and a half from my house, I met a colored man who told me that there was a plot laid for me; I went back to the church and got five of my church members to come with me. I afterwards learned that a fellow named Mahon, a white man, had determined, for my speech that day, to murder me the first chance.
Question. Did that come to you in so authentic a form as to leave no doubt upon your mind?
Answer. I believe he made the threat. The next day he said to me, "We hope the time will come that these Yankees will be away from here, and then we will settle with you preachers." That gave me to understand that the threat was made.
Question. Do you wish to state any other instances?
Answer. These are as many as I care to speak of.
Question. You are up here as a delegate to make representations to the President in reference to the condition of the colored people?
Answer. Yes, sir.
Question. Are you a regularly ordained minister of the gospel?
Answer. Yes, sir.
Question. In what church?
Answer. In the Baptist church.

WASHINGTON, *February* 3, 1866.

Madison Newby (colored) sworn and examined.

By Mr. HOWARD:

Question. Have you any white blood in you?
Answer. No, sir.
Question. Where were you born?
Answer. In Surrey county, Virginia.
Question. How old are you?
Answer. Thirty-three.
Question. Can you read and write?
Answer. I cannot write; I can read a little.
Question. Can you read the Testament?
Answer. A little.
Question. Have you a family?
Answer. Yes, sir.
Question. Have you been a slave before the war?
Answer. No, sir; I never was a slave.
Question. How do the rebel white people treat you since the war?
Answer. They do not allow me to go where I came from, except I steal in there.
Question. Why not?
Answer. They say I am a Yankee. I have been there, but was driven away twice; they said I would not be allowed to stay there, and I had better get away as quick as possible. I had gone down to look after my land.
Question. Do you own land there?
Answer. Yes.
Question. How much?
Answer. One hundred and fifty acres.
Question. Did you pay for it?
Answer. Yes.
Question. Do you stand in fear of the rebel white men?
Answer. Yes, sir, I do. If all the Union men that are down there would protect us we would not be so much afraid. I went down there to pay my taxes upon my land, but I could not see any person to pay them to; I didn't want to pay any but the United States government; and finally, they told me at the court-house that I had better let it alone until I could see further about it.
Question. What is your land worth?
Answer. I gave $700 for it.
Question. Is there a house on it?
Answer. Yes.
Question. Do the colored people down there love to work?
Answer. They work if they can get anything for it; but the rebel people down there who have got lands will not let the colored people work unless they work for their prices, and they drive them away. They expect colored people down there to work for ten or eighteen cents a day. Six or eight dollars a month is the highest a colored man can get; of course he gets his board, but he may have a family of six to support on these wages, and of course he cannot do it.
Question. How do you get your living?
Answer. I am living in Norfolk at present. I piloted the Union forces there when they first came to Surrey; and afterwards the rebels would not let me go back.
Question. Were you impressed by the Union forces, or did you voluntarily act as a guide?
Answer. I was impressed. I told the Union forces when they came that unless they were willing to protect me I did not want them to take me away, because my living was there; and they promised they would see to me.
Question. Did they pay you for your services?
Answer. No, sir.
Question. They gave you enough to eat and drink?
Answer. They gave me plenty to eat when I was travelling, but nothing to drink except water.
Question. Now that the blacks are made free, will they not, if left to themselves without the protection of the whites, become strollers and rovers about the country and live in idleness, and pilfer and misbehave generally?
Answer. No, sir.
Question. Why not?
Answer. Because they have all been used to work, and will work if they can get anything to do.
Question. Do they not want to go away from the old places where they have been accustomed to live and go off west somewhere?
Answer. No, sir; we want to stay in our old neighborhoods, but those of us who have gone

away are not allowed to go back. In Surrey county they are taking the colored people and tying them up by the thumbs if they do not agree to work for six dollars a month; they tie them up until they agree to work for that price, and then they make them put their mark to a contract.

Question. Did you ever see a case of that kind?

Answer. Yes, sir, I did.

Question. How many cases of that kind have you ever seen?

Answer. Only one; I have heard of several such, but I have only seen one.

Question. What is the mode of tying up by the thumbs?

Answer. They have a string tied around the thumbs just strong enough to hold a man's weight, so that his toes just touch the ground; and they keep the man in that position until he agrees to do what they say. A man cannot endure it long.

Question. What other bad treatment do they practice on the blacks? do they whip them?

Answer. Yes, sir; just as they did before the war; I see no difference.

Question. Have you seen them whipped since the war?

Answer. Several times.

Question. By their old masters?

Answer. By the old people around the neighborhood; the old masters get other people to do it.

Question. Do they whip them just as much as they did before the war?

Answer. Just the same; I do not see any alteration in that. There are no colored schools down in Surrey county; they would kill any one who would go down there and establish colored schools. There have been no meetings or anything of that kind. They patrol our houses just as formerly.

Question. What do you mean by patrolling your houses?

Answer. A party of twelve or fifteen men go around at night searching the houses of colored people, turning them out and beating them. I was sent here as a delegate to find out whether the colored people down there cannot have protection. They are willing to work for a living; all they want is some protection and to know what their rights are; they do not know their rights; they do not know whether they are free or not, there are so many different stories told them.

Question. Where did you learn to read?

Answer. I first picked up a word from one and then from another.

Question. Have you ever been at school?

Answer. Never in my life.

Question. Are the black people there anxious for education and to go to school?

Answer. Generally they are; but down in my neighborhood they are afraid to be caught with a book.

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WASHINGTON, *February* 3, 1866.

Richard R. Hill (colored) sworn and examined.

By Mr. HOWARD:

Question. Where do you live?

Answer. Hampton, Virginia.

Question. That is where President Tyler used to live?

Answer. Yes, sir.

Question. Did you know him?

Answer. Yes, I knew him pretty well.

Question. Can you read and write?

Answer. Yes, sir.

Question. How old are you?

Answer. About thirty-four years.

Question. Were you ever a slave?

Answer. Yes, sir.

Question. When did you become free?

Answer. When the proclamation was issued. I left Richmond in 1863.

Question. Did you serve in the rebel army?

Answer. No, sir.

Question. Or in the Union army?

Answer. No, sir.

Question. How do the rebels down there, about Hampton, treat the colored people?

Answer. The returned rebels express a desire to get along in peace if they can. There have been a few outrages out upon the roadside there. One of the returned Union colored soldiers was met out there and beaten very much.

Question. By whom was he beaten?

Answer. It was said they were rebels; they had on Union overcoats, but they were not

United States soldiers. Occasionally we hear of an outrage of that kind, but there are none in the little village where I live.

Question. What appears to be the feeling generally of the returned rebels towards the freedmen; is it kind or unkind?

Answer. Well, the feeling that they manifest as a general thing is kind, so far as I have heard.

Question. Are they willing to pay the freedmen fair wages for their work?

Answer. No, sir; they are not willing to pay the freedmen more than from five to eight dollars a month.

Question. Do you think that their labor is worth more than that generally?

Answer. I do, sir; because, just at this time, everything is very dear, and I do not see how people can live and support their families on those wages.

Question. State whether the black people down there are anxious to go to school?

Answer. Yes, sir; they are anxious to go to school; we have schools there every day that are very well filled; and we have night schools that are very well attended, both by children and aged people; they manifest a great desire for education.

Question. Who are the teachers; white or black?

Answer. White, sir.

Question. How are the white teachers treated by the rebels down there?

Answer. I guess they are not treated very well, because they have very little communication between each other. I have not heard of any threatening expression in regard to them.

Question. Did you ever hear any threats among the whites to reduce your race to slavery again?

Answer. They have said, and it seems to be a prevalent idea, that if their representatives were received in Congress the condition of the freedmen would be very little better than that of the slaves, and that their old laws would still exist by which they would reduce them to something like bondage. That has been expressed by a great many of them.

Question. What has become of your former master?

Answer. He is in Williamsburg.

Question. Have you seen him since the proclamation?

Answer. Yes, sir.

Question. Did he want you to go back and live with him?

Answer. No, sir; he did not ask me to go back, but he was inquiring of me about another of his slaves, who was with him at the evacuation of Williamsburg by the rebels.

Question. How do you feel about leaving the State of Virginia and going off and residing as a community somewhere else?

Answer. They do not wish to leave and go anywhere else unless they are certain that the locality where they are going is healthy and that they can get along.

Question. Are they not willing to be sent back to Africa?

Answer. No, sir.

Question. Why not?

Answer. They say that they have lived here all their days, and there were stringent laws made to keep them here; and that if they could live here contented as slaves, they can live here when free.

Question. Do you not think that to be a very absurd notion?

Answer. No, sir; if we can get lands here and can work and support ourselves, I do not see why we should go to any place that we do not want to go to.

Question. If you should stay here, is there not danger that the whites and blacks would intermarry and amalgamate?

Answer. I do not think there is any more danger now than there was when slavery existed. At that time there was a good deal of amalgamation.

Question. Amalgamation in Virginia?

Answer. There was no actual marrying, but there was an intermixture to a great extent. We see it very plainly. I do not think that that troubles the colored race at all.

Question. But you do not think that a Virginia white man would have connexion with a black woman?

Answer. I do, sir; I not only think so, but I know it from past experience. It was nothing but the stringent laws of the south that kept many a white man from marrying a black woman.

Question. It would be looked upon as a very wicked state of things, would it not, for a white man to marry a black woman?

Answer. I will state to you as a white lady stated to a gentleman down in Hampton, that if she felt disposed to fall in love with or marry a black man, it was nobody's business but hers; and so I suppose that if the colored race get all their rights, and particularly their equal rights before the law, it would not hurt the nation or trouble the nation.

Question. In such a case do you think the blacks would have a strong inclination to unite with the whites in marriage?

Answer. No, sir: I do not. I do not think that the blacks would have so strong an inclination to unite with the whites as the whites would have to unite with the blacks.

WASHINGTON, D. C., *February* 3, 1866.

Alexander Dunlop (colored) sworn and examined.

By Mr. HOWARD:

Question. How old are you?
Answer. Forty-eight years.
Question. Where do you reside?
Answer. In Williamsburg, Virginia. I was born there.
Question. Have you ever been a slave?
Answer. Never, sir.
Question. Are you able to read and write?
Answer. No, sir; I can read some. That was not allowed me there.
Question. Can you read the Bible?
Answer. Yes, sir.
Question. Do you belong to a church?
Answer. Yes; I belong to the First Baptist church of Williamsburg. I am one of the leading men and trustees.
Question. About how many are included in the church?
Answer. Our minutes show seven hundred and thirty-six.
Question. Do you own the church building?
Answer. We do.
Question. Are you a delegate to the President of the United States?
Answer. Yes, sir; I was sent by my people convened at a large mass meeting.
Question. For what purpose?
Answer. My purpose was to let the government know our situation, and what we desire the government to do for us if it can do it. We feel down there without any protection.
Question. Do you feel any danger?
Answer. We do.
Question. Danger of what?
Answer. We feel in danger of our lives, of our property, and of everything else.
Question. Why do you feel so?
Answer. From the spirit which we see existing there every day toward us as freedmen.
Question. On the part of whom?
Answer. On the part of the rebels. I have a great chance to find out these people. I have been with them before the war. They used to look upon me as one of the leading men there. I have suffered in this war; I was driven away from my place by Wise's raid; and so far as I, myself, am concerned, I do not feel safe; and if the military were removed from there I would not stay in Williamsburg one hour, although what little property I possess is there.
Question. In case of the removal of the military, what would you anticipate?
Answer. Nothing shorter than death; that has been promised to me by the rebels.
Question. Do they entertain a similar feeling toward all the freedmen there?
Answer. I believe, sir, that that is a general feeling. I ask them, sometimes, "Why is it? we have done you no harm." "Well," they say, "the Yankees freed you, and now let the Yankees take care of you: we want to have nothing to do with you." I say to them, "You have always been making laws to keep us here, and now you want to drive us away—for what?" They say, "We want to bring foreign immigration here, and drive every scoundrel of you away from here." I tell them that I was born in Virginia, and that I am going to die in Virginia. "There is but one thing that will make me leave Virginia," I say, "and that is, for the government to withdraw the military and leave me in your hands; when it does that, I will go."
Question. Has your property been destroyed by the rebels?
Answer. I had not much, except my blacksmith's shop. I carried on a large business there. The rebels and the northern men destroyed everything I had; what the one did not take, the other did; they did not leave me even a hammer.
Question. Have you a family?
Answer. Yes, sir; a wife, but no children; I bought my wife.
Question. How much did you give for her?
Answer. I gave four hundred and fifty dollars for my wife, and seven hundred dollars for my wife's sister. After I bought my wife, they would not let me set her free. I paid the money, and got the bill of sale.
Question. What hindered her being free?
Answer. It was the law, they said. She had to stand as my slave.
Question. How extensive is this feeling of danger on the part of colored people there?
Answer. I believe, sincerely, that it is the general feeling.
Question. Did you ever see a black rebel, or hear of one?
Answer. I must be honest about that. I believe that we have had some as big rebel black men as ever were white.
Question. Many?

Answer. No, sir; they are "few and far between;" but I believe that any man who, through this great trouble that we have had, would do anything to stop the progress of the Union army, was a rebel. When Wise made his raid into Williamsburg, I just had time to leave my house and make my escape. They broke up everything I had; they took their bayonets and tore my beds all to pieces. All they wanted was Aleck Dunlop; they wanted to hang him before his own door. One day, since the fall of Richmond, I met General Henry A. Wise at Norfolk. He spoke to me, and asked me how I was. I said, "I am doing a little better than could be expected." Said he, "Why?" Said I, "Them devils of yours did not catch me; I was too smart for them that morning." "Do you think," said he, "they would have hurt you?" "No," said I, "I don't think so, but I know it; they had orders to hang me."

Question. Did Wise admit it?

Answer. He did not say so; but he turned and went off. The day that Wise's men were there, my wife asked them what had I done that they wanted to hang me in preference to anybody else? They said it was because I was a Union man. I had worked for the rebels from the time the war broke out until General McClellan moved up; and then they concocted a scheme to get me to Richmond; but when I saw the wagon coming for me, I went off in the opposite direction. When General Hooker and General Kearney came there, they sent for me, within three hours of their arrival, and asked me about the country, and what I knew. I gave them all the information I could; that, through a colored friend, got to the secessionists and imbittered them against me. The next Union officer who came there was Colonel Campbell, of the 5th Pennsylvania cavalry; and I believe he was as great a rebel as Jeff. Davis. He was governor there for a long time. They captured him, and carried him to Richmond.

Question. The rebels never caught you?

Answer. They have never caught me yet.

Question. How do the black people down there feel about education?

Answer. They want it, and they have a desire to get it; but the rebels use every exertion to keep teachers from them. We have got two white teachers in Williamsburg, and have got to put them in a room over a colored family.

Question. Do the black people contribute liberally to the support of their own schools?

Answer. They are not able, sir. The rebels made many raids there, and destroyed everything they could get their hands on belonging to colored people—beds and clothing.

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WASHINGTON, *February* 3, 1866.

Thomas Bain (colored) sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Norfolk, Virginia.

Question. How old are you?

Answer. I think about forty.

Question. Have you ever been a slave?

Answer. Yes.

Question. When were you made free?

Answer. When emancipation came, I was in Massachusetts; I had got there on the underground railroad. I went back to Virginia after the proclamation, and sent my child away to Massachusetts; I have been down there ever since.

Question. Can you read and write?

Answer. Yes, sir.

Question. Can you write a letter on business?

Answer. Yes, sir.

Question. Can you read the Bible?

Answer. Yes, sir.

Question. And newspapers?

Answer. Yes, sir; I subscribe to newspapers.

Question. What is your business?

Answer. Dentist.

Question. Did you ever start to be a dentist?

Answer. Yes, sir; I was raised in the business.

Question. Where?

Answer. In Norfolk. I spent ten years at it in Norfolk, and ten years in Massachusetts.

Question. Have you a family?

Answer. My wife died some time after I was married; I have one child—a daughter.

Question. Are you here as a delegate from the colored people of Norfolk?

Answer. Yes, sir.

Question. To make representations to the President?

Answer. Yes, sir.

Question. Have you had an interview with him?

Answer. No, sir.

Question. What is the feeling on the part of white rebels at Norfolk towards the colored people?

Answer. Their feelings are very hard—terrible. I have had a chance to travel around some, preaching.

Question. Do you preach?

Answer. Yes, sir; I am a volunteer missionary—a self-sustaining one. The church, under whose auspices I act, is not taxed for my services; neither are the people; I make my practice as I go along; just enough to support me; I can reach most of them in that way; I have a permanent office; and then I travel about the State and preach.

Question. To what denomination do you belong?

Answer. The Wesleyan Methodist.

Question. You preach to the colored people?

Answer. Yes; I have had occasion, of course, to visit a great many.

Question. How are the black people treated in Virginia by the whites since the close of hostilities?

Answer. The only hope the colored people have is in Uncle Sam's bayonets; without them, they would not feel any security; and what is true of the colored people in that respect, is also true of the Union men; the secessionists do not seem to discriminate between them; they do not seem to care whether a northern man is with us or not with us; if he is a Yankee, that is enough; they hardly wait to examine what his views are; it is not uncommon to hear such threats as this: "We will kill one negro, at least, for every rebel soldier killed by them."

Question. Did you, yourself, ever hear such a threat as that made?

Answer. I have heard it at night, in the streets of Norfolk. (Witness related some incidents going to show how much afraid the colored people there are of ill treatment from the whites.) Last June there was a threat by a white citizen of Norfolk to get up a riot.

Question. Did he get one up?

Answer. Yes; they got one up.

Question. What did it result in?

Answer. It resulted in three colored men being shot. One white man got shot through the shoulder; had his arm amputated, and died. It was got up to attack the colored people, and clear all the negroes out of the city.

Question. Are the colored people whipped now as they used to be?

Answer. Not in my vicinity; I only hear reports of that.

Question. Have you heard of cases of whipping by white men?

Answer. Yes, sir.

Question. During the summer?

Answer. Yes, sir.

Question. Many cases?

Answer. Yes, sir; and it is not so much that the colored people are afraid of the white people, as it is that they are a law-abiding people.

Question. Do they submit to be whipped?

Answer. They do, in places near where there are military men. They fool the colored people into believing that the military ordered them to be whipped; they do not want to resist the government.

Question. Are the black people down there fond of education?

Answer. I think that they are excelled by no people in an eagerness to learn.

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WASHINGTON, *February* 3, 1866.

Edmund Parsons (colored) sworn and examined.

By Mr. HOWARD:

Question. How old are you?

Answer. A little over fifty.

Question. Where do you reside?

Answer. In Williamsburg, Virginia.

Question. Can you read and write?

Answer. I can read a little. I have been a regular house-servant, and I had a chance to turn my attention to it.

Question. Have you ever been a slave?

Answer. Yes, sir. I have been a slave from my childhood up to the time I was set free by the emancipation proclamation.

Question. How do the black people in your neighborhood feel toward the rebels?

Answer. I did think myself always secure with the whites; but it is very different now sir, very different.

Question. Do you stand in fear of them?

Answer. Yes, sir.

Question. What have you to be afraid of?

Answer. When the Union forces came there first a good many officers became attached to me and my wife, and we felt perfectly secure; but now the rebels use the officers that are there "to pull the chestnuts out of the fire."

Question. Have you heard threats of violence by white rebels against the blacks?

Answer. Yes.

Question. What do they threaten to do?

Answer. They threaten to do everything they can. My wife died about a year ago. I had a house, where I had been living for twenty years. A lawyer there went and got the provost marshal to send a guard and put me out of my house. They broke my things up, and pitched them out, and stole a part of them.

Question. The Union guard?

Answer. Yes, sir; it is a positive fact. They put me out of my own house. That was January, 1865.

Question. What was the pretext for putting you out?

Answer. My wife had been left free. She had a half-sister and a half-brother; and they pretended to be owners of the property where I had been living all my lifetime.

Question. Who was the provost marshal?

Answer. Reynolds.

Question. Do the returned rebels threaten to commit violence on the colored people there?

Answer. I can hear people complaining of that; but I have really been so mortified at the bad treatment I received, that I have not paid much attention.

Question. How do the colored people feel in regard to education?

Answer. They are very anxious to get education, and feel grateful for it.

Question. Are you a member of a church?

Answer. Yes, sir. I have been deacon of the Baptist church for years. It is pretty much my living.

Question. Are you willing to go away and leave old Virginia?

Answer. No, sir.

Question. Why not?

Answer. I would rather stay in Virginia.

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WASHINGTON, *February* 6, 1866.

D. B. White sworn and examined.

By Mr. HOWARD:

Question. Of what State are you a native?

Answer. Of the State of New York.

Question. Are you in the public employment now?

Answer. I am not.

Question. Have you been?

Answer. Yes, sir.

Question. In what capacity?

Answer. I have been an officer in the army for nearly four years.

Question. What commission did you hold?

Answer. I held the commissions of captain, major, lieutenant colonel, and colonel.

Question. In what States have you passed the most of your time during that period?

Answer. In the States of Virginia, North Carolina and South Carolina.

Question. State whether you have had command of troops there.

Answer. Yes, sir. I had command of a regiment a portion of the time. The best opportunity I had to observe the state of things in the country was in the winter of 1863, when I spent most of the time south of Norfolk, on the line between Virginia and North Carolina, and went out on scouting parties through Camden and Currituck counties.

Question. Have you been situated since the close of the war so as to acquaint yourself with the condition of things in those counties?

Answer. Since the close of the war I have been more particularly acquainted in Virginia.

Question. Have you been stationed in Richmond?

Answer. Yes, sir; I have been stationed near Richmond, at Manchester, and at Williamsburg, Newport News, and at Hampton, after the war.

Question. While thus stationed did you mingle freely with the people in Virginia?

Answer. Yes, sir. I had considerable opportunities. As our regiment was isolated at times from other troops, we were brought in contact very much with the citizens.

Question. How long did you thus remain in command in Virginia?

Answer. From the 3d of April, when Richmond was taken, until the 31st of August, when I was mustered out.

Question. You then left the State, I suppose?

Answer. I am living in the State now, at Hampton. My family moved there, and that is my residence.

Question. When did you go to live at Hampton?

Answer. About the 5th of October, 1865.

Question. Are you well acquainted with the feeling of the rebel people of Virginia towards the federal government and towards the loyal people?

Answer. Yes, sir; I have had quite an opportunity of becoming acquainted, and I have some knowledge of the facts.

Question. What is that feeling, so far as you know?

Answer. So far as I have been able to learn, it is very bitter. The feeling is not only bitter, but frequent manifestations of hostility are made. I would not be understood as saying that I have seen any manifestations of a desire to take up arms.

Question. Has that feeling exhibited itself in scenes of violence?

Answer. Yes, sir.

Question. State any incident that may have come under your observation.

Answer. The first incident that comes to my mind is this: A man near Richmond, after the close of the war, in my presence and in the presence of one or two officers of my regiment, declared his intention ever to resist the government of the United States whenever an opportunity presented itself.

Question. Had this man been a rebel officer?

Answer. He had been connected with the rebel service in some way. I am not positive that he was an officer. I rather think, upon second thought, he was.

Question. State whether you have heard the like declaration from any other persons of condition and influence in Virginia.

Answer. The person who is now deputy sheriff of Elizabeth City county, residing at Hampton, expressed his wish to organize what he could of the remaining forces of Virginia, or the people of the community, to drive out of that part of the country every Union man, whether of the south or of the north. He made some considerable threats.

Question. Was this in your hearing?

Answer. No, sir; but it came to me by the best of evidence. I was one day crossing Hampton roads in a steamboat, when I overheard a conversation between two persons whom I judged to be southerners from their appearance and style, and their manner of talk, and from the subject on which they talked. They talked very bitterly, and expressed themselves with a great deal of vehemence, not only towards me but towards all the Union people. The conversation commenced upon Yankees, as they termed them, who came from the north; and then they spoke about all the Union people. They said that those who had been unfaithful to the State ought to be treated in a similar manner.

Question. What kind of treatment had they been speaking of?

Answer. They had been speaking of myself personally, about throwing me overboard, and speaking of my Union sentiments.

Question. Had they been threatening to throw you overboard?

Answer. They did not threaten me, but made the remark that I should be thrown overboard; they made the remark that such a man ought to be hung. I am publishing a Union newspaper at Hampton. These two individuals were talking together and I overheard them. I did not pretend to notice it, because it might lead to a difficulty, which I wished to avoid. The colored people are often assailed and treated badly by that class of persons, and, but for the Freedmen's Bureau, I think they would have no protection at all.

Question. Suppose the protection of the Freedmen's Bureau was withdrawn, and the Union troops were withdrawn, what would be the treatment of the whites towards the freed blacks?

Answer. In my candid opinion, the condition of the blacks would be worse than slavery. That may seem an extravagant expression, but I have thought of it a good deal. The oppression they would endure would be worse than the former state of things. In many instances it is now. The protection of the Freedmen's Bureau does not extend as generally throughout the country as it is hoped it will; and in some of these places where the bureau does not extend these people are treated very badly. They are employed, and, when their time expires, they are turned off without clothing or any remuneration, and very often the vagrant laws, as they are termed, have been attempted to be enforced, and have been to some extent, although I think the Freedmen's Bureau are looking up these matters so as to extend protection to the freedmen.

Question. Are the whites who employ freedmen in the habit of whipping them?

Answer. There have been frequent instances of that. A few days before I left Hampton I heard of an instance of the kind where two persons were whipped, one of them with an unaccountable number of stripes—over a hundred.

Question. What effect has President Johnson's liberality in granting pardons and amnesties had upon the temper of the rebels where you have been?

Answer. It has never in my estimation mollified them in the least. They have been just as much imbittered towards the colored people and toward the Union people, both northern

and native southern, as they were before. In fact, as far as my observation extends, before Congress met, and when they were quite sanguine in the expectation that the States were going to be admitted to Congress, and when everything was moving favorably, they were exceedingly triumphant and overbearing, and often used haughty expressions to the effect that they were going to have the matters in their own hands and have things their own way; and they indulged in threats to Union men of the chances and opportunities they would have under the new state of things.

Question. Have you ever heard among any influential and intelligent rebels any conversation respecting a war between the United States and a foreign country, and what the rebels would do in such an event?

Answer. I do not know that I have heard any such conversation recently.

Question. How does Governor Peirpoint's government in Virginia, so to speak, affect the minds of the Virginians generally; do they like or dislike it?

Answer. I guess that his administration is becoming extremely unpopular on all sides. I speak of the Union people. They are decidedly unfavorable to Governor Peirpoint.

Question. What, in their minds, is the great defect in his administration?

Answer. They think he has been forgetful of the Union people and of the principles of the Union, and that he has succumbed or yielded to the dictation and wishes of the old confederates. In all his appointments he has shown his partiality to rebels.

Question. Has that been the cause of much discontent among the loyal people of Virginia?

Answer. It has been the cause of much dissatisfaction. There was a time when the Union people of the State of Virginia were very much disheartened and discouraged, but recently they have been looking up with more hope and a brighter expectation.

Question. Have you heard anything said by the rebels about the payment of the war debt?

Answer. Yes, sir; I have in some instances.

Question. What do they say?

Answer. They speak in favor of a repudiation of the national debt. I heard one man say at Hampton (although he has since denied the interpretation given to the remark) that his expectation was, that if they were going now to establish the Union they should repudiate both debts or pay both debts.

Question. Is he a man of influence?

Answer. He is a man of a great deal of influence. He is a physician, and is quite popular, although he ran for office and was defeated. I think he was not in the war, although I cannot say positively. He is quite an influential man.

Question. Have you any reason to believe that feeling is very general in Virginia?

Answer. Yes, sir; I think it is.

Question. Would a majority of the people of Virginia vote to-day, if they had the opportunity, to repudiate both debts, or one debt?

Answer. I think they would repudiate the national debt by a vote, and a very strong vote, too.

Question. And would there be a like vote given for the payment of the rebel war debt?

Answer. I do not think they would go so strongly for that. It is not natural to suppose they would. But if they repudiate the one they would repudiate both. If the northern debt was paid they would insist upon assuming the rebel debt.

Question. How is it with the blacks in Virginia; are they generally friendly to the government of the United States?

Answer. Very. I never saw any people more faithful than they have been. They are quiet and peaceable. Just before the holidays there were a great many reports that they were getting up an insurrection, and they felt very much aggrieved about it. It worried them that there should be such reports. They had mass meetings in which they passed resolutions and expressed themselves very strongly upon it, denouncing any colored people who should ever think or speak of an insurrection. They were very strong in denunciations of anything of the kind.

Question. State whether there is generally a fear or apprehension of danger on the part of the freedmen from their old rebel masters or from the whites generally.

Answer. There is, in some instances, in Surrey county. There are some colored people living at Hampton and Newport News who dare not go to Surrey county, although their families are there, and there are colored people in Surrey county who dare not go away from there. Some have got away, and that is how we are made aware of the facts. They try to enforce the vagrant laws without having it come to the knowledge of the Freedmen's Bureau. Captain Flagg is an agent of the Freedmen's Bureau, stationed at Norfolk. Several instances have occurred where officers of the State attempted to enforce the vagrant laws, and sold colored people for the coming year—sold them to service. I made a statement to that effect. Captain Flagg denied the statement, as he thought it could not be the case. But he afterwards ascertained that the facts did exist, and he wrote to me stating the circumstances.

Question. What is the general feeling among the white Virginians in respect to southern independence?

Answer. I am confident they would all prefer a state of independence. I have never heard

any expressions otherwise. They speak of the Union now and say, "We will make the best of it. We have taken the oath now, and must make the best of it." They claim to be loyal, but they express their regret that they are not independent and could not succeed. They speak of "folding away the flag of their country in tears;" complaining about the loyal people plundering and spoiling and robbing their country.

Question. How do they treat, socially, persons coming from the north to settle or to transact business with them?

Answer. So far as I have an opportunity to know, they are very indifferent and treat them coldly. In Hampton the northern men who are doing any business, so far as I know, are doing it with the colored people and Union whites. I speak of the loyal whites as a class, but they are a very limited class. Since the war it is much easier to know who is a loyal man than it was during the war, because the rebels assisted in drawing the line of demarcation, and in some instances they knew where our forces did not know.

Question. Would the masses of white Virginians be better pleased to be separated politically from the north?

Answer. I think they would. I think they would vote by a very large majority—almost unanimously—to accomplish it, if they could.

Question. Have you any reason to believe that they still entertain schemes of separation and independence?

Answer. I do not think they have any immediate plan of organizing. Yet I have frequently thought, and so expressed myself to friends, that they entertain the hope now just as they did formerly. In and about Norfolk the secessionists almost all have arms. Throughout the country they have arms. When they go to market they put arms in their wagons.

Question. What kind of arms?

Answer. Muskets and pistols. There are a great many muskets scattered throughout the country.

Question. What chance has a northern man or a Unionist for justice in the State courts of Virginia?

Answer. He has not any chance at all. I would not go before one of those courts, if I could avoid it, under any circumstances, because there is no justice there at all.

Question. When you say there is no chance, do you mean to say that the bias and ill feeling on the part of court and jury are so great against the Unionists north and south that they would not be able to obtain their rights?

Answer. Yes, sir. The bias is so great that they could not even entertain a hope of getting justice according to their interpretation of their own State laws.

Question. Are northern immigrants welcome among them, or are they regarded as unwelcome visitors?

Answer. They are very unwelcome; expressions of that kind are very frequent.

Question. In case a northern man should purchase real estate among them, would he be safe in the enjoyment of his property?

Answer. I think he would not. A man bought a farm near Hampton under a confiscation sale; he was down at Hampton a month or so ago; two of his neighbors came in who had had a claim upon the farm formerly; very evidently, from the manner of their talk and the way they told their story, they came there for the purpose of making trouble with this man. Both of them were armed, and if the man had not had assistance, I do not know but that they would have killed him. I wrote an application for that Union man to General Miles to attend to the matter and give him protection.

Question. What are you by profession?

Answer. A minister; when the war commenced I was preaching in the Methodist Episcopal church.

Question. State whether the old connexions between the Methodists of the south and of the north have been dissolved?

Answer. They were dissolved before the war, and have not been reunited.

Question. Has any effort been made to reunite them?

Answer. There has been some talk of it; I do not know that there has been any special effort made; that is, some people have spoken of it, but I have never seen any indication particularly looking toward a reunion of the church; there is no immediate hope of it. At Williamsburg, on the Peninsula, between Richmond and Fort Monroe, I had an opportunity to become somewhat acquainted with the Methodist society, and attended service several times. The feeling of the church seemed to be about the same in regard to the abolition preachers, as they call the preachers in the northern church; they had a bitter feeling towards what they called the abolitionists.

Question. Do you regard it as likely that the Methodist church north and south will be soon reunited?

Answer. I do not; I think it is impossible to accomplish that.

Question. Is there any manifestation of willinguess on the part of southern Methodists?

Answer. No, sir; there is not. I think there is generally an unwillingness.

Question. Do you think of any other circumstance that you wish to relate?

Answer. I do not think of anything more now.

WASHINGTON, *February* 7, 1866.

Charles Douglas Gray sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Augusta county, Virginia.

Question. Are you a native of Virginia?

Answer. Yes, sir.

Question. And have always resided in the State?

Answer. Yes, sir.

Question. You have been a loyalist during the war?

Answer. Yes, sir; uniformly so. I, however, voted for the ratification of the ordinance of secession. That is the only act I am ashamed of in the whole transaction; I was forced to do it, by the pressure of the moment.

Question. Have you been so situated as to be tolerably well acquainted with the state of public feeling among the white people of Virginia since the close of hostilities?

Answer. I have not; I have stayed very closely at home on my farm, and have mingled very little with the people.

Question. Are you well acquainted with the state of public feeling in Augusta county?

Answer. Yes, sir; I think I am.

Question. Have you been holding any public position there since the war?

Answer. No, sir.

Question. Nor during the war?

Answer. No, sir; none at all.

Question. State what is the general feeling among the ex-rebels, the once disloyal people of that county, towards the government of the United States.

Answer. I would say that the majority of the people of Augusta county accept the result of the war in a spirit of resignation and submission; they are resigned to the result. There is a large portion of the population of Augusta who were thoroughly loyal men all the time; we always believed that more than one-half of them were loyal, but in the elections we have had we have been largely out-voted. We have a Dunker population—a religious denomination, non-combatants—which we were not able to get to the polls, and the consequence was that there was a smaller Union vote than there were Union voters in the county.

Question. Why did the Dunkers refuse to go to the polls?

Answer. Immediately after the surrender they did go to the polls to make an effort to elect little local Union officers, and were defeated, and we could not get them to the polls again, when we had the congressional election. Mr. Lewis was candidate of the Union party in our district, and Mr. Alexander H. H. Stuart the candidate of the other party. I do not mean to be understood as saying that Mr. Stuart is not a loyal man; I think that a majority of the people of Augusta county are now loyal to the government of the United States.

Question. Have the goodness to explain a little more fully what is understood by the phrase "accepting the situation."

Answer. It is a phrase that is used by the secessionists. The Union men never use it. As I understand it, they mean by that phrase this: that they appealed to arms, to the arbitrament of the sword, as they say; that the decision was against them, and that now they submit to the authority of the United States, forced by the military power of the government. That is what I understand by the term.

Question. Is not that the way they understand it?

Answer. I cannot say; that is the way I understand it; they acknowledge that they are whipped, and soundly whipped.

Question. Do they not feel better for it?

Answer. Not so much as they ought to do, but I think they will ultimately. That is as near as I can describe it.

Question. Since the close of hostilities, do they appear to entertain feelings of respect and attachment to the government of the United States?

Answer. I would rather you would ask them in regard to that.

Question. I ask how they appear.

Answer. Well, they are submissive, and that is about as far as I know. They grumble a good deal; they complain of the taxes; and they are very much in favor of the President's policy; they extol that; they think that the test-oath is an unconstitutional outrage. I think that the people are a great deal sounder than the politicians—a great deal. I believe in the loyalty of a large majority of the people of Augusta county. There are a great many individuals in the county who, no doubt, deeply regret the result; but, seeing now that it was inevitable, they are going now to obey the laws, and I have no doubt that in a year or two they will be a great deal happier than they ever were, and will love the Union and the government of the country. You may remember that Augusta county was one of the strongest Union counties in the State; that it was an old Henry Clay whig county, and that it stuck to the Union—not so long as, I think, it ought to have done—but it stuck to it until their State pride induced them to go over; they thought it was their duty to stand by their

State. It is a Scotch-Irish population, and you know the temper of that population: when their blood is heated, there is not a more tenacious population in the world. They were the last to go into the war and they were the last to give it up. They did not lose a great many slaves. In old Virginia, where they lost most heavily in the slave population, they were more overwhelmed by the result than were the people in the valley. In old Virginia they thought the loss of slavery was the loss of everything worth living for; but we had few slaves. Then Sheridan's burnings exasperated them very much, although there was always more Unionism in Augusta and in the valley than in eastern Virginia.

Question. Do you think that those persons in the county who took up arms against the United States are beginning to regret that they struck at Uncle Sam?

Answer. I cannot say hat. In a general way they say that it would have been better not to have begun it, as it ended as it has; but if it had ended differently I do not think they would have regretted it.

Question. What is your profession?

Answer. I am a farmer now. I have been a lawyer.

Question. What chance does a Unionist, either a Virginian or a northern man, stand in the State courts there for justice?

Answer. I believe that I could get justice in any of the courts in Augusta county. I would not be at all afraid to go before a jury even of secessionists. There would be prejudices if it were a question connecting itself in any way with politics; but I would not, in an ordinary case, fear injustice. I would not feel at all insecure.

Question. How would it be with a man from one of the northern States?

Answer. I believe that he would get justice.

Question. Would he stand as good a chance as you would?

Answer. I believe so. There is a prejudice existing among the secessionists against Yankees, as they are called—a strong prejudice; but, nevertheless, I believe they could get justice.

Question. Is there much immigration from the north into that part of the valley?

Answer. There is a disposition, I think, in our section to encourage the introduction of northern capital.

Question. Suppose a northern man, of very decided anti-slavery feelings, who had been an advocate for the prosecution of the war to put down the rebellion, should go there to settle, and buy land and become a permanent resident, how would he be treated?

Answer. I think that at the start he would be treated with reserve. It would take some time for him to get on social terms with his neighbors; but they would not molest him.

Question. You have no apprehensions of that kind?

Answer. None at all.

Question. How do the secessionists there feel generally toward the emancipated blacks?

Answer. Well, the prejudice is pretty strong against the blacks. However, they want black labor, and they hire them readily, pay them their wages, and treat them well.

Question. Do you know of any combinations existing in the county to keep down the wages of the freedmen?

Answer. None at all. I think that they can get good wages and can get employment as much as they like.

Question. You are acquainted with the state of public feeling in Virginia in other localities, to some extent?

Answer. Yes, to some extent; but I cannot speak with any confidence or with any personal knowledge.

Question. Have you any reason to suppose that the secessionists still harbor, directly or indirectly, the project of secession or southern independence?

Answer. I do not believe there is such a project harbored in any section of the State.

Question. Suppose the United States were engaged in a war with a foreign power, such as England or France, in a close hand-to-hand contest, as it probably would be, how would you regard the secession people of Virginia in relation to the United States?

Answer. Well, sir, I will give you my view upon that subject. The secessionists were very angry with England for not recognizing them. I think they were more dissatisfied with England's course than the United States were. There would be a great many secessionists who would like to avenge themselves upon England. I believe that if there were a war of the character you describe, a great many would stand by the government, not from any very great love for the United States, but because they hate England for the course she pursued—for her duplicity—for her not recognizing and helping them. There are others who, very probably, if they had an opportunity, would join the British arms. I think there are very few men of that character in the State—very few who would join the enemy, at least until they saw very plainly that England was going to whip; I doubt whether any of them would.

Question. You think that a few would join the enemy, especially if they imagined that the enemy was going to be successful?

Answer. Yes, sir.

Question. How large a proportion is there of that class of persons?

Answer. I think that they constitute a very small portion. I do not believe they constitute one-twentieth or one-fiftieth of the population. Indeed I do not know that any of them

would; it is merely a surmise. I am giving my best impressions of the feeling in the State. I have heard a great many of them say that they would like to have an opportunity of fighting England.

Question. But suppose this exigency should present itself; suppose the old secession party in Virginia and in other rebel States should imagine that this war presented an occasion which might enable them to secure their own national independence, what course would they pursue then?

Answer. In answer to that question, I would say that, in my opinion, if the real feelings and sentiments and inclinations of the majority of the people of Virginia to-day could be ascertained in a quiet way, not by a public election, but in a quiet way, by going to their firesides, a majority would be found in favor of remaining in the Union in preference to having their independence.

Question. And do you think that feeling is gradually being strengthened?

Answer. I think so. I think that that feeling is gradually increasing in the State.

Question. How do they regard their leaders in the rebellion, such as General Lee and other distinguished men?

Answer. There is a great disposition to reward them; a decided disposition to reward the men who have fought for their country.

Question. What does this feeling rest upon more particularly—the admiration of the voters for the gallantry and bravery of the leader for whom they are asked to vote, or their love for the old lost cause?

Answer. I think it is the feeling of respect and admiration for the man who fought for the State, although he was wrong in doing so.

Question. For his display of gallantry and skill?

Answer. Yes, sir; for his display of gallantry in defence of the soil of the State.

Question. Depending more on that feeling than on dislike to the United States?

Answer. I think so.

Question. How is Jefferson Davis regarded down there by the secessionists?

Answer. He is very bitterly denounced and accused by the secessionists, more so, I think, than he ought to be.

Question. Was he ever very popular in Virginia?

Answer. No, sir. After the State seceded Mr. Davis started with great popularity; but now they must have a scapegoat, and the disposition is to make Mr. Davis that scapegoat. They attribute to him the failure of the cause—to his blindness; his stubbornness; his interference with officers; his self-will, and all that. I always say that I do not think it was Mr. Davis who ruined the confederate cause at all; that it would have been ruined anyhow. I think that few men could have kept it on its feet as long as he did. I think that if we had kept McClellan they would have kept up the war a year or two longer. There is another feeling—a feeling of great bitterness toward the republican party; to the black republicans. The secessionists in Virginia are very bitter toward the men and measures which saved the Union; to what we understand as the Union party of the country. But that is politics; they want to see the republican party thrown out of power.

Question. What, so far as you know, appears to be their ulterior political designs?

Answer. I think they only want the offices.

Question. What is their idea of proceeding? what alliance do they propose to form?

Answer. They want to organize a great conservative party. That party will, of course, embrace all the copperheads and a sufficient number of others to get into power.

Question. You have very little doubt about their entertaining that purpose?

Answer. I have very little doubt about their wanting to get into power—not the least doubt about that.

Question. What, in your judgment, has been the general effect of the liberality of President Johnson towards the rebel community?

Answer. It has made him very popular.

Question. Has it increased or diminished the attachment of the people to the government of the United States.

Answer. I do not think it has diminished the attachment of the people to the United States government?

Question. How do rebels, who have been pardoned there, generally speak of the government of the United States—in terms of respect, or of contumely and defiance?

Answer. They speak generally in terms of great respect for the President and his policy, and of great denunciation of those who oppose him.

Question. Among the people at large in your vicinity, what is the feeling toward the freedman? Is there a disposition to keep him under; to withhold from him the ordinary rights and privileges of a free man; to constrain him to labor for under-wages, or for no wages; to treat him with contempt and injury, or with justice?

Answer. I will endeavor to give you some idea of that. You must remember that the relation has been suddenly and violently changed between the white man and the black man. From a slave he has suddenly become a free man. Before the abolition of slavery, and before the war, it was the policy of the slaveholders to make a free negro as despicable a creature and as uncomfortable as possible. They did not want a free negro about at all. They considered it an injury to the slave, as it undoubtedly was, creating discontent among

the slaves. The consequence was that there was always an intense prejudice against the free negro. Now, very suddenly, all have become free negroes; and that was not calculated to allay that prejudice. But that feeling is in my section of the country gradually subsiding. There is a great deal less feeling of that kind now than there was six or eight months ago. They all predict, of course, that the negro will not work; that some means will have to be found by which he can be forced to work, or that he will not work. However, they hire them, and I hear very little complaint. There is great dissatisfaction, of course, with the abolition of slavery. We have not become reconciled to that.

Mr. HOWARD. The coat does not fit?

WITNESS. The coat does not fit at all; but I have no doubt that in course of time they will be reconciled to it, and a better feeling will exist toward the negro.

Question. State whether you have noticed anything like a general repugnance on the part of whites to the black man becoming the owner of lands, houses, and other property.

Answer. There was at the start. A great many houses were burned down in my neighborhood, which it was feared would be rented to negroes. They do not like negro families to settle in the neighborhood if they can prevent it; but that feeling, too, is not so strong as it was six months ago. They are beginning to see that it was a mistaken policy. They are beginning to see that they require and need the negro labor. I do not know (to be perfectly frank and candid) but that the predominant feeling in the State is a disposition to get rid of them at present. I think, however, that that feeling will change sooner or later.

Question. Must it not necessarily change?

Answer. I think it must necessarily change.

Question. Must it not necessarily, in the end, change to a feeling which would retain the black laboring man in the midst of the white people as a laborer?

Answer. I would think so. They are making a great effort to introduce foreigners. My own opinion is that our negroes will be a great deal better laborers, and that the people will see it. That was my view from the start.

Question. At the present time, of course, there is no great friendship for negro schools?

Answer. No; there is a disposition to laugh it down, to ridicule it, and make fun of it.

Question. Have you yourself noticed the capability of the black to acquire learning in the ordinary elements of education?

Answer. I have not; but I have no doubt at all of it.

Question. What do you hear said of it generally by those who have given attention to that subject?

Answer. There has been very little attention given to that subject. There are a great many negroes in our country who learned to read when it was against the law to teach them. The children of the families would teach them their A, B, C's, and they would go on from that to learn to read. The children would sit upon their laps and teach them to read. At present the negro himself is in a restless, unsettled condition, which is a very natural thing; and there is a disposition on their part to congregate in the towns, which is a misfortune for them.

Question. Do they congregate there for mutual protection?

Answer. I do not know, sir. There is a great deal of disposition on their part to go to housekeeping. Their idea of liberty and independence is to keep house; and no matter what sort of a shanty or shelter they can get up, they prefer that. But they will soon see that that is not a wise course at all, and that they will starve if they congregate in towns where there is no employment.

Question. What is the general susceptibility of the negro for religion? Is he more or less religious in his nature than the white man?

Answer. He is very susceptible to religious impressions, and prefers the more emotional forms of religion—the Methodist and the Baptist.

Question. Is he not inclined to be superstitious?

Answer. Yes, sir, very.

Question. More than the white man?

Answer. Well, I do not know that he would be. The ignorant white people are as superstitious as the negroes.

Question. Do you think of any particular facts that you would wish to incorporate in your statement, illustrating your ideas?

Answer. No, sir; I think that if the right course is pursued down south, we can have the best peasantry in the world by securing the negro in all his civil rights. I do not mean by that the right of suffrage at present; I do not think they are in a condition at present to exercise that right; I think that in the course of a generation, when they have been educated, it will be time enough to agitate that question. But let the negro understand that he is a *bona fide* free man, and that his wages will be paid, and let him understand the worth of money, (he does not understand the worth of money now, and has no idea of the expenses of housekeeping,) and I think he will be industrious and frugal. I have known a great many very successful negroes.

Question. Do you think that there is, as a general thing, a feeling of unkindness on the part of the negroes toward the white people?

Answer. I do not think there is at all; in my section there is none at all

Question. Do you think there is any danger of negro insurrection in your neighborhood?

Answer. We have no apprehension whatever. There are too few there, in the first place.

Question. So far as your knowledge extends in Virginia, have you any reason to apprehend any danger from the negroes?

Answer. I have none. I have heard some gentlemen express some apprehension, but they did not seem to be very serious at all.

Question. Have the negroes arms?

Answer. Not that I know of.

Question. Have these secessionists, who have been in the rebellion, generally arms at their dwellings?

Answer. I do not know; the officers retained their side-arms, and you may often see a gentleman riding with pistols; there are some few fowling-pieces and arms of that kind in the neighborhood. If there are arms I have no knowledge of them.

Question. You have no reason, so far as your observation extends, to apprehend a revival of the rebellion?

Answer. None, whatever. People are thinking about their private business; they want to go to work to repair their losses; they do not wish any more war, domestic or foreign war, if it can be avoided. They are tired of war. They knew nothing of what war was before the rebellion; they had no idea at all of the kind of war they were engaging in; they are heartily sick of war. They are an afflicted people, terribly afflicted; almost all of them have lost sons or brothers; the country is full of widows and orphans and destitute people. I think that, on the whole, the people are bearing their misfortunes with cheerfulness and fortitude, and are anxious now just to get the means of restoring their losses, and if politicians would let them alone, I think there would be no trouble whatever.

Question. You have journeyed up and down the valley continually during and since the war?

Answer. No, sir; during the war I staid very close at home; I was in a very critical position all the time, and I never left home when I could help it.

Question. You did not think it necessary to leave home?

Answer. No, sir, not at all. The President's proclamation ordered me to go home and stay there, and I obeyed that proclamation.

Question. Within the circle of your personal observation, what is the appearance of the country where those armies have marched?

Answer. From Harper's Ferry to New Market, which is about eighty miles, from one mountain to the other, the country was almost a desert. There were no fences. Speaking of the condition of the valley after General Sheridan retired, I described wheat-fields growing without any enclosure; some one asked me whether the stock would not destroy the wheat. I said "Certainly, if General Sheridan had not taken the precaution of removing all the stock." We could cultivate grain without fences, as we had no cattle, hogs, sheep or horses, or anything else. The fences were all gone; some of the orchards were very much injured, but the fruit trees had not been, as a general thing, destroyed. The barns were all burned; a great many of the private dwellings were burned; chimneys standing without houses, and houses standing without roof, or door, or window; a most desolate state of affairs; bridges all destroyed, roads badly cut up. Large armies, whether friendly or hostile, are devouring animals. There is no question about that. The damage was not all done by the federals.

Question. The general appearance of the valley was desolate?

Answer. Very much so.

Question. Probably no section of the country has suffered so severely as the valley of the Shenandoah?

Answer. Except, perhaps, from Alexandria to the Rapidan; that has suffered perhaps as much as the valley.

Question. Almost every proprietor suffered in some degree?

Answer. Oh, certainly, every farmer; I suffered less myself, I believe, than any farmer. There was not a federal soldier on my farm during the war. That was owing to the happy location of my property. It was not in a good military position. The battle of Piedmont was fought two and a half miles from my door; but I had a blessed little river running in front of my house, which happened not to be fordable at the time, and so I escaped.

Question. Were you ever arrested by either party?

Answer. No, sir; I never was arrested. I was sometimes in very great apprehension of being arrested.

Question. Was your house molested?

Answer. Never, sir. I lived most of the time in the town of Harrisonburg. While I was there, my house and yard were filled alternately with federal soldiers and confederate soldiers, all hungry, and I fed them all as long as I had a mouthful of bread in my house. I never had the slightest reason to complain of the soldiers of either army.

Question. And you have seen the play?

Answer. Yes, sir; I have seen the whole of it.

WASHINGTON, *February* 7, 1866.

John F. Lewis sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Rockingham county, Virginia.

Question. What is your profession or occupation?

Answer. Farmer.

Question. How long have you resided in Rockingham county?

Answer. I was born there and have lived there ever since. I have never resided anywhere else.

Question. Are you well acquainted with the state of public feeling in your vicinity?

Answer. I think I am pretty well.

Question. Do you hold any official position?

Answer. No, sir.

Question. What is the general feeling on the part of secessionists there towards the government of the United States?

Answer. I do not believe that a majority of the people there are loyal according to my understanding of the term. They profess to be loyal. My understanding of the term "loyal' is respect, love, devotion. These feelings do not exist to any great extent in any portion of the State where I have been. But I believe if not interfered with by the political aspirants and newspaper editors, they could soon be induced to cultivate love and devotion to the government of the United States.

Question. Has a large proportion of them engaged in the war against the government?

Answer. Yes; a large proportion of them either voluntarily or involuntarily engaged in the rebellion. I suppose that in the latter part of the war a majority of them were conscripts.

Question. Are you prepared to say that a majority of the people of that county are, in feeling, friendly to the United States?

Answer. I have had no means of ascertaining that except in the elections that have taken place; and they have indicated no friendly feeling to the government.

Question. How do you explain that indication—what is it?

Answer. I do not believe that a man who had been an uncompromising Union man through out the rebellion can be elected to any position either of trust or profit.

Question. What description of persons have generally been elected in that county?

Answer. Men who have been in the rebel army. There were some restrictions placed upon them by the law, but they have been removed by the present legislature.

Question. What were those restrictions?

Answer. The Alexandria constitution, as it was called, restricted the elective franchise to persons who had been loyal during the war. That restriction has been removed by the legislature now in session at Richmond. The clause in the constitution imposing restrictions upon voters on account of disloyalty was so framed as that the legislature might, if it saw fit, repeal it. That repeal was submitted to the voters of the State at the last election, including loyal as well as disloyal; and they almost unanimously decided in its favor, so that the restriction was taken off.

Question. Would an out-and-out Union man stand any chance of being elected in that county now?

Answer. I think not.

Question. Do the secessionists there entertain any desire or any purpose to renew the war for southern independence?

Answer. No, sir; I do not think they do. I believe the impression is universal, almost, that they are powerless to renew the war.

Question. Suppose they had the power and the means to renew the war, what course do you think they would take?

Answer. I think a great majority of them would be neutral; would not take either side. Some of them would take sides against the United States, and some of them for, but a majority would, I think, be neutral.

Question. You have heard the question I have put to Mr. Gray respecting the course that would be pursued by the secessionists there in the event of a war between the United States and a foreign power?

Answer. Yes, sir.

Question. You heard his answer?

Answer. I did not concur fully with Mr. Gray in that.

Question. Give your own views.

Answer. I think a great many of them would take part against the United States. I often hear the secessionists there—(they are all termed secessionists now with very few exceptions)—I often hear that class of persons who were in the army say that they would rejoice to see the United States well thrashed by England and France; and I think that in the event of a war there would be some apprehension of trouble. I have some apprehension there would be trouble in the State. I know one thing—that if there was a war between the United State

and any foreign power of any considerable magnitude, I should endeavor to get north of the Potomac. I should not feel safe in remaining where I am.

Question. How extensive is that feeling among the Union people in your vicinity?

Answer. I think if they were satisfied that there was to be a war between the United States and any foreign power of any considerable magnitude, the feeling to get away would be pretty general among the Union people. I do not think they would feel secure.

Question. Have you any reason to apprehend that the secessionists in your part of the State, and where you are acquainted, still entertain projects of secession or southern independence?

Answer. No, sir; I think not. I think they have abandoned all such ideas. If they have any such they are kept a profound secret. I was a member of the convention which passed the ordinance of secession. I refused to vote for the ordinance of secession throughout, and I refused to sign the ordinance after it was passed. I was the only member of the convention east of the Alleghany mountains who refused to sign the ordinance of secession, for which I was threatened repeatedly. They threatened to hang me several times, and I had some little apprehension at one time that they would do it. But I remained there throughout, and, beyond some denunciation and abuse, I was not molested.

Question. You felt constrained to keep a pretty close mouth during the war?

Answer. I was not as prudent probably as I ought to have been. I was so ardent and devoted a Union man that I could not keep prudent all the time.

Question. We have had accounts of the secret session of the secession convention in Virginia—were you in the convention at that time?

Answer. Yes, sir.

Question. Are you at liberty to state anything about it?

Answer. Oh yes, sir; the restriction has been removed.

Question. Did all the members of the convention attend that secret session?

Answer. Yes, sir; the body met in secret session for some days previous to the passage of the ordinance of secession.

Question. What was the object of the secrecy, to discuss the question more freely?

Answer. I always believed that the object was to impose upon the Union sentiment of the country, and prevent the people from knowing anything that was doing there.

Question. You were not in the secret of the secrecy?

Answer. No, sir.

Question. Was Governor Wise a member of that convention?

Answer. Yes, sir; he was the leader of the secession party?

Question. Did he attend the secret sittings?

Answer. Yes, sir; all the members attended. I do not think that any member of the convention refused to attend the secret session. Most of the business was transacted in the latter part in secret session.

Question. State how prominent Wise was in his advocacy of secession.

Answer. Well, sir, he was generally conceded to be the leader of the secession party there, although he professed to be a Union man. He said to me on one occasion, "Lewis, you help to save the negro, and I will help you to save the Union." He was endeavoring to persuade me at his desk to adopt his views; I remarked to him that I was not an abolitionist, and I went on to argue the question with him. He caught at that idea, and said "You help me to save the negro, and I will help you to save the Union." My impression was that his plan would destroy both; he went on to prove to me that I was mistaken.

Question. I suppose he was perfectly confident of success in the enterprise?

Answer. I think so.

Question. His idea was, that by seceding and getting up a southern confederacy, slavery would be perpetuated and placed beyond the reach of black republicans and abolitionists?

Answer. Yes, sir, I think that was the idea, although Mr. Wise has written a letter since the surrender of the rebel army, saying that he was convinced long before the close of the war that slavery was an evil, and that if the south had been successful he had intended to canvass the State for the abolition of slavery. I do not think that that is generally believed by the people of Virginia.

Question. Was Mr. James M. Mason a member of that convention?

Answer. No, sir.

Question. Was Alexander H. H. Stuart?

Answer. Yes, sir, he was.

Question. How did he vote on the question of secession?

Answer. He voted against the ordinance of secession. The final vote stood 88 to 55. The ordinance was passed by 33 majority, but finally Mr. Stuart signed the ordinance.

Question. I suppose that that was a mere authentication of the paper?

Answer. Yes, sir. He said he regarded it in that light. Mr. Stuart was a Union man.

Question. Was George W. Summers, from the Kanawha district, a member of that convention?

Answer. Yes, sir.

Question. How did he vote?

Answer. He voted against the ordinance. He did not return to the convention, and I am

not able to say whether he signed the ordinance or not. He took no part in the war, I believe. I heard him roundly abused for not taking the southern side. While the convention was still in session, I went to the house of Mr. John Minor Botts, in Richmond, on the 16th of April, 1861, and he informed me that he had been to Washington a few days before, and had had an interview with Mr. Lincoln, in which interview Mr. Lincoln informed him that he had sent a special messenger to Richmond for George W. Summers to come to Washington; and in the event of his not being able to come, to send some reliable Union man to consult with him on important matters. Mr. Summers, from some cause or other, did not go, but sent Colonel John B. Baldwin, of Augusta county, Virginia. Mr. Lincoln informed Mr. Botts that he had made this proposition to Colonel Baldwin: that if that convention would adjourn without passing an ordinance of secession, he (Mr. Lincoln) would take the responsibility of withdrawing the troops from Fort Sumter. Colonel Baldwin declined to accede to it, and no such proposition was ever made or communicated to the convention. Next morning I took Colonel Baldwin to the house of Mr. Botts, who told him he was informed that such an interview had taken place. Colonel Baldwin did not deny it. In answer to Mr. Botts's question of how, in the name of God, he could take the responsibility of withholding the knowledge of such an interview from the convention, Colonel Baldwin remarked that it was then near the hour for the meeting of the convention, and that he was compelled to be there, but would see him again. No such communication was ever made, to the best of my knowledge and belief, to any large portion even of the members of the convention, and a large number of them are to this day ignorant of the fact.

At the same time a party of secessionists met together at Richmond—a self-constituted convention—for the purpose of forcing this convention to pass an ordinance of secession, or of turning them out of doors, and deposing Governor Letcher. And I believe that if it had not been for the fear of that body, the ordinance of secession could not have been passed. A large portion of the people of Virginia at that time were utterly opposed to the passage of an ordinance of secession.

Question. How does the secession party in your county feel towards the freedmen?

Answer. I think there is generally a kind feeling. The former owner of the slave is, I think, his best friend. There is very little prejudice against the negro, except among the class whose labor comes in competition with him—that is, in our county.

Question. You suppose that the higher classes in Virginia feel more kindly toward the negro than the lower classes?

Answer. Yes, sir; I think so, as a general thing. In Eastern Virginia there is a different feeling. There they were pro-slavery people. In our country there were comparatively few slaves. In Eastern Virginia there is, I think, a great deal of prejudice against the negro, and a worse feeling exists there than in our section.

Question. Do you think that President Johnson's policy in granting pardons and amnesties to the rebels has increased or diminished the respect of the rebel community for the government of the United States?

Answer. I have been convinced for some time that the policy of Mr. Johnson was a bad one. I was one of those who took an active part, immediately after the surrender of General Lee, in getting pardons for these people. I believe, as a general thing, they have failed to comprehend or appreciate the magnanimity of the government shown towards them; and I think there is a worse feeling there now than there was at the time of the surrender of General Lee's army. A great number of persons who have received their pardons are now acting in a way that they would not have done if the pardons had been withheld a few months longer.

Question. Do I understand you to be of opinion that that liberality has rather tended to increase the insolence of the secessionists than to abate it?

Answer. Yes, sir; and I have heard that question discussed a great deal. I have been travelling about somewhat; I have been to Richmond very frequently, meeting the members of the legislature there from different parts of the State, and conversing with persons from different portions of the State; and that, I think, is the general impression among the Union men—among the men who are really Union men. There are a great many men, I was going to say, who now profess to have been Union men all the time, but who were not known as such during the war. Of them I did not speak; I spoke of those who were known to be uncompromising Union men throughout. There were very few such persons in the State. The Dunkard population, of whom Mr. Gray spoke, were generally loyal, and are still loyal; but they are a timid set of men, who take very little part in politics, and their influence is pretty much lost to the State. Leave that element out of the question, and the Union men are in a very meagre minority.

Question. Are Union people in your vicinity secure in their possessions and rights of property and person?

Answer. Yes, sir; I think they are. I do not apprehend any danger. I feel no apprehension at all myself; and I suppose I am as obnoxious there as anybody can be, having been one of the very few men in the valley of Virginia who always, and under all circumstances, expressed themselves in favor of the Union.

Question. Does this security, of which you speak, depend in any degree, in your judgment, upon the presence of federal troops in the State?

Answer. I am not prepared to say that it does, nor am I prepared to say that it does not. I think that the sending of troops to our country immediately after the surrender of General Lee's army was a great protection and security to the Union people there and to the whole people. There were a parcel of marauders in the country who were giving a great deal of trouble, and the sending of Union troops there is regarded, I think, by secessionists and Union people as being very opportune. I have no doubt that we would have had very considerable trouble there if this had not been done.

Question. Trouble consisting of turbulence and riot?

Answer. Yes, sir; they were fighting and squabbling over government property, and driving stock from one farm to another; and there was horse-thieving going on. They had reduced horse-thieving to a science in our country during the war. It was almost impossible to recover a stolen horse. I frequently had to keep a guard in my stable.

Question. Do the people of that section generally feel willing to accord to the freedmen the rights of property and of family?

Answer. Yes, sir; as a general thing, they do.

Question. To what extent would family rights, especially the marital rights of husband and wife, be respected by the freedmen among themselves if they were allowed, as they now are, to enter into those relations and enjoy those rights?

Answer. I cannot answer that question, because the system and practice of slavery in Virginia were in violation of all those rights, and the negro generally felt very little compunction at leaving his wife, or his wife at leaving him, and taking up with some one else. They were liable to be separated by their masters, or by either of their masters, when they were owned by different persons. Either master could sell and separate them at pleasure; that had the tendency of weakening the attachment of the negroes to their families; they felt an insecurity. I suppose there would be a very different feeling now. Most of the negroes were not married legally. There was no such thing as legal marriage between them. They generally just took up with each other, and lived in a state of adultery as long as it suited their convenience, and then broke off.

Question. Do you think that the feeling growing out of that sort of license will become improved by protecting marriage by law?

Answer. Yes, sir; I think so.

Question. Is there any other fact which you desire to state?

Answer. No, sir; I do not think of any. I intended to say, in speaking of the loyalty of the people of Virginia, that I am induced to doubt their loyalty from this circumstance: the legislature, now in session in Virginia, seems to be afraid to elect, and has not elected, any man to any of the offices within its gift who has had Union proclivities. They seem to have a distrust of their constituents; and that has led me to the belief that there is less loyalty in the State than is supposed by a good many of us. I have been observing very closely these things, feeling a deep interest in them; and, in travelling through the State, as I have done a great deal, I have heard a great many disloyal sentiments expressed.

Question. How do the secessionists generally treat northern men who travel through the country?

Answer. I have not heard of any violence offered to any person passing through. I think northern men are generally very prudent, when travelling, not to express their sentiments openly. I have observed that frequently in travelling on the Orange and Alexandria road. I have met with northern persons on the cars, and found them out by their coming to me after hearing me discuss these subjects with southern people. I have several times observed that there was a great deal of apprehension felt by these northern people in travelling; and they are generally very prudent until they find out whom they are talking to.

Question. Do you think it would be safe for members of this committee to repair to Richmond for the purpose of prosecuting their inquiries there?

Answer. Oh yes, sir. I should not apprehend the slightest danger. I think that the press of Virginia is doing a vast deal of mischief, and that the tendency of the press is to weaken the love of the people there for the government of the United States. I know of but one loyal paper in the city of Richmond, the Republic, and that has a very small circulation, as I understand. I was told in Richmond by a gentleman who was well informed that the press there is not supported generally by the people of Virginia, but that the secession papers are kept up principally by funds raised in New York and elsewhere.

Question. By funds contributed at the north?

Answer. Yes, sir, by the copperheads. I heard it stated there that the New York News had probably a larger circulation in the State of Virginia than any other paper, and that that class of persons at the north were subscribing to the secession papers at Richmond. I was inquiring how those papers could be supported there, as there is very little money in our country. There are more newspapers in Richmond than were over there before; and I did not suppose they could be supported by the people of Virginia. I made the inquiry and was told that they were supported by northern capital.

Question. Are the people in Richmond and other intelligent people who read the New York News aware that that paper was subsidized by money directly contributed by rebel agents in Canada during the war?

Answer. I never heard before that it was. I acknowledge (and it is probably as well for

me to say so) that I am very bitter in my feelings toward the secession party. I have always been so. I always hated them as I hated the devil himself; but there is a class of persons that I hate more than the secessionists: that is the northern copperheads; and I have regarded the New York News as being one of our worst enemies. I never read it or encouraged it. I see it sold by the newsboys in our country. I see a great many people in Staunton and the villages coming out of the post offices with the News in their hands. I think it has a very large circulation, and is doing a great deal of mischief in our country.

Question. Are you aware of the fact that a rebel agent in Canada sent during the war a draft for twenty-five thousand dollars in gold direct to Ben. Wood, proprietor of that News?

Answer. I saw some statement of that sort in one of the papers since the surrender.

Question. Do you think of anything else that you desire to state?

Answer. No, sir.

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WASHINGTON, *February* 8, 1866.

M. D. Corse sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Alexandria, Virginia.

Question. How long have you resided there?

Answer. I was born there and have lived there all my life, with an interval of seven years in California.

Question. What is your profession or occupation?

Answer. I am a money-broker. That was my business before the war.

Question. Were you a resident of Alexandria during the war?

Answer. No, sir. I was in the service of the Confederate States.

(The witness was cautioned that he was not bound to state anything that might criminate himself.)

Question In what capacity were you in the rebel service?

Answer. I was brigadier general.

Question. You served under General Lee?

Answer. Yes, sir.

Question. In what battles were you engaged?

Answer. I was engaged in nearly all of them. I was in the first battle of Bull Run, the battle of Williamsburg, Manassas, Sharpsburg, Fredericksburg, and the last battle of Five Forks. I was taken prisoner at the last battle, four days before the surrender of General Lee. I was sent to Fort Warren and there discharged.

Question. Have you been pardoned by the President?

Answer. No, sir.

Question. You are the subject of no pardon or amnesty that you are aware of?

Answer. No, sir.

Question. How extensive is your acquaintance with the people of Virginia?

Answer. My acquaintance does not extend very far; it is very limited. I know a good many people in the adjoining counties. I know the people who served with me, and I know a good many citizens in Fauquier and Fairfax counties.

Question. You are well acquainted, of course, with the secessionists?

Answer. Yes, sir.

Question. You are well acquainted with their political feelings?

Answer. Yes, sir; but my intercourse has been very limited indeed. My business was prostrated when I came back, and I had to go to work to make something for the support of my family. The consequence is that I have been confined pretty much to my business as a broker in town.

Question. What is the general feeling among the secessionists of Virginia, so far as your acquaintance extends, towards the government of the United States?

Answer. So far as my knowledge extends they seem to be willing to accept the issue, and I think that those who have taken the oath seem to be all in good faith disposed to uphold the government so far as they can. That is my own feeling. We went to war and attempted to establish another government. It has gone against us, and I accept the issue. I have taken the oath of allegiance, and am disposed to keep it in good faith; and I think that is the feeling all through the State.

Question. Do you know of any disposition among the secessionists to renew the war?

Answer. I do not know any. I never heard any expression of that kind.

Question. Have you any reason to believe that there is any plan on foot among the secessionists again to embark in rebellion against the government?

Answer. None in the world, sir. I have no knowledge of the kind. I have no reason to believe that there is any. I think the people want to be let alone and protected.

Question. How do they feel in the State in reference to the abolition of slavery?

Answer. As a general thing I think they take it as it has been given. Some, of course, do not like it—think it a mistake on the part of the government, and think the colored people better in the condition of slaves. They do not like, I would say, negro suffrage.

Question. In your judgment what would be the effect of giving suffrage to the negroes, or to the more-intelligent class of negroes?

Answer. I do not know, indeed, what would be the effect.

Question. What effect would it have on the minds of the whites?

Answer. As far as I can judge, I think it would have very little effect upon them. They would not like it. I do not think it would produce any feeling of rebellion or resistance.

Question. Would you not fear scenes of violence between the whites and blacks?

Answer. No, sir, I do not think so; it might cause at the polls, occasionally, a little drunken row or something of the kind. I think, among the better classes, the thinking people of the community, they would let it pass.

Question. Has not the result of the war left a very deep-seated feeling of disappointment in the hearts of the people who were engaged in it on the rebel side?

Answer. I think there is generally a feeling of disappointment, but I do not think it as strong as it was. I think the people seem to be disposed just to go on, accept the issue, and make the best of it. Sometimes there is a feeling of disappointment; but that, I suppose, is the most natural feeling in the world. When men embark everything they have on earth, their lives and estates, and fail, it is perfectly natural that they should be disappointed: but I think they are a people who, if left alone, would support and build up and give their aid to the government.

Question. You think they feel that they have had fighting enough?

Answer. Yes, sir; I think that is the general feeling throughout the community, and I believe that the men who fought the most are the best.

Question. Are you not in the habit of hearing expressions of contempt and contumely against the government of the United States on the part of secessionists?

Answer. Sometimes they will speak against the government just as much as they did before I suppose I may have heard such expressions, but I cannot mention any one in particular.

Question. To use a common expression, do you think that the secessionists generally love the government of the United States?

Answer. Well, sir, I do not think they do; it is too near to their discomfiture; their defeat is too close at hand for them to fall in love immediately with the government. The wound is rather too fresh, but I think that if let alone it will heal over.

Question. Do you not think that, if the secessionists should now have an opportunity to go out of the Union and establish a southern government independent of the United States, they would do so?

Answer. I do not know as to that; it is a difficult question to answer; but, to answer it in all candor, I should think they would; still, I think there would be no difficulty of that kind; I cannot say that I think they would join with any other government. If they were let alone and peaceably allowed to have governments of their own, I think they would not be disposed to go to war again.

Question. Suppose the government of the United States were involved in war with a foreign power, such as England or France, and we should have a hard pull at it; what would probably be the course taken by the secessionists of Virginia, and other places south, with whom you are acquainted?

Answer. I think that as many, and perhaps more, would take sides with the government of the United States as against it.

Question. Do you think that any considerable portion of the secessionists would join the enemy if they had the opportunity?

Answer. No, sir; I do not think that any considerable portion would. I do not see any reason why they should be in love with France or England.

Question. Suppose they saw, or thought they saw, a prospect of southern independence by taking such a course?

Answer. That might be a very tempting bait.

Question. Do you think it would be so strong a temptation that some of them would not be able to resist it?

Answer. I think it is probable, with the present feeling.

Question. How do the secessionists generally feel towards the freedmen?

Answer. Kindly, I think. I am sure I have no feeling against them.

Question. How do they feel on the subject of negro education?

Answer. I am sure they are perfectly satisfied with it; they would give their aid, most of them, to the education of the negro. I am sure I would myself; I always thought it should be.

Question. How are northern men treated who purchase property among them and settle?

Answer. For aught I know, very well; I never heard of anybody being maltreated. I think they have a better feeling towards northern people than towards their own people who have been against them in the war. As far as the northern man is concerned, I do not think there is a bad feeling towards him.

Question. Do they feel a willingness to contribute their share in the payment of the federal debt contracted in the prosecution of the war?

Answer. I think so; they know they have to do it, I suppose; they think it very hard, to be sure.

Question. If they had an opportunity would they not vote against the payment of the federal debt?

Answer. I really do not know how I can answer that.

Question. Suppose it was left to their free election, to be decided by their votes, would they repudiate the United States debt?

Answer. I think they would.

Question. Suppose it was left to their votes whether or not the confederate debt contracted in the prosecution of the war should be repudiated, rejected, and annulled, would they vote to annul it?

Answer. I do not know, really; I never thought about that. I do not know that I can give a fair answer to that.

Question. Is there not in your mind some ground to apprehend that they would vote to repudiate it?

Answer. Yes; in my opinion there are many who would vote to repudiate it.

Question. Have you any idea as to what that debt is?

Answer. I have not; it is enormous.

Question. What are the confederate bonds worth now in the market in Alexandria, or the confederate currency?

Answer. There are frequent applications at my office by little negroes and negro women to know if I will buy rebel money, but no one offers to buy any.

Question. It is not selling for anything in the market?

Answer. No, sir.

Question. Have you any further observation that you wish to make to this committee?

Answer. No, sir, I do not know of any. I do not think it would be wise to force negro suffrage upon the people now in their present condition; it might lead to difficulties; I don't mean any serious public difficulties, but difficulties between negroes and white men coming together at the polls; there might be broils and disturbances.

Question. In case the negroes should be given the right of suffrage in Virginia, would they, or not, be likely to be induced by their old masters, or the party embracing their old masters, to vote for them and for their interests generally; in short, could they be led away like a herd to vote as they should be dictated to by their old masters?

Answer. I do not think they could now. I think that the feeling of liberty has permeated through the country. I do not think that they have the same confidence or feeling in their old masters which they had some time ago.

Question. Would they not be rather likely to vote the other way?

Answer. They might. I know that they are very easily controlled, but their mixture with the army and with northern people, and with soldiers at military posts, has broken up the old feeling.

Question. In your military service did you ever encounter any of the black troops on the field?

Answer. No, sir; I never encountered any black troops at all; I have had them in front of me on picket.

Question. So far as you know, or have been informed, what is their quality as troops?

Answer. As far as my own belief is concerned, I think they are capable of being made valuable troops. I think it was a very great mistake that we did not put them into the service of the Confederate States in the beginning.

Question. Why did not your confederacy give them their freedom?

Answer. That is what I say. We should have gone to work, given them their freedom, and made soldiers of them; we ought to have held up their freedom as a bait and mustered them all into the service, making their freedom the reward.

Question. Suppose that, instead of putting them into the confederate service, the confederacy had emancipated the entire race and then used them as soldiers?

Answer. That would have been better; we then would have had a prospect of success; but the people were not prepared for it.

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WASHINGTON, *February* 8, 1866.

Dr. M. M. Lewis sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Alexandria, Virginia.

Question. What is your occupation?

Answer. Physician.

Question. Are you a native of Virginia?

Answer. I am.

Question. How long have you resided in Alexandria?

Answer. Since 1847, when that portion of Virginia was retroceded to Virginia.

Question. What have been your political connexions during the war?

Answer. I was with the confederate army.

(The witness was cautioned that he was not bound to state anything that might criminate himself.)

Question. How extensively are you acquainted with the people in your vicinity?

Answer. I have been a practitioner there for some time, and have quite an extensive practice in Alexandria, but my intercourse is altogether of a professional character. I never was a politician in my life, and have less disposition to be one now than ever.

Question. Do you know the state of public feeling in that county?

Answer. I know the feeling, pretty much, of my immediate circle of intimate friends. We discuss these questions very little now.

Question. What is the feeling towards the government of the United States on the part of secessionists?

Answer. I believe that the feeling of those with whom I conversed is very friendly. I do not know anything to the contrary. I believe they are perfectly willing to be restored to their former condition, and to remain as good citizens as any north of Mason and Dixon's line. I believe that is the determination of pretty much everybody that I have conversed with.

Question. Is there not a feeling of deep disappointment as to the result of the war?

Answer. They were disappointed in this respect—that they thought they would be restored to their position in the Union sooner than has been done. They are anxious to resume their relations, and to be again represented in Congress.

Question. What has been the effect upon the minds of secessionists in your vicinity of President Johnson's liberality in extending pardons and amnesties to the rebels?

Answer. I do not know, more than that they appreciate it. I have had no conversation with many who have been pardoned. I have been so exclusively and entirely devoted to my profession, from necessity, since I came back, that I have conversed very little with these persons; but in all conversations in regard to the President they have always spoken most cordially of his course, and they are very anxious and willing to sustain him in the administration of the government. I really think that the resolutions passed by the Virginia legislature the other day embody very completely the sentiments and tone of the people of Virginia. I believe that every man in Virginia, of any sense or standing, subscribes to those resolutions heartily and cheerfully.

Witness produces a copy of the resolutions referred to, which are as follows:

"*Resolved, &c.*, That the people of this commonwealth, and their representatives here assembled, cordially approve the policy pursued by Andrew Johnson, President of the United States, in the reorganization of the Union. We accept the result of the late contest, and do not desire to renew what has been so conclusively determined, nor do we mean to permit any one subject to our control to attempt its renewal or to violate any of our obligations to the United States government. We mean to co-operate in the wise, just, and firm policy adopted by the President, with all the energy and power we can devote to that object.

"2d. That the above declaration expresses the sentiments and purposes of all our people, and we denounce the efforts of those who represent our views and intentions to be different, as cruel and criminal assaults upon our character and interests. It is one of the misfortunes of our present political condition that we have among us persons whose interests are temporarily promoted by such false representations; but we rely on the intelligence and integrity of those who wield the powers of the United States government for our safeguard against such malign influences.

"3d. That involuntary servitude, except for crime, is abolished, and ought not to be re-established; and that the negro race among us should be treated with justice, humanity, and good faith, and every means that the wisdom of the legislature can devise should be used to make them useful and intelligent members of society.

"4th. That Virginia will not voluntarily consent to change the adjustment of political power as affixed by the Constitution of the United States; and to constrain her to do so in her present prostrate and helpless condition, with no voice in the councils of the nation, would be an unjustifiable breach of faith; and that her earnest thanks are due to the President for the firm stand he has taken against amendments of the Constitution, forced through in the present condition of affairs."

Question. You think these resolutions embody, generally, the feeling of the secession people of Virginia?

Answer. Yes, sir.

Question. How do they regard the freedmen?

Answer. I believe they would treat them more kindly if they were left to them, and not trammelled or bothered, than they are treated now. They do not have any enmity towards them. There is a feeling of indifference towards them. The people would rather get rid of

them if there were any possible means of doing so. They are a nuisance, in the present state of affairs. They will not work.

Question. Will they not work if they are paid for their labor?

Answer. They will not even do that, unless you give them exorbitant wages, more than you could get the labor done for by others.

Question. Have they been demanding higher wages than white laborers?

Answer. That is what I hear from the farmers. They also complain that they will not work for them more than a month or two.

Question. Is there not, generally, among their employers a disposition to constrain the freedmen to work at low wages?

Answer. I rather think not. Like everybody else, they like to get labor as cheap as they can. That is the disposition pretty much everywhere.

Question. Do you know of any combinations among employers to keep down the wages of freedmen?

Answer. No, sir; I do not.

Question. There is no general understanding to that effect?

Answer. No, sir.

Question. How do they feel in regard to the education of the freedmen?

Answer. That I never heard anybody talk about I do not suppose they would object to it if it did not interfere with them or tax them too much. Our communities have never been taxed much for educating our white poor, and I suppose they would not like to be taxed much to educate the negroes, especially in the present state of poverty in the south; but I believe the disposition on the part of the people there would be to treat them kindly, and give them every justice that they are entitled to, and all the rights they are competent to exercise.

Question. Suppose the negro should be allowed to vote?

Answer. Well, of course, there would be opposition to it; but the opposition would not amount to resistance to any law.

Question. You think not?

Answer. I should think not.

Question. Would it not be likely to lead to scenes of violence and riot?

Answer. No more than in any election—in the city of Baltimore for instance—where there might be some drunken rowdies fighting at the polls. I do not think there would be any concert of action on the part of the intelligent and respectable portion of the community to interfere with the negroes' voting.

Question. How do the negroes generally behave: are they orderly and submissive to the law?

Answer. They are very respectful to me, and I cannot say that I have seen any bad misbehavior on the part of the negroes in Alexandria. The trouble on Christmas day was more of a drunken frolic than anything else. I do not think there was any concert of action or purpose on either side.

Question. How did this violence at Alexandria break out?

Answer. My impression is, that it arose from drunken parties meeting each other in the street.

Question. Did the blacks give any provocation, so far as you know?

Answer. I do not know who gave the provocation. I suppose that it just arose from drunken people meeting on the street. I think it was whiskey, not design, on the part of either party. I have seen just as much disturbance in Alexandria on other Christmas days; certainly I have dressed as many wounded men on other Christmas days as on that day. Down at Fishtown I have dressed more wounds in a day in the fishing season. There used to be always rows there. There was some alarm expressed by white persons in regard to negroes breaking out in insurrection that day; but I had no apprehension of it. I am very certain there was no intention on the part of the whites to make any disturbance that day. In a community there will, of course, be some men fond of kicking up a fuss or disturbance. I believe the people of the south would be better citizens than ever they were if they were just allowed to assume their old position under the government. Of course they have feelings which they cannot divest themselves of as yet; but those feelings would be soothed down very much by a restoration to their former relations with the government.

Question. What are your personal feelings now towards the government of the United States?

Answer. My personal feelings are for the success and prosperity of the government. I have no unkind feeling towards the government, and never had any, so far as that is concerned.

Question. Suppose the United States should have a war with some foreign power, such as England or France, do you not fancy that a considerable portion of the secessionists would be ready to embrace the cause of the common enemy?

Answer. That is a question which I have often thought of, but which I am not prepared to answer. I think it is very doubtful. Of course there would be some who would do so. As to my own feeling, I would be very willing to be let alone, to stay at home, or to accept a position in the United States as in the confederate army.

Question. You would be willing to fight the common enemy?

Answer. Yes, sir; as a surgeon, in my profession. But I believe that feeling would dissipate very thoroughly, or certainly very quickly, by a speedy acceptance, on the part of the federal government, of the States back into the Union. I think they are harassed a little.

Question. Was there not, during the rebellion, a very strong desire to have the government involved in a war with France or England?

Answer. Oh, certainly there was.

Question. Was there not a pretty prevalent feeling that, rather than submit to the government of the United States, they would prefer to be under the protection of France?

Answer. That was expressed by a good many persons; not that the objection was so much to the government of the United States under its Constitution, but to being under the control of the black republican party.

Question. They did not like that party at all?

Answer. No, sir.

Question. How do they feel towards the black republican party now?

Answer. I do not know that they have any very kind feeling towards them.

Question. How do they feel towards the majority of both houses of Congress?

Answer. I think they would rather see the black republican party out of power, and some other party in power.

Question. You think it probable they have more respect and attachment for President Johnson than they have for the majority in Congress?

Answer. Probably they may, simply from the fact that President Johnson is disposed to view their present condition more leniently, and is more anxious to restore them to their original rights; whereas the black republican party is not disposed to do so.

Question. Have they not an idea that Mr. Johnson is willing to have them readmitted to both houses of Congress without any further delay?

Answer. So far as my information goes, I should suppose that they may be under that impression; that President Johnson is somewhat anxious to have them restored immediately.

Question. And they suppose that the black republican party is opposed to that?

Answer. I suppose so. They think this: that when they went out of the Union, as they thought legally and constitutionally, and as they submitted that to the arbitration of the sword, which arbitration has been decided against them, they are willing to abide by the decision; and as the republican party never acknowledged that they were out of the Union, they do not see now why they should be compelled to bring about another war to fight their way back into the Union. That party never admitted that they were out of the Union.

Question. It is a very general impression among the secessionists, is it not, that they were out of the Union?

Answer. There were certain men who believed in the doctrine of secession, and certain men who did not believe in it. Those who believed in the right of secession believed, of course, that they were legally and constitutionally out of the Union, and were no longer subject to the authority of the United States.

Question. Did you belong to that school?

Answer. Yes, sir, I belonged to that school. I believed we had a perfect right to go out. I went out, not because I objected to the government of the United States, but because I was engaged with that party. I belonged to that school and entertained that opinion.

Question. Have you changed that opinion now?

Answer. I have changed it so far as the practicability of it.

Question. Have you changed it as a legal principle?

Answer. I believe, sir, that the States, according to their understanding of the constitution, had a right to go out.

Question. Do you hold also that the people of a county in Virginia have a right to secede?

Answer. No, sir; that is a different proposition altogether.

Question. Different in what respect?

Answer. The States have delegated to a government certain powers. Beyond those powers the government has no control.

Question. Did not the county also delegate powers to the State government?

Answer. No, sir.

Question. How did the State government obtain its powers except from the counties?

Answer. The State government organized the counties. The States were organized before the Union, and the State was organized before the counties. The States created the Union, but the counties did not create the State.

Question. Who created the State?

Answer. The people created the State. The people voted in mass.

Question. At the time the people created the State, to what government did they belong?

Answer. The old States belonged to themselves.

Question. Did they not belong to England?

Answer. They belonged to England; but when they achieved their independence they were acknowledged as sovereign and independent States.

Question. Who achieved their independence?

Answer. They did it jointly.

Question. Then they all achieved the independence of each?

Answer. Yes.

Question. And hence you derive the right of each to secede from the rest?

Answer. Yes; there was no Union at that time. The Union existed for the accomplishment of a certain purpose.

Question. Do you think of anything else you want to say on this examination?

Answer. No, sir. As far as my individual self is concerned, I am anxious, and I believe everybody is anxious, to get back and to go into the old routine and condition of affairs. I believe that if the southern States were restored they would be as loyal and true and as obedient to the laws of the country as any State in the Union. So far as the negroes are concerned, I expect the people would like to get rid of them. The south is in a very bad condition now to take care of so large a population, but I believe she would give them just as much rights as any other class of people.

Question. How do the secessionists look upon the copperhead party of the north?

Answer. I suppose they look upon them more favorably, as being disposed to sympathize with them more than the other party.

Question. Do they not generally look to the copperhead party for support and encouragement?

Answer. They look to what we call the democratic party, I suppose.

Question. Do they not look toward a reunion of the democratic party for success in politics?

Answer. I suppose that politicians generally look to their friends for support, but I do not pretend to say what politicians intend to do.

Question. Do not secessionists entertain a very peculiar respect for that class of northern men, now known as copperheads, who discouraged the war on the part of the government?

Answer. It would be natural for them to do so; I suppose they do.

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WASHINGTON, *February* 8, 1866.

Dr. J. B. Johnson sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Alexandria, Virginia.

Question. Are you a practicing physician in Alexandria?

Answer. Yes.

Question. How long have you resided in Virginia?

Answer. I am a native of Virginia.

Question. What was your occupation during the war?

Answer. That of a physician.

Question. Were you practicing at Alexandria?

Answer. Yes.

Question. What political party were you connected with during the war or since the war?

Answer. The States-rights party.

Question. Did you take any part in the war?

Answer. No, sir, none.

Question. Are you well acquainted with the state of public feeling in Virginia toward the government of the United States?

Answer. I have had opportunities since the cessation of hostilities of observing the temper and character of the people.

Question. Does the secession part of the people generally feel kindly toward the government of the United States?

Answer. They manifest no opposition. They show perfect obedience to the laws, proclamations, and orders of the government; that is, among that class of the people whom we expect, of course, to be law-abiding and good citizens.

Question. Do you not, habitually or occasionally, hear contemptuous expressions towards the government?

Answer. Yes, sir, I do sometimes.

Question. Have any instances of violence come within your notice growing out of differences of political opinion since the war?

Answer. Nothing of any consequence, except those little street disturbances, which are always liable to occur—mere matters of police.

Question. Is there not a deep feeling of disappointment and chagrin on the part of secessionists at the result of the war?

Answer. I do not observe it. They all seem to be cheerful, and to take the result as a matter of course. They seem to be perfectly reconciled, and to be returning to habits of peace as rapidly as they can. I see no bitterness about their disappointment.

Question. Do they generally regard the question of the right of secession as having been settled by the sword?

Answer. It seems to me so. That is the expression of the majority of those with whom I have conversed.

Question. Do they generally hold, at present, that a State has the right to secede from the Union?

Answer. I have heard no expressions of such an opinion, either public or private.

Question. You think that practically the result of the war has decided that question in their minds?

Answer. I do think so, from my observation.

Question. How do this class of people generally feel toward the freedmen?

Answer. Very kindly. We have had no difficulty there or dispute with the negroes, except on one occasion, on Christmas day. A crowd of drunken white people got into a miscellaneous row with negroes; but the negroes are generally treated kindly. My own negroes, with the exception of one, have returned to me. My own negro boy, whom I have owned since infancy, has returned to me after having been employed in the commissary department in Alexandria, at the rate of thirty-five dollars a month and rations. He has returned to his old status. The feeling between the negroes and their former masters seems to be perfectly kind; I see the negroes working as usual.

Question. From what you know of the feeling in Virginia, have you any reason to suppose that a majority of Virginians would now, if left to their free choice, decide in favor of a southern independent government?

Answer. I cannot say; I am in that position of life that does not justify me in giving expression to what public sentiment would be; I do not feel able to answer the question satisfactorily, because I am not informed on the subject; but I may say that I have scarcely met a single person among the secessionists who does not really accept the matter as settled, and seem to be satisfied with it.

Question. How do they regard the Freedmen's Bureau?

Answer. We really have very little to do with the Freedmen's Bureau.

Question. You do not like it much?

Answer. Well, we do not object to it; we have but very little difficulty with the negro. A negro occasionally commits a theft, and is handed over to the Freedmen's Bureau and tried, and that is the end of it.

Question. Are negroes more thievish than white men of about that condition?

Answer. I think not. I really do think that the negroes of the south, (and, indeed, it has been the experience of a great many strangers among us,) as a class of servants, really enjoy a higher morality than any other class of the kind on the face of the earth; that is my impression. Situated as they have been in slavery, they have never had the temptation to steal; if they did steal, or take from their masters, as a matter of course it would be noticed.

Question. Are they not generally as veracious, as truth-telling, as the like condition of whites?

Answer. Yes, sir; I must say that they are; there is as much honesty and veracity among them. Since the war I have tried both white and black servants, but I declare that I did not see any difference in morality; my experience is, that the negroes are a great deal better than the same class of whites; I must really decide in favor of the negroes.

Question. Is there any other statement that you desire to make to the committee?

Answer. No, sir, I believe not.

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WASHINGTON, *February* 9, 1866.

Dr. Arthur Watson sworn and examined.

By Mr. HOWARD:

Question. What is your occupation, and where is your residence?

Answer. I have a temporary residence at this time at Petersburg, Virginia; I am a collector of the United States direct tax at that place; my permanent residence is in Accomac county, Virginia.

Question. Are you a native of Virginia?

Answer. I am.

Question. What are you by profession?

Answer. I am a physician.

Question. How extensive is your acquaintance in Virginia?

Answer. I am acquainted with a great many persons in Richmond, having been a member of the legislature some four or five years before the war. I am acquainted with a great many persons in Norfolk, and pretty extensively acquainted on the eastern shore of Virginia, in Accomac and Northampton counties; I have also some acquaintance in other parts of the State; I have a great many acquaintances in Alexandria, having been a member of the State constitutional convention that sat there in 1864; and I have been there frequently other times.

Question. So far as you know, what is the general feeling among the secessionists of Virginia towards the government of the United States?

Answer. So far as I know, the feeling of the secession population of Virginia is hostile to the government of the United States; equally as much so, I think, as it was just previous to and during the rebellion.

Question. Do you think that President Johnson's liberality in granting pardons and amnesties has had any effect in either increasing or diminishing their feelings of unfriendliness towards the government of the United States?

Answer. The policy of President Johnson has had a tendency to increase the opposition to the government.

Question. What has been the effect, in your judgment, of his liberal policy upon the minds of the people?

Answer. Directly subsequent to the surrender of the confederate forces, the secessionists were all claiming to be very loyal to the government; that having been subdued, they felt it their duty to acquiesce in the demands of the government, and the idea was, that they intended to be strictly loyal; but the policy of President Johnson has induced them to think that their punishment, if any at all is inflicted upon them, will be very light; and my impression is, that, in consequence of that, they have become more defiant and hostile to the government in their expressions and acts.

Question. What are their expressions towards the government in their ordinary conversation, so far as you have observed—respectful or contemptuous?

Answer. Contemptuous; going so far as to say that they are ready at any moment, if the opportunity presents itself, to take up arms against the government; that expression was used by one secessionist in Richmond, Virginia.

Question. In your presence?

Answer. No, sir; but it was told me by the gentleman who had just heard it, but a few moments afterwards—a gentleman upon whose statement I could rely.

Question. A man of credit and of good character?

Answer. Yes, sir.

Question. Have you reason to believe that such expressions are frequent among the secessionists?

Answer. I am under the impression that they are among themselves; I do not think they are frequent before loyal men.

Question. Do they express any unwillingness to take office under the government of the United States?

Answer. I have heard no such expressions recently

Question. You have not?

Answer. No, sir, not recently.

Question. Have you the slightest idea that those leading secessionists would take office under the government of the United States, if they had an opportunity?

Answer. I think some of them would; some of them, I think, would not.

Question. How do they feel in regard to the federal debt, contracted for the prosecution of the war, and the suppression of the rebellion?

Answer. In my presence, when coming before me to pay the direct tax which I have been collecting, they have appeared to pay it very willingly; but, outside, I have heard expressions used in regard to the matter, different from what they express before me. In my presence they seem to be perfectly willing to pay the tax.

Question. I refer to the general feeling of the secession party on the subject.

Answer. I would add, that I was in the office of the editor of the Richmond Enquirer one day, and I heard him say that he was opposed to the assumption of the direct tax by the State of Virginia, for the reason that they had no representation in Congress, and therefore ought not to be taxed. Governor Wise was present at the time and acquiesced; not by using such expressions himself, but he appeared to acquiesce in the sentiments advanced by Mr. Tyler, the editor of the Enquirer.

Question. Did Governor Wise evince any anxiety to have the State of Virginia again represented in Congress, and immediately?

Answer. I never heard him express himself on that point.

Question. He has not been pardoned yet?

Answer. I think not; he has never taken the oath, I believe. When addressing the State guard, now forming in Virginia—now reviving the one in existence before the war—he is represented in the papers as saying that he had not taken the oath, and never intended to take the oath of allegiance to the government of the United States; that was his public declaration as published in the papers of Richmond.

Question. What is the object and purpose of this State guard, of which you have made mention?

Answer. I believe it is for the purpose of protection to the capitol and the public property in Richmond principally. The State has always had a guard there.

Question. Has there been a statute enacted by the legislature of Virginia to keep up this guard, or is it only in contemplation?

Answer. I have seen no act of the legislature during the present session for that purpose.

Question. Upon what ground does it stand?

Answer. I presume there is a law for the purpose of keeping a State guard.

Question. Have you any idea when that law was passed?

Answer. I have not.

Question. Was it an act passed by the secession legislature or convention?

Answer. I think that in all probability the act was in existence before the war.

Question. What is the danger to be guarded against by this State guard?

Answer. I do not know of any particular danger, except that we all know that depredations may be committed upon public as well as private property without some protection over it. The guard was probably intended to protect the public property in Richmond from depredations of any kind.

Question. Of what class of persons does the guard chiefly consist—of rebels or of Union men?

Answer. I cannot say; I presume they are reconstructed rebels, those who have been secessionists, but I do not know their character. I believe the guard has not yet been fully organized; it is in process of formation.

Question. How numerous is the guard to be?

Answer. I think the legislature has the naming of the number; there have been various numbers named, if I am not mistaken; what number has actually been fixed upon I cannot say; it seems to me it was sixty to seventy—somewhere in that neighborhood.

Question. Does that organization extend over the State, or is it confined to the city of Richmond?

Answer. I do not think it extends any further than the city of Richmond; I think it is intended principally for the protection of the public property there.

Question. It was this guard that Governor Wise addressed?

Answer. Yes, sir.

Question. Was the remark of his, which you have referred to, received by that guard with cheers, or in silence?

Answer. I do not know; I was not present when it was made; I only saw the account published in the newspapers.

Question. How do the rebels feel in regard to the payment of the rebel debt?

Answer. I have heard no expression of opinion in regard to that matter; they are not disposed to express themselves freely before me, knowing my position; therefore, I have no positive evidence of their feelings, but I have my opinion about it.

Question. What is the confederate scrip now worth in the city of Richmond?

Answer. Nothing.

Question. Nothing at all?

Answer. No, sir.

Question. Is it an article of traffic?

Answer. I think not.

Question. When is that scrip payable?

Answer. I really cannot answer that question; I do not recollect that I have examined into that matter, for I have felt very little interest in it, and cannot tell when it is made payable.

Question. Was it not made payable within a certain time after the conclusion of a treaty of peace between the government of the United States and the confederate government?

Answer. I think that is so, now that you have recalled it to my recollection.

Question. You have no idea, I suppose, that the secessionists of Virginia are really anxious to pay that rebel debt?

Answer. I have no evidence that they are anxious to pay it.

Question. In your opinion, would they take it very hard if they should be absolutely prohibited from paying that rebel debt, or any part of it?

Answer. If I were to give my impressions about the matter—I do not know that they are based upon any reasonable and positive foundation—I would say that they desire that that rebel debt should be paid, and that the federal debt should not be paid. But that is only an opinion of mine, from the fact, simply, that I know they are very disloyal, and opposed to the federal government.

Question. In case of a war between the United States and any foreign power—say England or France, for instance—what would be the general feeling of the secessionists of Virginia towards the government of the United States?

Answer. My impression is, that if a favorable opportunity presented itself, when they thought they might be successful, they would unite with France or England in opposition to the federal government.

Question. Suppose we were thus engaged in a war, and the contest should become severe, and the prospect of a favorable termination of the war for the government of the United States should become doubtful, what course would the secessionists of Virginia be likely to take?

Answer. I am satisfied they would take part with any foreign power against the govern-

ment of the United States; or, if they thought they had the power to succeed, they would again take up arms against the federal government in support of a government of their own.

Question. With reference to a conflict with a foreign power, do you regard the secessionists of Virginia as an element of strength or of weakness to the United States?

Answer. I should regard them as an element of weakness.

Question. You think there would be danger of their joining the enemy?

Answer. I do.

Question. How do they feel, generally, towards the freedmen, and towards the policy of the government which has made the negro free?

Answer. I think their feelings are those of hostility towards the negro, and that they are opposed to the policy which has made him free.

Question. If they had the power, do you think they would again reduce the blacks to slavery?

Answer. My impression is that they would.

Question. How are the freedmen generally treated by them?

Answer. So far as my observation has extended, I have seen no acts of cruelty towards the freedmen.

Question. Have you heard of any acts of cruelty from authentic sources?

Answer. I have heard of acts of cruelty from sources that I could rely upon.

Question. Such as scourging and torturing the blacks?

Answer. I have heard of such only through the papers.

Question. Do you know of any combinations among the secessionists to keep down the wages to be paid the blacks for their labor?

Answer. There was a meeting held some weeks ago at a place called Turkey Neck, presided over by a man named Hill Carter, pretty well known in Virginia. At that meeting resolutions were passed fixing the wages of the blacks, and providing for their punishment in case they did not come up to their contracts, by way of a reduction of wages, and in other respects, of which I do not now recollect the particulars.

Question. Have you reason to believe that such combinations exist throughout the State of Virginia?

Answer. I have heard only of two instances—the one I have mentioned, and one other.

Question. What is the political character of the present legislature of Virginia?

Answer. Their political character is that of secessionists; a large majority of them call themselves democrats. Indeed, I may say that a large majority of them were rebels during the war. I know of but two or three members of that legislature who are considered everywhere as unconditional Union men.

Question. What schemes do those men entertain in reference to the future?

Answer. My impression is that their object is to obtain representation in Congress, and, then unite with the democratic party in the north, and thus obtain control of the government of the United States.

Question. And what do you think they propose to accomplish in that event?

Answer. In that event I think they would endeavor to re-establish slavery and repudiate the national debt, if they had the power, and so legislate as to endanger the government of the United States.

Question. Suppose that they should, by combination north and south, elect a President of the United States who, like Mr. Buchanan, held that it was incompetent and unconstitutional for the government of the United States to use the federal army and navy to coerce a State; what would they do?—would they again attempt to go out of the Union?

Answer. My impression is that they would.

Question. For in that event they would not anticipate any war?

Answer. No, sir.

Question. Have you any doubt about that?

Answer. Not in my own mind.

Question. Do you think of anything else you deem it important to state?

Answer. I would like to bring to your notice the action of the present legislature. We had a legislature which sat in June, 1865. That legislature was composed of less than thirty members, embracing both houses; although the constitution of Virginia requires that the lower house of the legislature shall consist of not less than eighty nor more than one hundred and four members, and the senate shall consist of not less than one-third nor more than one-half of the number of the lower house, in order to compose a constitutional legislature. That legislature in June last, composed of less than thirty members, passed an act enfranchising those people of Virginia who had been disfranchised by the constitution as amended in Alexandria in 1864; that is, they submitted to the people of Virginia the proposition whether the third article of that constitution should be amended. There was a majority of votes cast in favor of amending that article of the constitution.

The legislature elected in the fall of 1865 assembled in Richmond on the 1st of December, 1865, and they amended the third article of the constitution of Virginia so as to enfranchise and give to themselves the right to hold office as members of that legislature; whereas the third article of the constitution of Virginia expressly provides that no man shall either vote or hold office in Virginia who has ever held office under the government of th Confederate

States, or under any State government in rebellion against the government of the United States. By that third article those very men were prohibited either from voting or holding any office under the State of Virginia. But before amending that third article of the constitution of Virginia, which they claimed they had the right to do because of the people of Virginia voting in favor of amending it, they took their seats and removed the prohibition which the constitution placed upon themselves.

Question. That was an unconstitutional proceeding on their part?

Answer. Certainly.

Question. Entirely revolutionary?

Answer. Yes, sir; and I claim that in consequence of that proceeding they have not administered the government in a republican manner—that they were usurpers; I have written an article to that effect, which I intended to have published, but which I have not yet published. I also claim that Governor Peirpoint, in recognizing the illegal legislature of June, 1865, and in recognizing the present legislature before the constitutional prohibition was removed, usurped power which was expressly prohibited to him.

Question. And the result is that the government of the State of Virginia is in the hands of the rebels.

Answer. Entirely so; by their own illegal and unconstitutional acts.

Question. Are you aware that President Lincoln interfered in any way in that respect?

Answer. I am not.

Question. Did Governor Peirpoint remonstrate or protest against any such proceeding?

Answer. He did not. I was told by a reliable gentleman that his attention was called to the fact, but he made no remonstrance. He sent in his messages to that legislature as though it was entirely legal.

Question. He sent his messages to it, and received its acts for his signature as though it was the legal legislature of the State of Virginia?

Answer. Yes, sir.

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WASHINGTON, *February* 9, 1866.

Jaquelin M. Wood sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Lynchburg, Virginia.

Question. What is your occupation?

Answer. United States assessor. I was formerly engaged in the boot and shoe business.

Question. Are you a native of Virginia?

Answer. Yes, sir.

Question. How extensive is your acquaintance in Virginia?

Answer. Not very extensive. It is confined to some two or three counties. I have recently travelled through the western part of the State—for the last twelve months. I was at one time deputy sheriff of the county of Culpeper.

Question. Are you acquainted with the state of public feeling on the part of the secession people of Virginia where you have been?

Answer. I think I have formed some conclusions in reference to it.

Question. What is generally their feeling toward the government of the United States?

Answer. I rather think that the general feeling is hostile; that if they accept the situation it is from necessity rather than choice. Of course there may be some exceptions.

Question. Are you, in your intercourse with them, in the habit of hearing expressions of contempt or hatred toward the government of the United States?

Answer. Yes. I have heard such expressions more than once, sometimes, when persons did not know my real sentiments. Probably they would have refrained from expressing them if they had known. An instance of that sort occurred yesterday. A man said in my hearing that if the State was properly organized and power restored he was in favor of driving out all such men as John C. Underwood and John Minor Botts.

Question. How do they feel towards northern men who come to settle among them and do business?

Answer. I do not think they favor them. They will tell you that they intend to invite immigration; but the real feeling of the people, in my opinion, is averse to it; and the recent legislation at Richmond, in regard to the length of time required for residence in the State before persons are allowed to vote, confirms me in that belief.

Question. Would a northern Union man be safe in attempting to reside among them and to hold property, provided the military restraint was taken off?

Answer. That would depend altogether upon the locality he undertook to reside in. I think that in some localities it would be unsafe for such a man, especially if he was firm and expressed himself freely. If he "sold out" to them, as they say, and decided with them, they might probably allow him to remain. I do not think any free-spoken, decidedly loyal

man would be very safe in some parts of the country if the people were not under restraint on account of the troops. I should be very much pleased to see it otherwise; but still facts are facts.

Question. How do they feel in regard to the payment of the federal debt?

Answer. That is like their loyalty. They pay their taxes apparently cheerfully in some communities, but, of course, they do it because they think it is the best policy at this time, not because of any particular love that they have for the government or its officers.

Question. Suppose the question were left to them to decide, would they consent to the payment of the federal debt incurred in the prosecution of the war?

Answer. No, sir. I verily believe that if they had the power they would repudiate every dollar of the public debt, and assume instead of it the confederate debt I think their feeling is ripe for that thing. I do not know that they contemplate doing it, for they do not expect to have the power; but if they had the power they would do it. I believe it is entirely unsafe to trust to these ex-rebels. I do not think that the interests of the government would be safe in their hands.

Question. If they had an opportunity to do so, without danger, do you think they would again go out of the Union?

Answer. I believe that if they thought it would pay, as the saying is, to attempt the thing, they would be ready for another rebellion—that is, if they thought they possessed the power and means. An expression was made use of the other day by a very honorable man, of Irish birth. Some one asked him, playfully, if he was a Fenian. He said he was not; that he did not want to weaken Great Britain, for he was in hopes that some time the British would come and whip the Yankees like the devil. During the war the men who were engaged in the rebellion would have been glad to see a rupture between the United States and France or England; and I believe that their sympathies, instead of being with their country, would be on the other side.

Question. If the United States should happen to be engaged in war with England or France, and the prospect should become somewhat flattering to them of a failure on the part of the government of the United States in the war, what course would they be likely to take?

Answer. I believe they would go against us. That is my judgment. In fact, some of them have said so. There is no concealment of it. Several of the influential rebel generals have gone to Mexico, and have shown by their acts that that was their feeling. I have no doubt they would have followers.

Question. Having in view such an event as a foreign war, would you regard the secession people as an element of strength or of weakness to the United States?

Answer. I do not know that I would be authorized to say they would be a weakness; but I would not like to say the contrary. There are exceptions. Some of them are sick and tired of rebellion. But there is, I fear, a majority on the other side; and the leading people, the people who can and do control public sentiment, would be in sympathy with England or France, or any other government that could break up the government of the United States. Every one acquainted with the southern people knows that during the rebellion the constant way of expressing it was that they would rather be under any monarchical power than under the power of the United States; that they would sooner be attached to any other government than have to come back as a part of the United States government. They were in earnest then just as much as they are now when they say they have reconstructed and are loyal.

Question. Do any considerable portion of the people of Virginia entertain a preference for a monarchical form of government?

Answer. They have not, in my presence, so expressed themselves recently; but I often heard it during the rebellion, and I occasionally hear it now.

Question. Have you heard men of good condition and standing in society make such a remark?

Answer. Only very seldom. That class is more prudent. They are not apt to make observations of that sort if they know there is any person present who differs with them very materially; but they occasionally mistake the party and make such observations.

Question. Is Jefferson Davis popular with the secession people?

Answer. Oh, of course. They frequently make expressions like this: that he is no worse than they; that they elected him and indorsed him. I sometimes say to them that, if that be the fact, I am in favor of their having their rights; that if they claim to be equal with him in every respect, and want to be hanged, I think they should have their rights. In that point they do not exactly agree with me.

Question. What is the political character of the Virginia legislature—of what materials is it made up?

Answer. It is made up almost entirely of disloyal men—men who were disloyal.

Question. Men who actually served in the rebellion?

Answer. Yes, sir; many of them were officers in the rebel army.

Question. What chance does a thorough out-and-out Union man stand to be elected to the legislature of Virginia?

Answer. None whatever, except it were in some border county. They take the broad

ground that no man who was a Union man is honest; that a man who did not go with his State is dishonest. Sometimes they hint that a man who is a Union man has no capacity, that he is a weed upon the current, that he has no stability, and that there is nothing honorable attached to him.

Question. They regard him rather as a poor devil?

Answer. Yes; they regard him rather as a poor devil, and one who ought to be banished from the State as soon as circumstances justify it. They have not so expressed themselves, but the conclusion I have come to is that the leading class in Virginia, the former slaveholders, the class that really produced this revolution, intend—while they cannot reorganize slavery exactly as it was, and call it slavery, and buy and sell as they did before—by a hocuspocus arrangement to get the service of their former slaves, and tyrannize over them and the poor white people as formerly. They intend to do so by legislation, by declaring every man who will not make a contract at $4 a month a vagrant, and selling out his services as such. Under the general idea that a good deal of thefts are committed by them, they will organize patrol companies as formerly, and then the negro will have to go and put himself under the protection of some white man who will take him as a sort of master.

Question. Are those gentlemen who entertain these schemes generally remarkable for their own industry and love of industrial habits?

Answer. Certainly not. There is nothing said about a white man being a vagrant if he stands around and begs for drinks; but for a black man there is a great deal of legislation necessary. I have generally told them that it seemed to me, when they were making so much to do about the idleness of negroes, I could see others who did not claim to be negroes doing the same thing, and I did not know that either of them had much capital in bank. In my judgment there is more labor performed by the colored people than by the others.

Question. Have you any reason to suppose that there are combinations among the negroes for any unlawful purpose?

Answer. I have seen nothing of the sort in my part of the country. The negroes there are not so intelligent as a class as they are in the parts of the State nearer Washington. They hardly realize up there that they are free. In the towns where they are protected by the Freedmen's Bureau it is a little different.

Question. Have you heard of ill treatment and violence by the secessionists toward freedmen?

Answer. In many instances. Thousands of such instances come up in that section.

Question. How do the secessionists feel in regard to the establishment of colored schools among them?

Answer. In Lynchburg General Curtis got up rather a good state of feeling in regard to them. He gave them to understand that if they did not co-operate, others would come in; that it should be done any how, and that they might as well be a party to it as not. They consented. But at Harrisonburg, and other parts of the district, rooms could not be obtained for colored schools. The papers came out and said that rooms for that purpose could not be procured. On one occasion I heard a man, who did not know who I was, make a remark in reply to something that had been said about establishing a school at Wytheville for the teaching of colored children. He said he hoped that the damned rascal who attempted to teach niggers would be shot.

Question. Have you any reason to believe that that feeling prevails very generally?

Answer. I do not know but that the feeling does; but the expression of it is rare, because prudent men would not so express themselves even if they thought so.

Question. How do the secessionists generally treat Union men who are citizens of the State of Virginia?

Answer. For a time they were rather disposed, and are yet, to turn a cold shoulder to them. They have treated me well where I have been, but it is because they think it is policy to do so. I do not think it is from any particular love for me or for the government, but they think it is the best policy to be civil. There are quite a number of men in the western part of the State who have never had anything to do with the rebellion, and, for all practical purposes, were probably loyal, or would be if not ruled by others. But they are not loyal according to our standard. They do not believe that a colored man is fit to vote or to be a citizen. They do not think him fit for anything except to perform subordinate services. That is the sentiment of a great many people who claim to be loyal, and who would be very much offended if it was hinted that they were not loyal.

Question. Suppose the Constitution of the United States should be so amended as to give to the negro race, or certain classes of them, the right to vote, would that amendment be acceptable to the secessionists of Virginia?

Answer. By no means.

Question. What effect would it be likely to produce among them?

Answer. I think they would submit to it under protest, as they do to everything else, as they do to paying the internal revenue tax. I do not think there would be any particular difficulty about it, because the thing is so just that I think after a while it will commend itself even to them, after they have had time to reflect.

Question. How do they feel in regard to the payment of the confederate debt?

Answer. They pretend that they have repudiated it by legislation; but they did not do it

of their own choice, but because it was necessary for them to do it in order to have the State reconstructed. That was one of the terms. They sometimes say that as the rebellion failed, everything connected with it necessarily failed. But I think that, if not prevented by the general government, they will force the people of the counties to be taxed for the liabilities of those counties in arming and equipping recruits. At this time the bonds issued for that purpose are being held by the citizens of the several counties. The legislature has already authorized the several counties to borrow money, and I have no doubt that it is to liquidate these very debts. The money to be borrowed will be appropriated to pay the bonds now held by parties—the county bonds.

Question. Do you know anything about the State guard at Richmond—the Richmond Blues?

Answer. I do not know anything about them, except that there is such a military organization. I understand they had a meeting recently, and that Ex-Governor Henry A. Wise addressed them.

Question. What did the ex-governor condescend to say to them?

Answer. The report I had of it was that he recalled all the deeds of valor performed by them during the rebellion, and praised them very much for their constancy and bravery.

Question. Did you get this information from a reliable source?

Answer. I thought so.

Question. Did Wise speak of the cause itself in which they had been fighting?

Answer. That was the impression I had from the report I had of it—that he spoke of it as a holy and just cause; that they had fought bravely for it, and stood firmly up to it. He praised them very much. He referred to the fact, wherever he went they followed.

Question. Did he inform them particularly of his performances in western Virginia as a military commander?

Answer. I do not know that he referred to them in particular; but he did speak of wherever he was and where they were with him. There have been quite a number of concerts given and debates had in Lynchburg for the benefit of Stonewall Jackson's widow. They say she is not as rich as she ought to be; that the State owes a great debt to her as the widow of Stonewall Jackson.

Question. Do the secessionists appear to contribute liberally to the fund?

Answer. The papers say that the fund is quite a success.

Question. Do the newspapers speak approvingly of that mode of raising money for that purpose?

Answer. Oh yes, most assuredly; they make stong appeals to the people to encourage it as a debt of gratitude.

Question. Did you know Stonewall Jackson?

Answer. No, sir; I never saw him, although I have seen all the other rebel generals who have figured in that region.

Question. How do they regard Robert E. Lee?

Answer. They look upon him as the greatest man of the nation, and the best man. That is the common expression. They often say that they were conquered by numbers, by the influence of foreigners. They do not admit at any time that their cause was a bad one. They always claim superiority both in the field and elsewhere; but they say that numbers were against them and that they had to yield.

Question. Do they seem to be disappointed in reference to the number of loyal troops that came against them?

Answer. Yes; there was more than they calculated upon in the first place. They account for it by saying that foreigners re-enforced the Yankees, and that their resources gave out. Consequently they came under. Sometimes their manner looks as if they thought it was not hopeless yet; that something might turn up out of it; that war between the United States and another nation might realize the much wished for event at last.

Question. What is the confederate scrip worth in your neighborhood?

Answer. They have been buying it there, but I never could ascertain for what purpose. They have been buying it at a small price.

Question. It is not regarded as a security of superlative value, I suppose?

Answer. No, sir; it is not considered as currency at all. I do not think that anybody who has it considers it of any real value at this time.

Question. Do you recollect at what time that scrip was made payable on its face?

Answer. Yes; all of it that I ever read said that it was payable in six months after the ratification of a treaty of peace between the Confederate States and the United States. It is not due till then.

Question. So that there is none of it due yet?

Answer. There is none of it due, and never will be, I suppose.

Question. The treaty has not yet been ratified?

Answer. No, sir, and they say that they cannot ratify such a treaty on account of the radicals.

Question. They have an affection for the copperheads, have they not?

Answer. Oh, yes; and they are very fond of Mr. Johnson's policy of reconstruction, and very much in the hope that there will be a wonderful breach between him and Congress;

that is their song now. They want to see something like a split take place which will destroy the power of the radical party.

Question. Do they seem to look upon that contemplated breach as a case in which rogues fall out and honest men get their own?

Answer. I think they are hoping something of that sort. I suppose they think that of two evils, President Johnson is the least. They do not exactly like him, but they think he is better than the radicals, and they think that by uniting with him they will throw out of power the radicals.

Question. So that, comparatively speaking, Mr. Johnson is popular among them?

Answer. Yes, for the time being, just as Governor Pierpoint was when they intended to use him; but when the time came that it suited their interests they abused him. I think they will do the same with President Johnson—use him first, and abuse him afterwards.

Question. What has been the general effect of Mr. Johnson's liberal policy in granting amnesties and pardons to rebels: has it increased the respect of those people for the government of the United States, or has it diminished it?

Answer. I cannot say. Judging of the future by the past, they think that as they have got so much in the past, they may probably get more in the future. I think it has had a tendency to make them more impudent and exacting. They were very humble at first, before any pardons were granted. They felt that they deserved severe punishment, and that confiscation and other penalties would be inflicted. But as soon as they found a more lenient policy adopted, and that they were safe in their persons and property, they began to express themselves pretty freely. They are very much pleased, I suppose, with the policy of the President in pardoning them, and not confiscating their property; but they insist upon it that they should get the power over the negroes, and that their State rights should be recognized. They do not feel as though they had been treated properly at all. They call it humiliating if they do not get everything they claim. I suppose they are Union men if you let them have their own way. I have no doubt that Jefferson Davis is a Union man if he had his own way of thinking. Let his views be carried out in every particular, and I would not wonder if he was a good Union man.

Question. The Union to consist of a government subject to his power?

Answer. Yes, sir.

Question. Is there anything else which you wish to state to the committee?

Answer. No, sir.

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WASHINGTON, D. C., *February* 10, 1866.

Rev. Dr. Robert McMurdy sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Alexandria, Virginia.

Question. Are you a native of Virginia?

Answer. No, sir; I am a native of Kentucky. I have lived in Virginia during the war for the most part in the service of the government. I am now officiating at Christ church Alexandria. I am an Episcopal clergyman.

Question. Have you a pretty extensive acquaintance with the state of public feeling in Virginia?

Answer. I do not know how extensive it is; I am thrown more or less among the people from my vocation and position.

Question. Are you in the habit of travelling a good deal about the State?

Answer. No, sir; I cannot say that I am. My acquaintance does not extend over the State, except through persons from various parts of it. As an editor of a paper I am brought more or less in connexion with people in all parts of the country.

Question. What, generally, is the feeling among the Episcopal clergy of Virginia towards the government of the United States?

Answer. Well, sir, from my connexion with Christ church, I have had no personal intercourse with any clergymen of the church in Virginia, and therefore cannot answer the question from conversation with them. I should judge not favorably of it, however, from the action of the diocese in failing to do as Bishop Gregg, of Texas, did—that is, to act upon the theory of a *de facto* government, on the church theory that the church, as a church, or the clergy as clergy, cannot interfere with the question of government. Church people consider the government as *de facto*, and as such it is their duty to pray for that government, and to sustain it in their official and ecclesiastical relations. Bishop Gregg remarked to me a few days ago, in conversation on the subject: "I consulted nobody in regard to my action in forming a southern church, when I supposed that the confederate government was a *de facto* government; but the moment that the confederate government ceased to be a *de facto* government, I did not wait to consult the authorities of the southern church, but notified the presiding bishop of the Episcopal church in the United States that we were again in harmony

with the national church." The fact that the diocese of Virginia has failed to act on this the church theory, on which the bishop of Texas acted, and on which the diocese of Virginia acted in leaving the national church, and on which every clergyman ought to act—the fact that the diocese of Virginia has failed to put itself in connexion with the national church, (the last that has failed to do so with the exception, perhaps, of South Carolina,) convinces me that there is a good deal of very decided feeling among the clergy and laity against harmonizing with the government, and cordially sustaining the same. It indicates strong feeling and sentiment among the people. This is the inference which I draw. I am told that the bishop of the diocese has been for an immediate Union, and I am satisfied that he would act promptly and decidedly were it not that he is hampered by the express action of the diocese of Virginia in convention assembled. The convention is composed of the clergymen of the diocese, and three lay delegates from each parish, so that the diocesan convention gives a fair representation of the sentiment of the church.

Question. Has there been a meeting of that convention recently?

Answer. There was a meeting at the close of last September; since that time there has been a meeting of the council, as it is called, of the Episcopal church of the Confederate States. At that council, the position of the clergy of Virginia, I am informed, was the most decided in sustaining the continuing of the council, and most opposed to any union with the national church. There is a series of articles publishing in the Southern Churchman, (issued at Alexandria, Virginia, and the main paper of the southern church,) which are vindicatory of the southern church. The southern church is not satisfied with the general convention of the Protestant Episcopal church in the United States being entirely silent concerning the past, but appears to be desirous of creating a sentiment sustaining their own action. The laity of the church, particularly those who have suffered by the war, widow ladies and others who have lost their children, have, in a few instances, begun to show a change of feeling, and seem now like looking at things in their true light. As an evidence of this improved feeling, some of them come to our church now; (it is the Union church of the place, the gathering point for the Union people, and has been open during the whole war.) The fact that there are some who attend that church now, is, perhaps, a pretty good evidence of a change of feeling; but they are very few, and besides the other influences to produce it, the fact that I am from Kentucky has possibly some little effect. But while this is the effect upon a few, they who are politicians, and desire to be politicians and the leaders of social life, manifest a more intensified feeling. The females, those especially whose pride has been humbled, are more intense in their bitterness and endeavor to keep up a social ostracism against Union and northern people. They who are gentlemen, and who have humane feelings, are disposed, I think, to treat the negroes with kindness, and really to consider what is best for them; but they are so few, as in every community, and are so overpowered by others, that their voice can scarcely be heard, and is not heard to any extent. The great trouble about proper composition of matters is the extensively prevailing and operative sentiment that the cause of the Union and the supporters of the Union are not respectable. The mass, for fear of losing social caste, speak and act "southern," so far as they may safely.

Question. Have you formed any opinion as to the effect of President Johnson's liberality in granting pardons and amnesties to rebels?

Answer. I think it has had, in all probability, a very injurious effect. I think that while in some cases, with the generous and open-hearted, it has had the right effect generally, men being selfish, it has had the reverse effect from that which was intended or expected by the President. I am also inclined to think that the southern people are disposed to respect power and the exercise of power, and too often mistake leniency as an evidence of weakness and not an evidence of generosity.

Question. And you think that that has been rather the prevailing influence of Mr. Johnson's liberality?

Answer. Yes, on the minds of the masses, but with some noble exceptions. When General Lee surrendered, and for a brief period thereafter, the southern people were willing to submit to any terms, short of expatriation and death, that might have been proclaimed.

Question. Can you speak in regard to the feeling generally among the other protestant clergy in Virginia?

Answer. The Baptists appear, as a whole, to be, perhaps, the most bitter, and the southern Methodists possibly come next. The southern Methodists in Virginia are modified by the leaven of the Baltimore Conference, which conference extended over the free States, and the preachers of which were in connexion with northern churches till 1861, when they formed a separate body, as it were. The Baltimore Conference of the Methodist Episcopal church north, within the last few days, in conference at Alexandria, have united formally with the church south. Bishop Early, of the southern Methodist church, is now presiding. While the effect of that union will be, of course, to magnify the southern church, there is another influence that will necessarily result from it, namely: that that leaven will, perhaps, modify the feeling again so as to make it less intense. That will be so, except with those individuals who, forsaking one position and going to another, are generally in advance in zeal for their newly espoused cause, just as northern men at the south, who are disunion men, are generally intensely so. This, perhaps, applies to the present state of things among the

Methodists in Virginia. There is a small body of Presbyterians in Alexandria who are true Union people; but such has been the feeling in the church that perhaps a majority of the former whole body of the old church have left the church in which they have been baptized and educated, and have associated themselves with what is called now the Second Presbyterian church—a New School Presbyterian church, reputed to be intensely disloyal—thus giving evidence of their willingness, for the sake of their notions in matters in issue for the last four years, to sacrifice even their ecclesiastical connexions. This feeling of sympathy with the south has been even shown by some of the Quakers at Alexandria, to my perfect astonishment. I learn that they are about as decided in regard to the respectability of secession as any other class of people. The Protestant Methodist church, I am told, is equally divided. The Roman Catholic church I know very little about. I think, however, that the perfect quietness of the priests, and their entire ignoring of the questions at issue, has brought out no development at all in that quarter.

Question. Do you think that, in the main, the Roman Cathólic clergy of the rebel States can be called friendly to the government of the United States?

Answer. I should not like to say. My opposition to know-nothingism, as a principle, whether political or religious, led me to investigate this subject a good deal in former days. I am satisfied that the Roman Catholic clergy, as a whole, are exceedingly friendly to our institutions; but that they are so because they imagine our country affords to those who have been oppressed in Ireland a theatre in which they can best serve their church. If you mean to put the question to me, whether they would be devoted to the government as against the papal authorities——

Question. I put the question in that form.

Answer. I should say decidedly, no; because their vows, as well as their education, make obedience to the papal government their first duty. They have no home; they have no residence; the priests are the creatures of the bishops, the bishops of the archbishops, and the archbishops of the Pope; and thus the clergy are the creatures of the Pope.

Question. Suppose a contest should arise between the United States and any papal foreign power, such as Spain or France, what would be the feeling of the Catholic church?

Answer. I think that, in that case, the Catholic clergy, if there was no positive dictum from the Pope, would be for the government of the country, because the people would be, and they like to be sustained by the people where official authority does not interfere.

Question. Suppose there should be a dictum from the Pope?

Answer. I should think they would obey the papal dictum.

Question. They are very likely to obey orders from headquarters?

Answer. I think so; but at the same time I cannot conceive of such an issue.

Question. Had we not something of that kind, during the war, from the Pope, in his encyclical letter to the church in America?

Answer. That was designed for consumption in the Confederate States; that was papal buncombe—the Pope supposing the confederacy would become a nation. The papacy, however, is unquestionably opposed to human liberty and a free government; but there is yet much Catholic verity and the old Catholic love of liberty among the people in the Romish church. When the question was asked me, whether I thought the Roman Catholic clergy were friendly to the government of the United States, I did not hear the modification of the question confining it to the rebel States. I answer that the Roman Catholic clergy were, in my opinion, very unfriendly to the government of the United States, and are now, in portions of the south, proposing a monumental church, at Memphis, Tennessee, to General Polk, once a Protestant bishop.

Question. To return to the Episcopal clergy and the Episcopal church in Virginia, how do they feel in reference to the education of the freedmen?

Answer. The convention of the diocese of Virginia, embracing the clergy of the diocese, which met on the 20th of September, unanimously adopted resolutions, the purport of which was as follows:

1st. *Resolved*, That, as a diocese of the church, we recognize the relations which we now sustain to the colored people, and that we call on our people everywhere to do their full duty.

2d. *Resolved*, That to that end our parishes and clergy be requested and urged at the earliest possible moment to organize sunday schools for them, and parochial schools, that they may be taught to read, and that churches be organized for their benefit everywhere. The resolutions were full, going as far as could be wished. I also know the fact that Bishop Johns is very favorable to the education of the colored people. So was Bishop Meade, his predecessor. Dr. Sparrow, of the seminary, rejoices in the abolition of slavery, although he is a strong southern man. The churches are, however, so poor that they are incapable at present, and will be so perhaps for years, to do anything for the colored people. I ought also to state that it is impossible to induce the colored people at present to put themselves under the tuition of the churches of their former masters. Bishop Gregg remarked to me that it was the same in Texas. The entire Episcopal church of the United States, in general convention assembled, have resolved themselves unanimously into a freedmen's commission, so that they have their foreign missions, their domestic missions, and now they have added to those a specific freedmen's commission, in which the whole church takes part. This, however, may be perhaps an ecclesiastical idea, an idea that there is no class of people who may not come under the

fostering care of the church, especially the poor, whether white or black. It has nothing to do with the questions that have grown up lately.

Question. You speak of the indisposition of the freedmen to submit themselves to the instruction of the church; do you mean of the Episcopal church particularly?

Answer. No, sir; not particularly.

Question. What does that indisposition arise from?

Answer. I suppose it is a prejudice created in their minds by the previous state of things. They do not think that these churches and bodies have voluntarily and earnestly gone into the advocacy of their rights. They suppose it is simply a matter growing out of church ideas, and not growing out of a heartfelt desire to advance their interests, beyond their interests in a religious point of view, and poor people are especially disposed to regard their minds and souls through the body.

Question. You think that the colored people rather prefer to have their own churches and their own religious instructors?

Answer. While I think they do so at present, I think there is a disposition to advance. I have a service myself on Friday nights for colored people, a special service for them, although they are welcome to my church at all times, and I have met with some encouragement. On Sunday afternoons at 3 o'clock I go out occasionally to the Soldiers' Rest, in connexion with agents sent from the north, and address the colored people, and I always find them very much disposed to learn, docile and remarkably anxious to do right. I have seen a great disposition on their part to improve.

Question. You have always lived in the midst of blacks, have you not?

Answer. I have, sir, for nearly thirty years.

Question. And, of course, you have observed them in all their comings and doings?

Answer. Yes; I was in the empire of Brazil for two years. I have also been in the West India islands, and in the south.

Question. You have endeavored to notice what amount of capacity they possess for the acquisition of knowledge generally; have you given especial attention to that?

Answer. I have had more or less to do with education all my life.

Question. So that you are able to present some comparison between the capacity of blacks and that of whites for the acquisition of knowledge?

Answer. Possibly so.

Question. I wish you to state your ideas on that subject?

Answer. In regard to pursuits where imitation is concerned the blacks excel the whites.

Question. You think so?

Answer. Yes; most unquestionably. They learn to read more rapidly, they learn to write more rapidly, and they make better writers. They learn music by ear more rapidly. In short, they acquire everything more rapidly than whites where imitativeness is brought into requisition. But where ratiocination is concerned, where the powers of logic or the powers of induction are concerned, where reasoning is concerned, where mathematics come in, and not mere arithmetic, they are very inferior to the whites. Where mere arithmetic is concerned, adding more rapidly, subtracting, and simple operations, they perform them more accurately than the whites, and their results are more reliable, but are less so where there is complexity and where the logical powers of mind are brought to bear. The slighter association is vastly superior in the black, but the severer association is vastly inferior.

Question. And the result in your opinion would be that they are probably not so far-seeing as the whites?

Answer. No; certainly not.

Question. Are they as provident in their nature?

Answer. No, sir; necessarily not; of course they are not; the blacks are docile. John Wesley, speaking of the blacks in connexion with slavery, said that, were it not for their remarkable docility, they could not be kept in slavery. Their very physical succession, the circumstances under which they have been always placed, their education, all combined, have made them improvident and careless. The black had no motive to save; his motive was to eat and drink and wear out all that he could, provided there was prospect of more, and to have everything he could in the way of enjoyment; he thought it perfectly right to steal from his master, because he regarded it as partly his own, although he would be conscientious about objecting to others stealing from his master; he would protect his master's interests so far as others were concerned, but not so far as he himself was concerned.

Question. He would steal his master's pigs and chickens when he got hungry?

Answer. Yes; the blacks are necessarily improvident, but I see no reason why they may not grow into a provident people under care and protection.

Question. Do they seem to possess a love of money and property to a degree as high as that which characterizes white men?

Answer. No, sir; they appear to love enjoyment, and I think they love spiritual enjoyment first; I use that word in its liberal, not in its theological, sense. I think they love the "spirituelle," as the French say.

Question. They love mental emotions?

Answer. Yes, sir. Dividing the human being into three parts—mind, body, and spirit—I will say in regard to the mind, that they are exceedingly anxious to learn, like children; and

my idea is that all children are anxious to learn; and it requires teachers and parents, by their ignorance and want of knowledge of the human mind, to repress all that desire for knowledge which now freshly springs up in their infantile minds; they are really disposed, like children, to learn, and are very anxious to do so. Government and the church and community may, by injudicious measures, repress this.

Question. Are they possessed of much of that quality which we call political ambition?

Answer. I think not; I think they are perfectly regardless of it; as a very rare exception, there are those who possess it. I think they desire to be citizens, as a matter of growing self-respect, as securing their domestic and personal rights, and as calculated to elevate them in the scale of society; they would like to say who shall control their destiny, but they do not care to control it themselves if they have good agents to control it for them. Free negroes voted in North Carolina up to 1835, and it was said that those districts in which there were most blacks always sent the brightest minds to Congress. I found the same to be the case in Brazil, where blacks hold office. It is provided in their constitution that no black man can hold office, yet the public sentiment has actually changed the meaning of the word so that the word "black" means "slave," and "white" means "free," whether a man be black or white. Here there is a fair illustration of the whole question. There is no prejudice against mere color now. You find black men holding the office of juiz do paz, or justice of the peace, an officer having more extensive duties to perform than a justice of the peace in this country. Black men are favorite priests there, and they are becoming the mental power of the nation, simply because they are disposed (especially the mulattoes) to do more work than the whites. It is not because they are ambitious, but because the whites put the mental work upon them just as they put their physical work upon slaves. That, I think, is the true point of the matter.

Question. Do you discover often among them what we call the governing power, the capacity to control men?

Answer. Occasionally; it is developing; it does not occur often. But the best persons to manage the blacks of the south are those blacks who have the capacity to control, for they have so much suavity, so much gentleness with them, and their effort to govern is not so much by force as by expedients and tact; blacks have always succeeded most handsomely when they had that power. On the old plantations in Kentucky and Virginia the blacks have never been governed by the rod; they have been governed by tact and stratagem on the part of the whites; it has been a struggle of stratagem against stratagem; it has been a strategic warfare going on all the time in the more northerly of the slave States—those nearest to the border. This has cultivated, on the part of the blacks, stratagem and cunning to the extent we find it there; and this shows how little danger there is from their desire to govern.

Question. You know, of course, to a certain extent, what is the general feeling among the masses of the secession people of Virginia. What would they be likely to do in the event of a foreign war between the United States and such a government as England or France, provided they saw, or thought they saw, a good opportunity to establish southern independence?

Answer. In that case, especially if they could secure their independence, I do not think there is any doubt at all about the course they would take. I think they would do anything in the world by which that could be secured. I do not think, however, that the southern people have any idea that there is any possibility, even the remotest, of anything occurring through which they can do anything but submit. I think it is universally the feeling that there is no hope and no help for them in this regard. Physically, they are perfectly humbled. It is impossible to make their physical humiliation more complete than it is. A lady recently remarked to a friend of mine, "You cannot expect us to treat the northern people well who come here, or to have any intercourse with them. *They have humiliated* us, and we cannot buy, or sell, or have any intercourse with them." I can see no hope of an improvement in that respect except by the gradual operation of those causes which are above all opposition—commercial causes, the operation of trade, the demand for capital to come from the north, the emigration of persons from the north moving southward, the moving of southern people to distant points and colonizing and getting into new scenes and under new circumstances. I look for the gradual operation of these causes. I do not see why the south should witness any different results than those which Italy witnessed in the case of her northern conquerors, and which England witnessed in the case of the Normans. The Normans were the better people and went in with the Saxons, controlling the language and institutions of the people; but the masses of the people adhered to the Saxon, and it took many years to effect the coalescing. So with the south. The people of the south esteem themselves a superior people. Northern men going among them with more activity, more business relations, with less luxury, will control in some departments; and there will be dissimilarity until time and the various causes, that are operating in spite of everything, produce homogeneity. There is no miracle to be wrought in this case. Time and nature's laws, not mere legislation of any kind, can effect it. There must be patient waiting. If I were a secessionist; if I had gone with the people of the south; if I had taken the same view of matters which they took; if my judgment, conviction, and conscience had not been all against them; if my church education and my education by my forefathers had not influenced me against them; if, in short, I had

taken the course they adopted, I would do just precisely as they are doing; if it were a matter of principle, I should, of course, abide by the principle, and should esteem it something more than even dollars and cents, and political power, and home, and everything else.

Question. Do you think of anything else that you wish to state to the committee?

Answer. I do not know what you wish to find out. If my testimony is to be printed, I should like to have it full enough, so that one part may explain the other. Therefore, while I am not anxious to testify, except so far as may do good, I should be glad to have you probe the matter further.

Question. Doctor, you are a man of reflection, thought, education, and experience. What is your idea as to the ultimate condition of the blacks at the south? What will be their destiny and fate, taking into consideration all the causes that now exist and those that you may foresee?

Answer. Giving my opinion off-hand, I am inclined to think that the immediate result will be a great struggle, which struggle, on the part of the blacks, will have the effect of giving them more character. God designs that people shall grow strong through suffering. This suffering will make the blacks strong and vigorous; will give them a different position from that which they could possibly have had if they were taken care of as mere children. As slaves they would be always children. They have got to grow into men by being allowed, to a great extent, to work out their own destiny. I conceive that the great policy of the government should be simply to protect these people in their rights, and let them be perfectly free to work out the results just as white people work out results. I think that there is danger to them in doing too much for them. I think that the effect of it will be to keep them children. I think that the great policy of the Freedmen's Bureau should be to keep its eye on that point, not to do so much itself, but to help the blacks to do for themselves. I believe that this struggle will be gone through with. I then reason that, after the struggle is passed, and after these blacks are prepared by God's providence, through this very process for their own legitimate work, they will then find their way over to the islands, by the laws of commercial colonization, and from the islands to Africa, and I think I see through it all the regeneration and salvation of a continent. I prepared some views on commercial colonization, which were published at the commencement of the war. I then said:

"Commercial colonization we think preferable to any other, because it relies upon the immutable law of demand and supply—that to the point of demand for laborers will laborers be attracted. It will save the government of the United States the expense of transporting the blacks; it will permit direct intercourse and treaty with the States, as well as with the general government; it will save the expense of maintaining colonies and protectorates; it will cause the coalescing of the blacks of our country with those of their own race living under laws long tested and adapted to their condition.

"The laws of political economy and the considerations suggested point strongly to the West Indies, for a brief period, as the home of the greater part of the blacks, forming a mighty breakwater of an island empire against the attacks upon us from the Old World, if we make the colored race our friends.

"The northern States are not inclined to receive the negroes. They cannot go in great numbers to Africa, for Africa is not prepared to receive them, and humanity would revolt at their being left to perish on her ill-fated shore, or to retrograde into barbarism. To maintain many governments or colonial protectorates would be burdensome.

"Central America, while transportation to this point would be cheaper than to Africa, is on the highway for the whites from the east to the west, and the blacks ought to be removed from their incursions and example. Territory must also be here purchased, a government created, laws made, and all the incidents of pioneer colonization again and again repeated.

"To send them to the West Indies would cost infinitely less in transportation and less in early subsistence. It would involve the purchase of no territory and the creation of no protectorate. They would, in their island home, be freer from incursions, in a climate more salubrious, and in a more favorable commercial locality.

"The governments of the islands are better suited to the negroes in their infantile condition, and, being distributed among the islands, they would readily coalesce and become a homogeneous people, without the evils attendant upon colonization in a new country.

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"Immigration to America in 1851 amounted to 500,000 souls for that year, and to 1860 varied from this number to 150,000 per annum. It will take but a few years to transport all the slaves to the islands and replenish them with free white laborers at this rate.

"Hayti has a population of 34 to a square mile; Jamaica, 75; Trinidad, 30; the Windward islands, 265; the Leeward islands, 230; the French, 300; the Dutch islands, 500; the Danish islands, 30; the Swedish island, 350 persons to a square mile. Among the Windward islands, Barbadoes has 900 persons to a square mile; the others, with nearly equal capacity, only 100 to a square mile. In the Leeward islands, Bahamas have only 5 to a square mile, yet with a capacity for hundreds. Jamaica has 75 to a square mile, and wants more laborers. Massachusetts has 170 persons to a square mile; Rhode Island, 150; New Jersey, 100. Leaving out of consideration the superior fertility of the islands, their tropical character, and their capacity for population, to an extent not to be equalled in the northern States, according to the ratio above, Hayti can take 1¼ million more, and then only be equal to Jamaica—*take all our blacks*, and *then not equal* Massachusetts or New Jersey in density of population; com-

pared with the Windward islands, it could take 7,000,000. According to the estimate above, the West Indies can take 12,000,000 colonists, and then not equal Maryland, with 65 persons to a square mile.

"New York has a population of 3,100,000, and 47,000 square miles; the islands, 100,000 square miles, and a population of 3,500,000. The islands contain more than twice as many square miles as New York, with but one-half of her population. Thus they can take all our blacks, and then not equal New York in population.

"In the foregoing remarks we must not be understood to have any but the most friendly feelings to the colonies of Africa or the American Colonization Society. Let the colonies have all they can take care of, the 2,000 specified by one of the secretaries, this year, and the 5,000 for next year, and so on. Africa must be redeemed, and West India colonization will only help on the work. The remark of the great William Pitt will be realized. He said: 'We may live to behold the nations of Africa engaged in the calm occupations of industry, and in the pursuit of a just and legitimate commerce. We may behold the beams of science and philosophy breaking in upon their land, which at some happier period, in still later times, may blaze with full lustre, and joining their influence to that of pure religion, may illuminate and invigorate the most distant extremities of that immense continent.'

"It has been by commercial colonization that the Germans and Irish came to our shores, not by being sent over here by the governments of the Old World. There was a greater demand here for their labor and less competition in labor. So when we do not need the labor of the blacks, when there is greater demand elsewhere, as there soon will be in the West Indies and in Africa, the blacks will defray their own colonization there, and just as fast as there is such demand. God's laws obeyed by all, all will be at peace and happy and prosperous."

These views were adopted and printed by the Committee on Emancipation in the House of Representatives, and I was appointed by the President to go to Hayti for the purpose of carrying out these views in the islands, and to open negotiations with the southern States directly. It was not that I expected anything from it except to show the people that there was an outlet for the blacks, and that they might be taken off if necessary, (not that I desired or favored it, but as a political idea.) I have no doubt that that is to be the result. I have been in Africa, and in the West India islands, and in Brazil, and although I was a mere boy, comparatively, when in Brazil, I kept a record of all the slave vessels coming in with slaves and going out in ballast. My attention was early called to these matters, and I am inclined to think that that will be the result, though it is not a result that I would attempt to secure.

Question. Then you rather look to a gradual exodus of the black race from the country?

Answer. Yes, sir, by its own voluntary act. I should not favor that exodus at present. I should prefer to retain the blacks. I regard them as essential to the present prosperity of the country. It is to me a beautiful idea of the results of God's providence in this whole matter, not justifying the ways of man, but justifying the ways of God. I think there should be a kind feeling kept up everywhere. While any forced colonization should be opposed by the government, still I think there should be an *entente cordiale* created between all the black peoples of this country and the world, as a matter of elevated and statesmanlike diplomacy. I may remark in this connexion that the President eventually appointed Mr. Hale, of New Hampshire, as commissioner, and the matter hung in the Senate. This whole matter can be adjusted to the interests and feeling of all without the intervention of Congress, and without the expenditure of public money. The principles of commercial colonization will regulate it. While it is desirable that the blacks should remain here for many years, on account of their importance to the industrial interests of the country, still causes in operation, commercial causes, will eventually lead them to seek homes elsewhere. These causes are aided by the temperament and habits of the blacks, which it will take many years to eradicate and change. Being brought into competition with the more active, energetic labor of the nervous whites, the blacks will naturally find egress to homes where they will have less nervous competition. Thus will the prejudice of the white man be relieved, and the whole conduce to the development of the islands of the ocean and the waste places of Africa. It appears to me that God designs in his providence that the colored people shall remain here longer and free until they have become, thus aided by the sufferings through which they must pass, valuable and useful to the immense African world lying in darkness. The colored people of the south ought to be simply protected in the exercise of their full personal rights, but should be inured to struggle and labor as the natural antecedents of strength and success. It is impossible, even if it were desirable, to make of the north a grand eleemosynary institution. The immediate sufferings of the south should be alleviated by philosophical, Christian, earnest minds, who understand the people of the south and the blacks of the south, and who at the same time are their devoted friends, and are unquestioned in their loyalty to the government.

Question. What is your idea in reference to the willingness of the people at the south to pay the national debt?

Answer. I answer, that the south will not consent, if they can help it, to pay any portion of the public debt created to humble them, as they say. Not only that, but they will endeavor, as far as they are able, some way or other, to have the country pay all their debt,

whether State or confederate. Their struggle now is to preserve as much of the respectability of secession as they can, and they will do it in every way they can, without bringing themselves into conflict with the government. They will do all they can for themselves, and as little as possible for the north. This is human nature. This is to be expected. They do not profess conversion to the principles and cause of the federal government. They do not profess to be sorry for their course in the war. They regret that they did not succeed. They submit to the laws as far as is necessary, and mean to have these laws as palatable as possible to them. All they can effect politically, socially, and ecclesiastically, they will. They have no more use for bullets. They henceforth use the social, the ecclesiastical, and the political ballot.

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WASHINGTON, D. C., *February* 10, 1866.

Lieutenant W. L. Chase sworn and examined.

By Mr. HOWARD:

Question. What is your official position?

Answer. I am on duty as assistant superintendent of the Freedmen's Bureau, in Culpeper county, Virginia.

Question. Are you a native of Virginia?

Answer. No, sir; of the State of New York.

Question. How long have you been on duty in Culpeper county?

Answer. Since the 20th of December last.

Question. Have you been in command there?

Answer. Yes.

Question. How do the secessionists down there feel toward the government of the United States?

Answer. They feel very bitter and very sore.

Question. How do they treat you?

Answer. Officially they treat me very politely; but behind my back they are very different; they are two-faced.

Question. You think they look one way and row another way sometimes?

Answer. Yes, sir; that is it exactly.

Question. How do they treat the freedmen?

Answer. They do not want to give the freedmen much of a chance; and if it were not for some of us being there I do not think the freedmen would have any show of justice at all.

Question. Would not the Unionists down there be perfectly tranquil and happy in case the troops were withdrawn?

Answer. There are very few Unionists there.

Question. Would the withdrawal of troops increase their security and tranquillity?

Answer. No, sir; it is just the opposite, in my experience.

Question. In case of the withdrawal of the troops, would you anticipate scenes of violence towards the Unionists, towards the people who are loyal?

Answer. I only know of one or two who are loyal.

Question. Do you mean to say that, substantially, the whole of the white people down there are secessionists and rebels?

Answer. From my experience I believe they are just as strong rebels to-day as they were at the beginning of the war. A few of them are disposed to take the thing as it is.

Question. State whether you hear any expressions of disloyalty or discontent against the government of the United States.

Answer. I have had a good many conversations with citizens. I had one gentleman tell me that if the government of the United States went to war with any foreign country the south would go with that foreign country in preference to the Union. I would like to say that on my arrival at Culpeper I found twelve men of the 11th Maine. They have since been withdrawn, and mustered out. Since that time the people, as a general thing—certain classes of them—have grown very turbulent, and threaten sometimes; but their threats do not amount to much.

Question. Do they use insolent expressions towards you and your little force?

Answer. I have no force there now. I am entirely alone. I hear of them. I have been insulted twice. Both parties were drunk. The first time the party came and apologized. The next time the man was of such a low character that I paid no attention to it. An officer without troops is liable to insult at any time. I have sometimes gone out of my way to avoid collisions. There is a class of young men, returned from the army, and who have been with Mosby, who are very bitter against the government, and who are lying around bar-rooms.

Question. They are not a very industrious portion of the population?

Answer. No; there are very few people there who are industrious.

Question. Is it not chiefly that kind of persons who cry out against the negro, and protest that he will not work?

Answer. Yes, sir; there are a great many farmers who tell me that; but there are others who tell me differently. I cannot place a great deal of confidence in what any one tells me, because they are all apparently of one opinion there.

Question. I suppose they all say that they "accept the situation?"

Answer. Yes; they often come to me and want to have a confidential talk with me. They say, "We are good Union people. We never voted for secession. We were forced into this." Still they will go right away and talk differently with their own people.

Question. And glory in having taken part in the rebellion?

Answer. Yes; glory in having assisted the rebellion.

Question. What has become of Mosby?

Answer. The last I heard of him was at Warrenton, where he was practicing law.

Question. In case of war between the United States and a foreign power, what side would these men espouse, do you think?

Answer. I think that a great many of those who entertain these bitter sentiments would go with the foreign country in preference to the United States. My views were in accordance with those of Mr. Johnson when I went there, believing that his policy in reference to reconstruction of the States was just; but, from my experience, I am inclined to be very radical.

Question. What do you think has really been the effect of that liberal policy on the minds and hearts of secessionists there?

Answer. I think it has been the cause of their demanding what they had no right to demand, and of making them more bitter towards the government generally, especially to the people of the north.

Question. Does it make them more outspoken and insolent in their language towards the government of the United States?

Answer. Yes; I believe it does, from what I can learn. After the fall of Richmond and the surrender of Lee's army, people were in a state of terror. They expected almost total annihilation. They found out that nothing of that kind was going to happen; and they turned right around.

Question. Do they not respect the laws of the United States down there?

Answer. They do not like to if they can avoid it. Anything in the shape of military authority they do not like to obey.

Question. Still they have a certain degree of respect for the northern bayonet?

Answer. They are very much afraid of the military?

Question. How do they feel towards the freedmen?

Answer. Certain classes feel very bitter towards them; but the farmers, who cannot get labor otherwise, are very desirous of retaining them. It is policy with them. They use policy, of course, but they are not willing to give them their just rights as laborers. I would state, in extenuation for these people, that the country has been very much devastated. While General Meade's army wintered there in 1863–'64, the timber was cut down, and a great many houses burned and torn down.

Question. His encampment down there, I suppose, was evidenced afterwards by numerous chimney stacks?

Answer. Yes, sir; a great many.

Question. How do these fellows down there talk about the war?

Answer. They glory in the success which they did have—that with a small army they held out so long. A good many of them deprecate the idea of ever giving up. Others—quite a number of young men who have never taken the amnesty oath—feel very sore towards the north, and believe still that they were right in fighting for the south.

Question. Do you think that a great many of them would, if they had a chance, fight again against the United States?

Answer. Not so many; a great many have got tired of facing the music.

Question. They do not think that war is quite as jolly a sport as they did at the beginning of it?

Answer. Not exactly. There is a very bitter feeling, though, against the government. They tell me that they are willing to come in under President Johnson's ideas. They say that they have done all that the government required of them, and now they want to come in and have representation. They are taxed, and they want representation with taxation.

Question. Suppose it were left to these people down there to say whether the confederate rebel debt should be paid; how would they vote upon that question?

Answer. I believe they would vote to pay it.

Question. Suppose the question was submitted to them whether or not they would pay the federal debt contracted in the prosecution of the war; how would they vote on that question?

Answer. They would not want to pay it. As an instance, Mr. Stiles, the collector, was there collecting the direct tax of 1863; they were very much opposed to paying it, and a great many refused to pay it, saying that the government had no right to tax them for the year 1863. They claimed that they were not under the control of the government of the United States at that time.

Question. Well, they paid their taxes, did they not?

Answer. Yes, sir, a great many of them paid; but it was a very sore thing for them to do. A northern man is not called anything respectable there.

Question. He is not received into society, is he?

Answer. Well, to a certain extent he is.

Question. Is he invited into good families on social occasions?

Answer. I cannot complain of my treatment there. I have had invitations to go to some of the first families, as they call themselves, but I have not availed myself of the privilege, because my duties require my attendance.

Question. How much force have you at Culpeper?

Answer. None at all; I am alone.

Question. You constitute the army stationed at Culpeper?

Answer. Yes, sir; the force has been taken away from all the counties. The nearest force to me is, I believe, one company of regulars at Charlottesville, about fifty miles below, on the Orange and Alexandria railroad.

Question. Do they seem to feel in terror of so formidable an army of occupation as Lieutenant Chase composes down there?

Answer. They are afraid, because I let them know that they must do so-and-so, and must obey the instructions I receive, or else I should report them. But they still do a great many things which I do not know anything about, and which are kept from my ears. I believe that a military force is absolutely necessary down there. There is one loyal man there who is a resident and landholder, but who left when Meade's army left. He is looked down upon by the citizens, and is persecuted to some extent. He is a bricklayer and builder. He was a bachelor, and had a colored woman as housekeeper. The people claim that he is living openly with that woman. He defies them to prove anything of the kind, and I do not believe myself that he is. He is a man thirty-five or forty years of age, a very industrious man, a Swiss by birth, and who refused to take the oath of allegiance to the rebel confederacy, and was obliged to leave when Meade's army left. He is the only resident I know who is truly Union. A great many of them take the oath of allegiance, but I do not think that the oath amounts to much with a great many of them. Some have taken it in good faith.

Question. Are the whites inclined to go to work and repair their fortunes?

Answer. Some are, but others are lying around and bewailing their lot and cursing the Yankees.

Question. Is the latter class very numerous?

Answer. I think they predominate over the other class.

Question. Do you think of anything else which you wish to state to the committee?

Answer. No; except it is that I think it is necessary to have troops to carry out the instructions imposed upon officers by the Freedmen's Bureau, and to keep the peace and preserve order. I had a shooting case in my county the week before last. I bound the parties over to appear before such court as the commanding officer of the State of Virginia might designate. A woman was shot. It was a very peculiar case. She had slandered the family of the man, and in the excitement of the moment, being a very passionate man, he had shot her in the head. His son came in two hours afterwards intoxicated and beat the woman with a pistol on the head and stubbed her. That is her own statement. I took the testimony and forwarded it to the proper authority.

Question. Was any question of Unionism or secessionism connected with that case?

Answer. The woman was a freedwoman—a black woman. She had been a servant in the family, and had said something which was very bad about the family, but it was through jealousy of the servants that it came to the ears of the ladies of the house.

Question. Was the man who shot her a white man?

Answer. The person who shot her was one of the citizens of the county—a very prominent citizen—Dr. Perry.

Question. Are not the civil rights of the people there protected in the State courts?

Answer. I do not think that a loyal man could get his rights in the courts, there is such a prejudice against refugees and against the northern men.

Question. Do you think that prejudice would affect the mind of the court and jury?

Answer. Yes, sir; I think it would.

Question. Do they like to have northern men come and settle among them?

Answer. They tell me that they would like it; but on inquiry I find that northern men have been there to buy land, and that the people refuse to sell because they do not want any Yankees, as they call us, among them. They think that after awhile we might gain the balance of power. I read Carl Schurz's report to the President, and I thought it came nearer the true state of affairs than anything I had seen. Persons travelling there from the north, officially, are very apt to have smooth tales told them.

Question. Do you think of anything else that you wish to say?

Answer. No, sir; except that I believe the rebellion is not crushed yet.

Question. You believe that there wasn't fighting enough after all.

Answer. I believe more in subjugation now than I did ever before.

Question. What were your politics before you went into the army?

Answer. I was a Lincoln man; that is, I believed in Mr. Lincoln's ideas of republicanism.

Question. Were you ever an abolitionist?

Answer. No, sir; never.

Question. You were an old democrat.

Answer. I inherited from my father what is called the old Hunker democratic principles, but after I became old enough to think for myself I cast them aside. I became what is called a Native American, and attached myself to that party. I was in Illinois at the time that Mr. Lincoln and Mr. Douglas were canvassing the State, and I then became a supporter of Mr. Lincoln's.

Question. Are you a citizen of Illinois now?

Answer. No, sir; New York is my native State.

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WASHINGTON, *February* 10, 1866.

Dale Carter sworn and examined:

By Mr. HOWARD:

Question. Where do you reside?

Answer. Russell county, Virginia, in the extreme southwest part of the State, between Tennessee and Kentucky.

Question. Are you a native of Virginia?

Answer. Yes, sir, I was born there, and have remained there a great part of the time since.

Question. Do you hold any public office in Virginia?

Answer. I am the senator from that district in the Virginia senate.

Question. Have you a pretty general acquaintance with the people of Virginia?

Answer. I was in the convention assembled to frame the constitution in 1850-'51, which formed the constitution of the State previous to the Alexandria constitution; then I have been in the legislature of Virginia; I was in the legislature in 1857-'58; I was then in the house of delegates; I am now in the senate. I can say that I have a tolerable acquaintance with the people of Virginia.

Question. What is the general feeling among that class of the people of Virginia who have been hitherto known as secessionists (I call them secessionists for brevity's sake) towards the government of the United States?

Answer. So far as I am informed on that subject I know of no man anywhere in that quarter who desires to encourage anything like the doctrine of secession. On the contrary, I think that all are heartily tired of any resistance to the government of the United States in any form or shape.

Question. Do they generally feel friendly to the government of the United States?

Answer. I think so, except this fact—that the people, those who pretend to examine into and know anything about the matter at all, complain some that they are not allowed into the possession of their original rights, the right of representation, &c. They think, as they say, that they are at present toward the government of the United States as they should be, and that they ought to be reinstated, and that the government ought not to suspect them from anything they have done at all since the surrender.

Question. How are the Unionists proper—I mean those who have been steadfast in their attachment to the government of the United States during the war and before the war—how are they treated generally by the secessionists?

Answer. The offices are nearly all filled by Unionists; that is, by men who incline that way, and who never gave sanction to the rebellion, but who were opposed to it very often. Out of prudence, men said nothing; I was one of that description myself, I said little and had very little to do with the matter. I was over age. I have been a whig since 1824. Still, when the south went off in mass in that way, men were compelled to join in the movement or be silent.

Question. Have you heard of any scenes of violence that have occurred between old Unionists and secessionists since the war, growing out of disputations about politics?

Answer. I have heard of nothing of the kind, except this: I live in the vicinity of where that class of men who were called secessionists have almost all been banished by the original Union men. There was a good deal of violence at one time in East Tennessee on the part of secessionists, and that made some bitter enemies among the Unionists, because they banished some of them. I believe they did; at any rate this thing reverted in the other direction, and these Union men have got possession of the country again, and have expelled a great many of those who were once secessionists. However, there is no taking up of arms or anything of that kind, because these secessionists have pretty generally left there or tried to conceal themselves. In the State of Kentucky, on the other side of me, where, except those who came out and joined the army, they attempted to be neutral, and did not want to have anything to do with the war at all, in any way, they are perfectly quiet. In the State of Virginia, however, we have had nothing of that kind. I am very well acquainted with the State of Virginia, from where I live to Cumberland Gap. Whenever the war ceased every-

body seemed to want to get rid of it, to be done with it, and to return to the Union; when I say everybody, I think I may use that strong expression, almost everybody, at least, desired it. The truth is, that the war was gotten up and forced upon the masses of the people in that region by a few persons. That region of country is not, or was not, a very slaveholding region. They cared very little about slaves, except a few men. Therefore the masses regarding the war as a war somewhat about slavery, were not disposed to join the movement at all, if they could help it. A great many were brought into it in that way, and a great many were not brought into it at all. I live in a district which was not very loyal to secessionism.

Question. How are nothern men treated in that part of Virginia who come there to settle?

Answer. I do not think any have come there; if they have, I do not recollect it; but I will say more: if they were to come there they would be received and treated kindly. There are large landholders in that part of the country who are anxious to encourage immigration. I am one of them; I am trying to get northern men to come into my neighborhood. There is no hostility towards northern men there; I can say that in truth.

Question. How do they regard the abolition of slavery?

Answer. I can say in truth that they have given up slavery.

Question. And do not expect to reinstate it?

Answer. Never, sir; I can say most positively, so far as my acquaintance goes, that they have no hopes or desires at all ever again to make an effort of the kind in any way.

Question. How do they generally treat the emancipated blacks?

Answer. I was a slaveholder to the amount of about thirty-eight or thirty-nine slaves. My neighbors and myself, so far as my acquaintance went, had a sort of common understanding, perhaps owing to the proclamation issued by Governor Peirpoint, that the negroes were free, and we kept our negroes in this way a long while, until they became so thoroughly aware of their condition, and until everybody became so well informed of their condition that they were told, "Here you are as free as I am. I will keep you as you have been living with me, if you stay." Some would say, "If you stay with me I will pay you wages." Others would say, "If you do not stay with me as you have been staying I cannot keep you at all." A great many did leave their old homes. The negroes seemed to get it into their heads that they would not be free unless they left where they had been living; they seemed to regard it that they were only then free. None of my acquantances have since had any slaves. About the 1st of August my negroes and myself had a sort of treaty on the subject, and they agreed to stay with me until the harvest was over; they told me that they would lease my lands; I did lease land to three of them; they were going on to prepare houses, and I was to aid them in preparing log-cabins to live in and in fencing some land to cultivate, which was clear, and other land which they could clear and open up; but an acquaintance of mine induced my negroes to believe that they could do better about fifteen miles up the country, and they left and went up there; they are now leasing lands up there and intend to farm it. In fact, it was a brother-in-law of my own to whose lands they went; he had a large tract of country and owned slaves, about as many as I did; I do not know whether his own negroes rented land from him, but mine went up there and rented land from him, and are there yet. I have one old woman and two small children (colored) who have staid at my house, and are there yet; but they are as free as I am, and are so treated.

Question. The rest will probably come back to you?

Answer. I believe so; I think they will come back whenever they can better their condition by doing so.

Question. How do the whites feel in that section of the country in reference to the education of freedmen—is there any repugnance to it?

Answer. None at all, if it could be done without expense to them. If the blacks could do it themselves, or if it could be done by any other authority, the whites have no objection to it; but at the same time the country is so ground down that they cannot educate their own children.

Question. And they would therefore feel an unwillingness to contribute out of their own funds to educate the freedmen?

Answer. They would, I think, because they do not consider themselves able to do it.

Question. Suppose that particular difficulty were removed, and that they were in possession of their property, as ordinarily, would they be willing then to assist in the education of the freedmen by a general tax upon property?

Answer. Well, now, sir, I cannot answer that question whether they would or not; perhaps if the tax were a general one—one on whites and blacks both.

Question. Suppose it were imposed on whites and blacks both?

Answer. I do not know; I cannot say what change that might produce, nor can I say that the whites are opposed to educating them at all, except, as I said before, they do not feel able to educate even their own children. There are no schools in the country, and there is very little personal property in the country; fences are burned a great deal and destroyed; the country is in a desolate and unproductive condition everywhere.

Question. Would a person who should come among them and undertake to become an instructor of the freedmen be treated with respect by the whites, provided his character was good?

Answer. Well, now, I cannot answer that either. As I said before, if a teacher was sent there to teach them in a free school, I do not think there would be any objection to it by the people.

Question. Would they receive the teacher of a colored school into society, provided he was worthy of it in other respects?

Answer. I cannot say about that.

Question. You think there is some doubt about it?

Answer. There might be. I dare say that, in some places, remarks would be made about it, particularly if the expenses of the schools had to be defrayed by the white men of the country. If it could be done by taxes levied upon property common to whites and blacks, I do not think they would make any objection. As to the fact that the man was a teacher of colored people, I do not think that would make much difference to the people. However, I live where there never have been a great many slaves, and I am speaking now of what I know about the sentiments of my own acquaintances in my own district.

Question. Have not a large proportion of the members of the Virginia legislature, now in session, been elected by the votes of secessionists?

Answer. Well, sir, I suppose that a majority of them were so elected. I suppose that they were almost all elected by a majority of secession votes, because there were a majority of secession voters almost everywhere in the State. But although the voters themselves were once secessionists, they were not so when they voted for members of the present legislature.

Question. Have you not actually in the legislature of Virginia a large proportion of secessionists?

Answer. I do not think so at all.

Question. I mean men whose political proclivities were decidedly in favor of southern independence at any time?

Answer. I do not know that I can answer that. I can say this—that so far as my acquaintance goes in the Virginia legislature the members are pretty much of the character of men which I described myself to be—men who were not actively engaged in the war at all, and who kept out of it as much as they could.

Question. Have you not in the legislature some members, either in the senate or house of delegates, who actually took part in the rebellion on behalf of the rebels?

Answer. Yes, sir; but they took the oaths required by the reformed government of Virginia.

Question. What proportion of such members do you fancy are in the legislature?

Answer. There are very few of them. I do not know so much about the lower house; but I know that in the senate the members are men who were principally over age, and did not take any part any way in the war. As to the house of delegates, so far as I know, I cannot say that a majority of them were men who took an active part at any time in the rebellion. I can say that some of them were, and that some of them were men who took an active part the other way.

Question. Have you any reason to believe that any portion of the people of Virginia, of the influential classes, still entertain the project of southern independence and ultimate secession?

Answer. I have not any such impression. I do not believe any such idea is entertained in the south. I have no idea of it. I have been in the legislature since the first Monday in December, and I have no thought that the remotest idea of that sort exists in Virginia anywhere. You hear it from the speakers on all occasions, and you hear it in conversation everywhere, that slavery is at an end, and that secessionism is at an end, that the south has been badly whipped, and that they give it up, and are determined to be loyal.

Question. They consider that the question has been settled by the sword?

Answer. Yes, sir. These are the sentiments I hear uttered.

Question. How do they talk—I mean those who were advocates of secession, the preachers of the doctrine, and the dialecticians who have talked to the people on the subject? How do they regard now the abstract question of the right of a State to secede and withdraw?

Answer. That is a question which you hardly ever hear discussed. Men say nothing about it, because no issue can be ever made about it again, as they think, and never will.

Question. You do not think it ever will be?

Answer. I do not believe it ever will be in the United States. There is no other matter of controversy which can, as it seems to me, bring up any such state of things, the slavery question being disposed of. It seems to me that there is no other question which can produce any very material difference in the various sections of the country. And when I say that men seceded and advocated the doctrine of secession I must be permitted to say that at the time a great many of them thought it was right; they thought that the State had the power to secede; they had heard so much of their State-rights doctrine preached to them that they believed it, and they believed that the government itself had not given them their rights under the Constitution, and therefore they went into the movement. But those disputes about what the government had done and was doing were almost altogether in relation to slaves, so that when you give up slavery the whole thing is at an end; and that we are willing to do, I think.

Question. You have, of course, given a great deal of thought and reflection to the causes

of the rebellion on the part of the south. Do you think that the great cause of making war upon the United States was a fear on the part of the southern people that they should lose their slaves by the action of Congress?

Answer. I do, sir, think so, and I will tell you why I think so. Politicians would argue in this way: the government has done this, and the government has done that, and this thing will be carried on to an extreme which will amount to this. For instance, these personal liberty bills that were passed in the States all over the country had a powerful effect in producing that impression. I would say further, in relation to that matter, that I believe that it was that almost alone that made them go into the movement at the time they did.

Question. They intended to save slavery by withdrawing from the Union?

Answer. I have no doubt that the south did.

Question. Suppose this contemplated amendment to the Constitution should pass which fixes the basis of representation according to the number of persons in each State, but declares that where a State shall refuse the right of suffrage to any person on account of race or color, then the whole number of people of that race shall be deducted from the number which forms the basis of representation, is it your opinion that the people of Virginia would ever grant the right of suffrage to the blacks?

Answer. That is a question which I cannot answer, for it would be really giving an opinion without the data. I think, however, that a great many of the people of Virginia do not believe that the present generation of negroes in the State are sufficiently intelligent to be intrusted with the right of suffrage. In fact, that is the sentiment prevailing in the State of Virginia pretty extensively at this day in relation to a great many white people; but as to the effect this regulation would have if engrafted upon the Constitution I cannot say. I believe, however, that if the sentiment of the country should at any future time change in that respect from some material change in the condition of the negro, in order to gain this additional share of representation which that ratio would entitle them to, they would grant suffrage to the negroes. They would be inclined, I suppose, to get all the representation they could. I imagine, however, that it would depend upon the fact whether colored people should become improved to the extent that some people think they will improve. I do not think there will then be a disposition in Virginia to pay so dearly for excluding colored men from the polls—that is, to pay by losing that portion of the representation.

Question. Would not the enactment of that amendment imposing this necessity upon the once slaveholding communities create great discontent and dissatisfaction with the federal government?

Answer. So far as I can answer that question I will. I think that having for our first object to limit the right of suffrage to those who have some pretensions to exercise it, and guarding it somewhat, would have an influence no doubt. I think that if the government of the United States were to exclude a part of the representation in that way, it is probable that some portions of the south would regard it as an improper exclusion, because it has generally been the doctrine that the basis of representation is upon all the people together; but still, in regard to the right of suffrage, the States have generally looked, to some extent, to qualifications of some sort or other. I cannot say how they would consider it; I think it probable they would object to it, of course; they would go for the old doctrine, basing representation on the entire population.

Question. They would gain several members by extending the right of suffrage to all?

Answer. Yes, sir; but I do not see that in order to get that they would give up their provisions in regard to the qualifications of the voters; I do not know what they would do about that.

Question. This very amendment, in its very nature, would operate as a sort of constraint upon the southern States to give the right of suffrage to the negro; would not that produce heartburnings, as being an exercise of absolute power without reason and without necessity?

Answer. In that way it would. The political sentiment is, that the basis of representation ought to be, as I think, upon all the people of the State. At the same time, whenever you begin to fix the right of suffrage, the States, having that matter to regulate, ought to have the power to say who of their people shall have the right to vote, and who shall not have the right; this would be a setting aside of that doctrine, and it might be regarded as an unkind imposition; I think it would.

Question. Do you not think that the Henry A. Wises and that class of speakers would make a noise about it on the stump?

Answer. I dare say they would.

Question. Do you think of anything else you desire to state to the committee?

Answer. No, sir; I do not.

WASHINGTON, D. C., *February* 10, 1866.

John B. Baldwin sworn and examined.

By Mr. HOWARD:

Question. You are now speaker of the Virginia house of delegates?
Answer. I am.
Question. Are you a native of Virginia?
Answer. I am.
Question. Have you resided in Virginia during the war?
Answer. Yes, sir; I have resided all my life in Staunton, Augusta county.
Question. I think you were an original Union man?
Answer. I was; the most thorough-going I ever knew.
Question. Were you a member of the so-called secession convention in Virginia?
Answer. I was.
Question. Did you attend all its sittings?
Answer. I did.
Question. Open as well as secret?
Answer. I did attend its sessions, except after the ordinance of secession had passed; I was withdrawn by other duties a good deal from the session; but I was kept advised, and aware substantially of all that passed.
Question. Did you sign that ordinance?
Answer. I did.
Question. Can you tell what has become of it, or where it is now deposited?
Answer. I have understood that it is in the city of Washington, in the possession of the government, having been taken when the Union troops entered Richmond.
Question. Did you make a journey to Washington before the firing on Fort Sumter?
Answer. I did. I came here on the night of the 3d of April, 1861; I was here on the 4th day of April, 1861.
Question. Did you have an interview with President Lincoln?
Answer. I did have a private interview with him, lasting perhaps an hour.
Question. Do you feel at liberty to state what transpired at that interview?
Answer. I do, sir; I know of no reason why I should not.
Question. Have the goodness to state it.
Answer. On the 3d of April, 1861, I was in the convention. I was called out by Judge Summers, a member of the convention, who informed me that there was a messenger in Richmond, sent by Mr. Seward, asking him (Summers) to come on to Washington, as the President wanted to have an interview with him, and stating that if for any reason he was unable to come, he would be glad if the Union men of the convention would select and send on some one of their number who enjoyed their confidence, and who would be regarded as a representative man, competent to speak their sentiments, as the President wished to have some communication with them. Mr. Summers told me that he and a number of other members of the convention, Union men, (calling their names over,) had concurred in the opinion that I was the proper man to go, and that he wanted me immediately to get ready and return with the special messenger. I consented to come. A Mr. Allen B. Magruder, who was at that time a lawyer in the city of Washington, turned out to be the messenger. We came to Washington, and arrived here about breakfast time. I went to Mr. Magruder's house. About 10 or 11 o'clock we called at the Department of State, and I was introduced to Mr. Seward. Mr. Magruder informed him that I was the gentleman selected by the members of the Virginia convention—the Union men—in accordance with his request, and that I came indorsed by them as a person authorized to speak their sentiments. Mr. Seward said he would not anticipate at all what the President desired to say to me, but would take me immediately to his house. We went to the President's house, and I was taken to the audience chamber. The President was engaged for some time; and at last Mr. Seward, when the President became disengaged, took me up and introduced me to him in a whisper, indicating, as I thought, that it was a perfectly confidential affair. As nearly as I can recollect, the language he used was—"Mr. Baldwin, of the Virginia convention." Mr. Lincoln received me very cordially, and almost immediately arose and said that he desired to have some private conversation with me; he started through into the back room, opening into the other room; but on getting in there, we found two gentlemen sitting there engaged in writing, and he seemed to think that that would not do, and passed across the hall into a corresponding small room opposite, and through that into a large front room—immediately corresponding with the private audience hall—in which there was a bed; he locked the door, and stepping around into a space behind the bed, drew up two chairs, and asked me to take a seat. Mr. Seward did not go in with us. As I was about sitting down, said he, "Mr. Baldwin, I am afraid you have come too late." "Too late for what?" said I. Said he, "I am afraid you have come too late; I wish you could have been here three or four days ago." "Why," said I, "Mr. President, allow me to say I do not understand your remark; you sent a special messenger to Richmond"——
Question. You got the request to Mr. Summers on the 3d of April?
Answer. Yes, sir.

Question. And you started——

Answer. Within three hours.

Question. And you arrived on the morning of the 4th?

Answer. Yes; and my interview with Mr. Lincoln was about 11 o'clock that day. Said I, "I do not understand you; you sent a special messenger to Richmond, who arrived there yesterday; I returned with him by the shortest and most expeditious mode of travel known; it was physically impossible that I or any one else, answering to your summons, could have got here sooner than I have arrived; I do not understand what you mean by saying that I have come too late." Said he, "Why do you not all adjourn the Virginia convention?" Said I, "Adjourn it!—how? do you mean *sine die?*" "Yes," said he, "*sine die;* why do you not adjourn it; it is a standing menace to me, which embarrasses me very much." Of course you will understand that I do not pretend to recollect the language at all, but this is about the substance of it. Said I, "Sir, I am very much surprised to hear you express that opinion; the Virginia convention is in the hands of Union men; we have in it a clear and controlling majority of nearly three to one; we are controlling it for conservative results; we can do it with perfect certainty, if you will uphold our hands by a conservative policy here. I do not understand why you want a body thus in the hands of Union men to be dispersed, or why you should look upon their sessions as in any respect a menace to you; we regard ourselves as co-operating with you in the objects which you express to seek; besides," said I, "I would call your attention to this view: If we were to adjourn that convention *sine die*, leaving these questions unsettled in the midst of all the trouble that is on us, it would place the Union men of Virginia in the attitude of confessing an inability to meet the occasion; the result would be, that another convention would be called as soon as legislation could be put through for the purpose."

Question. Was the legislature of Virginia then in session in the same city, Richmond?

Answer. Yes, sir; that is my impression. Said I, "As soon as the necessary legislation can be gotten through, another convention would be called, and the Union men of Virginia could not, with a proper self-respect, offer themselves as members of that convention, having had the full control of one, and having adjourned without having brought about any sort of settlement of the troubles upon us. The result would be that the next convention would be exclusively under the control of secessionists, and that an ordinance of secession would be passed in less than six weeks. Now, said I, sir, it seems to me that our true policy is to hold the position that we have, and for you to uphold our hands by a conservative, conciliatory, national course. We can control the matter, and will control it if you help us. And, sir, it is but right for me to say another thing to you, that the Union men of Virginia, of whom I am one, would not be willing to adjourn that convention until we either effect some settlement of this matter or ascertain that it cannot be done. As an original proposition, the Union men of Virginia did not desire amendments to the Constitution of the United States; we were perfectly satisfied with the constitutional guarantees that we had, and thought our rights and interests perfectly safe. But circumstances have changed: seven States of the south, the cotton States, have withdrawn from us and have left us in an extremely altered condition in reference to the safe-guards of the Constitution. As things stand now, we are helpless in the hands of the north. The balance of power which we had before for our protection against constitutional amendment is gone. And we think now that we of the border States who have adhered to you against all the obligations of association and sympathy with the southern States have a claim on the States of the north which is of a high and very peculiar character. You all say that you do not mean to injure us in our peculiar rights. If you are in earnest about it there can be no objection to your saying so in such an authentic form as will give us the force of constitutional protection. And we think you ought to do it, not grudgingly, not reluctantly, but in such a way as that it would be a fitting recognition of our fidelity in standing by you under all circumstances—fully, and generously, and promptly. If you will do it in accordance with what we regard as due to our position, it will give us a stand-point from which we can bring back the seceded States." I cannot follow the conversation through; but he asked me the question. "What is your plan?" Said I, "Mr. President, if I had the control of your thumb and forefinger five minutes I could settle the whole question." "Well," said he, "that would seem to be a simple process." Said I, "I can settle it as surely as that there is a God in heaven, if you just give me the control of your thumb and forefinger five minutes. To let you understand how earnestly I believe it, as God is my judge, if I could get the control of that thumb and forefinger for five minutes, I would be willing, unless my weak flesh would fail me, that you should take me out within the next five minutes and knock me on the head on Pennsylvania avenue." "Well," said he, "what is your plan?" Said I, "Sir, if I were in your place I would issue a proclamation to the American people, somewhat after this style: I would state the fact that you had become President of the United States as the result of a partisan struggle partaking of more bitterness than had usually marked such struggle; that, in the progress of that struggle, there had naturally arisen a great deal of misunderstanding and misrepresentation of the motives and intentions of both sides; that you had no doubt you had been represented, and to a large extent believed, to be inimical to the institutions and interests and rights of a large portion of the United States, but that, however, you might, in the midst of a partisan struggle, have been more or less (as all men) excited at times, occupying the position of President of the United States, you had determined to take

your stand on the broad platform of the general Constitution, and to do equal and exact justice to all, without regard to party or section; and that, recognizing the fact without admitting the right, but protesting against the right, that seven States had undertaken to withdraw themselves from the Union, you had determined to appeal to the American people to settle the question in the spirit in which the Constitution was made—American fashion—by consultation and votes instead of by appeal to arms. And I would call a national convention of the people of the United States and urge upon them to come together and settle this thing. And in order to prevent the possibility of any collision or clash of arms interfering with this effort at a pacific settlement, I would declare the purpose (not in any admission of want of right at all, but with a distinct protest of the right, to place the forces of the United States wherever in her territory you choose) to withdraw the forces from Sumter and Pickens, declaring that it was done for the sake of peace, in effort to settle this thing; and that you were determined, if the seceded States chose to make a collision, that they should come clear out of their way and do it. Sir, said I, if you take that position there is national feeling enough in the seceded States themselves and all over the country to rally to your support, and you would gather more friends than any man in the country has ever had." He said something or other. I do not recollect what, but it created the impression upon me that he was looking with some apprehension to the idea that his friends would not be pleased with such a step, and I said to him, "Mr. President, for every one of your friends whom you would lose by such a policy you would gain ten who would rally to you and to the national standard of peace and Union." Said he, rather impatiently, "That is not what I am thinking about. If I could be satisfied that I am right, and that I do what is right, I do not care whether people stand by me or not." Said I, "Sir, I beg your pardon, for I only know of you as a politician, a successful politician: and possibly I have fallen into the error of addressing you by the motives which are generally potent with politicians, the motive of gaining friends. I thank you that you have recalled to me the higher and better motive, the motive of being right; and I assure you that, from now out, I will address you only by the motives that ought to influence a gentleman."

Question. You drew a distinction between a politician and a gentleman?

Answer. Yes, sir; he laughed a little at that. He said something about the withdrawal of the troops from Sumter on the ground of military necessity. Said I, "That will never do, under heaven. You have been President a month to-day, and if you intended to hold that position you ought to have strengthened it, so as to make it impregnable. To hold it in the present condition of force there is an invitation to assault. Go upon higher ground than that. The better ground than that is to make a concession of an asserted right in the interest of peace." "Well," said he, "what about the revenue? What would I do about the collection of duties?" Said I, "Sir, how much do you expect to collect in a year?" Said he, "Fifty or sixty millions." "Why, sir," said I, "four times sixty is two hundred and forty. Say $250,000,000 would be the revenue of your term of the presidency; what is that but a drop in the bucket compared with the cost of such a war as we are threatened with? Let it all go, if necessary; but I do not believe that it will be necessary, because I believe that you can settle it on the basis I suggest." He said something or other about feeding the troops at Sumter I told him that would not do. Said I, "You know perfectly well that the people of Charleston have been feeding them already. That is not what they are at. They are asserting a right. They will feed the troops, and fight them while they are feeding them. They are after the assertion of a right. Now, the only way that you can manage them is to withdraw from them the means of making a blow until time for reflection, time for influence which can be brought to bear, can be gained, and settle the matter. If you do not take this course, if there is a gun fired at Sumter—I do not care on which side it is fired—the thing is gone." "Oh," said he, "sir, that is impossible." Said I, "Sir, if there is a gun fired at Fort Sumter, as sure as there is a God in heaven the thing is gone. Virginia herself, strong as the Union majority in the convention is now, will be out in forty-eight hours." "Oh," said he, "sir, that is impossible." Said I, "Mr. President, I did not come here to argue with you; I am here as a witness. I know the sentiments of the people of Virginia, and you do not. I understood that I was to come here to give you information of the sentiments of the people, and especially of the sentiments of the Union men of the convention. I wish to know before we go any further in this matter, for it is of too grave importance to have any doubt of it, whether I am accredited to you in such a way as that what I tell you is worthy of credence." Said he, "You come to me introduced as a gentleman of high standing and talent in your State." Said I, "That is not the point I am on. Do I come to you vouched for as an honest man, who will tell you the truth?" Said he, "You do." "Then," said I, "sir, I tell you, before God and man, that if there is a gun fired at Sumter this thing is gone. And I wish to say to you, Mr. President, with all the solemnity that I can possibly summon, that if you intend to do anything to settle this matter you must do it promptly. I think another fortnight will be too late. You have the power now to settle it. You have the choice to make, and you have got to make it very soon. You have, I believe, the power to place yourself up by the side of Washington himself, as the savior of your country, or, by taking a different course of policy, to send down your name on the page of history notorious forever as a man so odious to the American people that, rather than submit to his domination, they would overthrow the best government that God ever allowed to exist. You have the choice to make, and you have,

in my judgment, no more than a fortnight to make it in." That is about as much as I can gather out of the conversation now. I went to Alexandria that night, where I had telegraphed an acceptance of an invitation to make a Union speech, and made a speech to a large audience, which, I believe, was the last Union speech made in Virginia before the war; and I went on to Richmond and reported to these gentlemen.

Question. You received from Mr. Lincoln no letter or memorandum in writing?

Answer. Nothing whatever.

Question. No pledge? no undertaking?

Answer. No pledge; no undertaking; no offer; no promise of any sort. I went back to Mr. Seward's from the President's house that afternoon and had a long talk with him. I found Mr. Seward extremely earnest, as far as mortal man could judge from his manifestations, in the desire to settle the matter. He seemed to have a shrinking from the idea of a clash of arms, and the impression that he made upon me was, that he thought the days of philosophic statesmanship about to give way to the mailed glove of the warrior, and that he was earnestly engaged in the effort to secure peace and union, as the means of averting the military era which he thought he saw dawning upon the country. I had a good deal of interesting conversation with him that evening. I was about to state that I have reason to believe that Mr. Lincoln himself has given an account of this conversation, which has been understood—but, I am sure, misunderstood—by the persons to whom he talked, as giving the representation of it that he had offered to me, that if the Virginia convention would adjourn *sine die* he would withdraw the troops from Sumter and Pickens. I am as clear in my recollection as it is possible to be under the circumstances that he made no such suggestion, as I understood it, and said nothing from which I could infer it, for I was so earnest and so excited—the matter involving what I thought would give a promise of settlement to the country—that I am sure no opening of that sort, (although I would not have thought it a practicable scheme,) no overture of any sort could have escaped me. I am sure that I would have made it the foundation, if not of direct negotiation, at least of temporizing, in connexion with others. But I have reason to believe that persons have derived that impression from conversation with Mr. Lincoln. Whether Mr. Lincoln intended to convey that impression to them or not, of course I have no means of judging.

Question. Did Mr. Seward send by you any letter or memorandum in writing?

Answer. None whatever—no letter or memorandum in writing, nor any message to anybody, except his respects and compliments to Judge Summers.

Question. One object of your visit to the President was to obtain from him some assurance that he would take some step in the interest of peace, or to prevent a collision of arms?

Answer. No, sir. That was one of the objects of the interview; but my visit there was at the instance of the President himself, who, without at all indicating the purpose of conference, expressed a desire to have a conference with some gentleman who would be a recognized exponent of the Union sentiment in the Virginia convention.

Question. You entertained the hope, at that interview, of getting from him some assurance, some encouragement, by which the collision of arms might be prevented?

Answer. That was my object and purpose earnestly.

Question. Was it not your main object and purpose?

Answer. It was the only object that I had. The object I had in going on was to meet what I regarded, and what our friends in the convention regarded, as an overture to what we had long desired—an understanding with Mr. Lincoln. We thought that if we could get into communication with him, and could convey to him a clear and honest exposition of the sentiments prevailing in Virginia, we could influence his policy in such a way as to enable us to bring about a settlement of the affair. At the time I was here I saw, and was introduced to, in the President's room, a number of governors of States. It was at the time the nine governors had the talk here with the President—the time when there was an immense outside pressure brought to bear upon the President. We thought in Virginia that if we could only present fairly to the mind of Mr. Lincoln the necessities of our situation, the difficulties with which we were surrounded, and the prospect of success on the line of policy which we could suggest, that we could accomplish something towards settling the question. I came on to Washington, not with any defined purpose at all, but with the general purpose of trying to establish a good understanding with him, and inducing him, as far as possible, to take the views which universally prevailed among Union men in the Richmond convention.

Question. Do you possess a good memory?

Answer. My literal memory is not good. I cannot say that it is peculiarly bad; but, in reference to results, as bearing on a line of policy or argument which I pursued, I think my memory is unusually good.

Question. You are by profession a counsellor-at-law?

Answer. Yes.

Question. Accustomed to listen to the details of testimony?

Answer. I am, sir. My habit is to take no notes of testimony at all; and I habitually conduct cases with forty or fifty witnesses, taking no minute whatever except of the name of the witness. My memory is sufficiently accurate, and is so recognized by my associates at the bar, that when a bill of exceptions in regard to facts developed on the trial is to be

made, they very often call upon me to write the testimony from my memory in preference to writing it from such notes as were taken by the bar. But I do not recollect it in the way the witnesses gave it. I recollect it as it clusters around the course of argument which I am preparing in my own mind during the case as it fits upon the line of my own thought. I recollect all that a number of witnesses said on the same subject, and not a continuous recollection of what each witness said.

Question. You recollect the substance and the result?

Answer. Yes, sir; the substance and result.

Question. Is it, in your opinion, in any degree likely that in this narrative you are mistaken as to any material fact that transpired in the conversation?

Answer. I think not. I may have omitted entire branches of what occurred. It may be that entire subjects which I have not mentioned at all might be brought to my mind; but as to the subjects which I have touched I have as much confidence in the recollection which I have of them as I can have in my recollection of anything transpiring that far off. It was a subject of more interest to me than anything that ever happened to me, and when I returned I repeated it over and over again to the gentlemen who had concurred in sending me, and it impressed itself deeply on my mind.

Question. You think you cannot be mistaken when you say that Mr. Lincoln did not assure you, in any form, that it was his purpose to withdraw the garrison from Sumter and Pickens at that time?

Answer. Of course I would not be willing to say, if I heard that Mr. Lincoln had given a different representation of it, that it was impossible he should have done so. I have no reason to believe that Mr. Lincoln was a man capable of intentional misrepresentation in a matter of that sort; therefore I would not, of course, undertake to say that it was impossible he could have intended to convey that impression. If I were certified that Mr. Lincoln had said he intended to give me that impression I should be bound to concede it, although at the same time I should be bound to say that the idea never occurred to me, and that when I first heard that such an idea had been suggested I was as much surprised as I was ever in my life?

Question. What is the state of feeling on the part of the secessionists of Virginia towards the government of the United States?

Answer. Well, sir, I believe the feeling that it is and is to be our government is universal. If there is any feeling of dissatisfaction, (and there is a feeling of dissatisfaction in reference to the delay and the refusal of representation,) it is more like the feeling which a political party out of power has toward the political party in power, in a government recognized by both and intended to be recognized by both, than anything else. It has no kinship whatever with the idea of resisting or overthrowing the government.

Question. You have no ground to suspect any combination as still existing in Virginia, having in view the overthrow of the government?

Answer. Not only have I no ground to suspect it, but I think I can say I know it is not so, because I have been in intercourse with the most bitter, determined, obstinate, and violent of all the men in Virginia who were concerned in the whole affair, and I not only do not know of such a thing, and do not suspect it, but anybody who would tell me that he did know it I would suspect of being a liar.

Question. You understand the contemplated amendment of the Constitution relating to the basis of representation now pending in the United States Senate.

Answer. Yes, sir; I think I do.

Question. If that amendment should be ratified, and become a part of the Constitution of the United States, would the people of Virginia, in your apprehension, ever be willing to grant the blacks the right of voting?

Answer. Of course no man can tell what would be the wearing effect of generation, of agitation of a subject of that sort; but I think it is clear as any proposition in the world, that if you place the people of Virginia in the attitude that they are to be diminished in consideration and in influence, and in their due power in the government, because of their unwillingness to place the negro on the ground of political equality, it will plant a root of bitterness such as has not been known even in the bitterness of the war. That is my judgment and belief. It would lead to political combinations of every sort. We would have advocates of suffrage of women, of minors, and foreigners, and negroes, in every shade of combination and confusion. I would regard it as being the entering wedge of more mischief, more trouble, more ill will, more dissatisfaction and disloyalty to the government of the United States, than all other causes that have ever combined together.

Question. So that you are fully of opinion that, instead of being a measure of peace, conciliation, and tranquillity, it would be a renewal of the agitation in another form still more bitter than that which existed before the war?

Answer. So thorough is my conviction on that subject that, while I believe I have local attachment and State attachment as strong as any man living, the moment that amendment was adopted I should feel bound, as a matter of ordinary self-protection, to quit Virginia, to avoid every southern State as I would a pest house, and to seek to make my living somewhere else.

Question. Would not the State, in case of such a ratification, evade, in some degree, the effect of it by prescribing property qualification for voters, or the qualification of intelligence?

Answer. I have no doubt at all that if that constitutional amendment were adopted, all the expedients which ingenuity and chicane could suggest would be resorted to to get around it and evade it in every possible way; and I do consider that one of, by no means the least of, the objections to it.

Question: Do you think that in old Virginia a convention or legislature could be assembled which would restrict the right of suffrage, narrow it from what it is now, in the case of whites?

Answer. I do not think there could. After the passage of the ordinance of secession, when the people were all engaged in war, the convention went on and tried that thing to some extent, not so much in reference to suffrage as in reference to elections, &c.—at all events going back on the track—and it failed, even with all the advantages they had then. I do not believe that, if you give fair notice, you can go back of universal suffrage. The fact is that a great many of the most conservative men in Virginia, as far as I know, are universal suffrage men, as a conservative idea—the idea of getting to the bottom and knowing what is under you. I am one of them myself. I have been always a universal suffrage man.

Question. Has there ever existed any considerable party at the south that has favored the establishment of a monarchical form of government at the south?

Answer. I do not think I ever saw more than one or two men—and they were generally these old fellows with ruffled shirts and knee-breeches—who were of that opinion, until during the war. During the war we could hear a great many suggest monarchy and everything else, as a means of escaping from the Yankees. They were fighting us, and the idea was if we could not whip them we would dodge them; do anything in the world for that purpose. I heard that sort of talk; but I never regarded it as anything serious, because I suppose that a monarchy would be just as easily planted in this country as you could get a cactus to grow in Canada.

Question. Have you not an idea that Jefferson Davis rather contemplated to make himself a monarch?

Answer. Not the least in the world. Jefferson Davis is one of the most curious men I ever studied. I never was intimate with him, but I had opportunities of observing him a good deal. He was a thorough tyrant in the sense that he exercised to the full extent every power that he thought he had. But he was the least of a usurper of any man I ever saw. He had no desire to extend his powers; on the contrary, he rather desired that they should be diminished. I think he was a conscientious man; a man of rather narrow, (as I thought,) contracted views of constitutional construction. A straw of construction across his path would stop him from the most darling wish of his heart.

Question. In his temper I suppose he was arbitrary?

Answer. I think he was. I do not know his personal peculiarities on that point. I have had very little personal intercourse with him. You (Mr. Howard) take the distinction I draw between a man who exercises what he believes to be his powers, fully, and the man who seeks to have other powers.

Question. Do you think he could be convicted of treason in Virginia?

Answer. Well, sir, I do not see why he could not be convicted of treason in Virginia just as well as any other man could be convicted of any other offence, if the law is laid down distinctly to the jury, and if you happen to get an honest jury. I do not see why not. In Virginia 999 out of every 1,000 people, at least, were in the same boat with Jefferson Davis. I do not exaggerate when I say 999 out of every 1,000. And, of course, you would find it difficult to get any confederates of his, those who were with him, and fighting for him, and hurrahing for him all the time, to desire to convict him. They would not do it if they could help it; but that you can find enough honest men in Virginia or any other southern State to respond to a question of fact, I am as well satisfied as I am of anything. Take my own case: I never believed in the right of secession. I do not believe in it now. I always looked upon the whole thing as an absurdity and humbug. I always believed, and believe now, that, as a question of law, right, and power, the government had a right to hang Jeff. Davis and me too. The question of power and the question of policy are different questions. If I were to sit as a juror on Jeff. Davis's case, or my own, or Keen's, I would not need any instructions from a judge to make me say that he ought to be hanged—not a bit. These are my views of the law and of the facts. There are a great many people in Virginia of the same way of thinking. I went into the rebellion as a rebel, with my eyes wide open, to take the consequences. I was not a secessionist. I never acknowledged the name of secessionist. I was a rebel.

Question. You never set up the right of a State to secede?

Answer. I never thought of it.

Question. You put it simply on the ground of revolution?

Answer. Of revolution. I thought if we succeeded that it would be all right: and if not, I expected to have a hard road to travel.

Question. You really found a much easier one than you expected?

Answer. Yes, sir. I expected to be hanged; and all that I have saved over and above that I consider as clear profit.

Question. Please make a statement to the committee in reference to the acts of your legislature.

Answer. There is a general feeling manifested in the legislature to go over our laws and to strike out the peculiar distinctive features separating the black and white races before the law. That is the tendency of the legislature. For instance, the other day the subject of apprentices was brought up, and apprentices, white and black, were placed on the same footing, and in respect to both the employer is required to have them taught reading, writing, and arithmetic, including the rule of three. There is no discrimination at all. In reference to rape, abduction, and offences of that sort, all discrimination has been withdrawn as between offences committed on persons of one or the other color. And so, as you go on, we are wiping out gradually all distinctions; they are not very numerous in our laws. You would be surprised, in going over our legislation, to find how thoroughly the free negro has been the equal of the white man before the law in Virginia. He has always had the same right to sue, to sue as a pauper or as a paying suitor. His cases have been all tried in the same way. He has always had the same right to call witnesses as a white man. He has had the same right to acquire property, except in slaves; and it is only of late years that he has been prohibited from acquiring slaves. That was one of those retaliatory or preventive measures that were adopted.

Question. Did the right of inheritance attach to the colored man?

Answer. Yes, sir; there was no distinction whatever. The free negro had all the rights of a free man. There was some difference in regard to the mode of trying minor offences committed by a free negro; but the distinction was in favor of the negro. As, for instance, it requires the verdict of a jury to acquit a white man of an offence in a capital case; but in the case of a negro, slave or free, tried before the court of oyer and terminer, the dissent of one magistrate out of five cleared him. It is a matter perfectly well understood by lawyers, who have practiced as criminal lawyers in Virginia, that a slave or a free negro had always the decided advantage over a white man in criminal defences.

[Mr. W. T. Joynes, heretofore examined as a witness, mentioned here, as an illustration of this fact, that in a capital case which he once tried, and where one of the magistrates refused to find a verdict of guilty, he had sentenced the accused, a colored man, to transportation, and that the court of appeals had set aside the sentence, and discharged the prisoner.]

Witness: A white man, who is tried before a jury, in case the jury disagree, is tried over again; but a negro, tried before the court of oyer and terminer, where one of the five judges dissents, is acquitted. Wherever you come to a class of offences in regard to tampering with slaves, or withdrawing them from their obligations to their masters, or anything of that kind, the laws were severe, and the free negro was placed, in some respects, in a worse condition than a white man, but those cases are very few; and now the universal sentiment and feeling of the people is to give to the negro, in law, all the results of the fact of his freedom. In regard to negro testimony there is a diversity of sentiment among our people. I believe everybody agrees that one of the effects of freedom will be, sooner or later, to place the negro and the white man, in this matter of testimony, on a perfect equality before the law, and that this ought, and necessarily will be so; but there is a diversity of opinion in reference to the expediency and safety of undertaking to do that thing all at one job. I think the more prudent of our people are disposed to do that gradually, taking a step at the time, and ascertaining how it works. I think the feeling now is to place in the hands of the negro the right to testify in all matters affecting his person, his property, or his family; to testify in his own case, as a white man would do; and to testify in criminal prosecutions for offences against his person, his property, or his family. I think that the disposition is to let that be the first step, and to go on gradually. You, gentlemen of the north, who have not a mass of 300,000 or 400,000 suddenly emancipated negroes in your midst, can hardly appreciate the caution which we feel to be necessary in dealing with any of these problems. However much we may be determined to do them justice, there are questions of safety and expediency which must be considered by prudent and discreet men. I have no hesitation in saying that the desire and determination is, as rapidly as possible, to remove all those differences before the law, and to place the blacks on an equal footing of equality before the law. That is my judgment and the temper of the legislature—to allow them all the civil rights, the same as white men. There are several things to be taken into consideration. In the first place, we must let the public feeling of the white people mature. Our local government must conform to the judgment and opinion of our own people, and they must have time to make up their mind to this thing. If you attempt to force the matter, you will see that it will bring about an enmity between the races. There is, as Mr. Grattan remarked, no unkind feeling towards the negro in a position where he is not asserting an equality; but the best friend a negro ever had in the world, the kindest friend he ever had, a young boy or girl raised by a negro mammy, and devotedly attached to her, would become ferociously indignant if the old mammy were to claim equality for a moment. This feeling is found in the northern people as well as in the southern people. The idea that this equality was now to be asserted and claimed would have a bad effect; but go on gradually to remove these different distinctions, and the people will find that it amounts to nothing in the end but what is just and right in itself, and they will come to it without any shock to their feelings. I think I can say with perfect confidence that our people will deal with the negro in all respects as kindly, and extend privileges to him as rapidly, as if he had been manumitted by the judgment of our own people, without any foreign influence at all: that is my belief.

I do not like the negro as well free as I did as a slave, for the reason that there is now between us an antagonism of interest to some extent, while, before, his interest and mine were identical. Then, I was always thinking of how I could fix him comfortably. Now, I find myself driving a hard bargain with him for wages; and I find that sort of feeling suggested directly by motives of interest coming in between the employer and the employed.

Question. You find the negro loves money as well as the white man?

Answer. Certainly; he loves money; but he knows nothing about taking care of it. My negroes, when they draw their month's wages now, give a blow-out and have a dance in my kitchen, and we find it necessary to put a clause in our contracts with them, giving the employer the right to procure them decent clothes out of their wages.

(Mr. W. T. Joynes here stated as a remarkable fact that when negroes get money they cease working till their money is all spent. Hence they flock into towns, where they can work by the job. They have not got the idea of laying up anything for a rainy day, and they always spend their wages before their next wages come due, to which the witness assented.)

Question. Do you think that this results in a great degree from the fact that they have been slaves?

Answer. It is to some extent the intrinsic character of the animal. It is characteristic of the free negroes as a class, although there are here and there exceptions.

Question. In the case of a compulsory change in the constitution or laws, by which the right of suffrage should be given to the blacks of Virginia, would you anticipate scenes of violence between the two races there?

Answer. It is very difficult to anticipate. I think that in the absence of interference from the government there is not much prospect of anything like armed collision betwen the two races. I think that the white and black races are so intermingled in the business of life that the black race is under the influence of the white, and I think that as a result they like the white people better than they do their own. I think it would be hard to unite the blacks together as a race. I think the greatest danger they are in is that they will be oppressed by the keenness of competition for employment, and by the superior sharpness of white persons in individual cases getting the advantage of them. I do not think there is any prospect of armed collisions, except the negroes are organized for some aggressive movement from without. If that is the case I believe there would be.

Question. Have you any reason to believe that any such organization exists in Virginia on the part of the blacks?

Answer. There are organizations of a benevolent character; but I have no reason to believe that they have any organization for any sinister purpose.

Question. Have you any idea that they have collected arms together for protection?

Answer. I have not the least idea of anything of the sort. I think they would be very slow to do it. They are the best and kindest people I know of.

Question. Is not the negro, after all, in the main, submissive to authority and inclined to be orderly? Is he not as truthful as the same class of whites?

Answer. It is extremely hard to compare classes. My own impression is that in the moral and affectionate dispositions the negro is, perhaps, the equal of the white person up to a certain point and under similar circumstances. As, for instance, the negro nurse is more affectionate, more attached, and more devoted than the white. The negro servant is, perhaps, more faithful and has less thought of self in his devotion to his master and employer. I believe that in reading, and writing, and spelling, negroes learn almost as quickly as whites; but I believe that when you have said that, you have given them about the highest position they can get. I do not believe that, as a race, they will ever have the persistence of purpose, or the energy, or the intellectual vigor to rise to anything like intellectual equality with the white race. I think that they will get along very well in the ordinary domestic relations, as servants and inferiors.

Question. You think, then, that in point of intellect they are inferior to the white race?

Answer. I do, decidedly; that is, in certain qualities of the mind, the qualities which go to build up a government, or to build up a race, or to accomplish any great results requiring persistent effort and combinations, I believe they are greatly inferior to the white race. But in the little affectionate and moral attributes which go to make them amiable in their intercourse, kind, indulgent, obedient to the orders of other persons, I think they are just as good as white men.

Question. What is their capacity for acquiring a knowledge of music and painting?

Answer. I do not know about painting; but a negro is a born musician, after a certain fashion. I have rarely known a negro who ever acquired any great excellence as a musician. They learn to play the fiddle by ear and to pick the banjo, and they do it remarkably well; but I never knew a negro who made a really fine musician, except Blind Tom, who was an idiot. Blind Tom is the best performer I ever heard on the piano, except Thalberg himself; but that is an exception, for Blind Tom has not sense enough to take care of himself. He is blind and idiotic. I do not think negroes have intellect enough to acquire superiority in any art requiring continuity of purpose.

WASHINGTON, D. C., *February* 14, 1866.

William J. Dews sworn and examined.

By Mr. HOWARD:

Question. State your residence and occupation.

Answer. Staunton, Virginia; professor of music.

Question. Are you a native Virginian?

Answer. Yes; I was born in Isle of Wight county, near Richmond.

Question. Have you been a secessionist?

Answer. No, sir; thank Heaven.

Question. You have been uniformly a Union man?

Answer. I have.

Question. What have been your opportunities for observing the state of feeling in that part of Virginia where you reside, during the war and since the war?

Answer. I remained in the south until July, 1864, when I left Richmond and got through the lines into West Virginia.

Question. And since the close of hostilities you have been residing at Staunton?

Answer. Yes, sir; I went there as soon as communication was open.

Question. What is the feeling among the ex-rebels there towards the government of the United States?

Answer. As a general thing, the feeling is one of opposition, as far as my knowledge extends.

Question. How are they in the habit of speaking of the government?

Answer. Disrespectfully. Of course there are exceptions.

Question. Are they understood as speaking against the present administration, or against the government as a government?

Answer. I understand that it is against the United States government. Some have reference to the present administration; but generally—my impression is from observation—it is directed against the United States government.

Question. Do you hear expressions among them indicating their wish for a renewal of the war?

Answer. Well, sir; I cannot say that.

Question. Or a wish for southern independence?

Answer. Yes, sir.

Question. Are such expressions frequent among them?

Answer. They are not very frequent in my presence. A good many things of that character do reach my ears from those who are bold enough to say what they think on all occasions, but from others I hear them indirectly.

Question. How do they feel in regard to the emancipation of their slaves?

Answer. Generally speaking, they do not recognize it, only just so far as they are compelled. Some few do.

Question. How do the ex-rebels treat Union men?

Answer. As a general thing, they look upon them with contempt.

Question. Do they exhibit in their intercourse bitterness and hostility towards the Union men?

Answer. They do.

Question. Are you aware of any scenes of violence recently growing out of feelings of Unionism and rebelism?

Answer. I am; of attempted violence and of direct violence.

Question. Narrate such circumstances as occur to you as illustrations of the state of feeling.

Answer. A gentleman named Davis, a returned refugee and well-known Union man, was insulted on the cars about three weeks ago, near the village of Mount Sydney, and a fight got up. Two Union men were attacked at Mount Sydney (quite a strong Union place too) on the day of an election for magistrates, and an attempt was made to put them out of the hotel. They had been both in the federal army and had been discharged. But they drew their revolvers and held their assailants at bay. Some government officers who were passing at the time (the assistant superintendent of the Freedmen's Bureau among them) were insulted. Some of them were for stopping and settling it then, but better counsels prevailed. Several other cases have been reported to me, but the names have escaped my memory. I have not heard a complaint against a Union man for having attempted reviling against secessionists, or anything of that sort.

Question. How is it in regard to social intercourse between ex-rebels and Unionists?

Answer. There is not much. There is some. Where ex-rebels regard a Union man as having simply exercised his judgment and acted conscientiously, they look at the matter fairly.

Question. State whether the ex-rebels in your vicinity outnumber the Unionists?

Answer. Yes, sir; probably eight or ten to one in the county.

Question. The Unionists are in a very small minority?

Answer. Yes, sir.

Question. Can Unionists be elected to any office in that county?

Answer. Oh no, sir; on the occasion when the difficulty occured at Mount Sydney the magistrates who were elected were, as I was informed, ex-rebels.

Question. How are northern men treated in that vicinity by ex-rebels?

Answer. They are regarded pretty much in the same light as Union men of the county; perhaps the latter are thought even less of.

Question. Are northern men welcome as settlers down there, when they go to transact business or to purchase property?

Answer. They are, to a certain extent, as a matter of business.

Question. What chance does a Unionist stand to get justice in the State courts?

Answer. I should not suppose, with perhaps a few exceptions, that he would have any chance; that is the impression of all the Union men. Union men are preparing a petition to Congress to have all their lawsuits, of every description, referred to a military court or some other tribunal, because they are convinced that they cannot have justice done them on account of the prejudice against them; probably two hundred and fifty persons in the county have already signed the petition.

Question. Is that feeling very extensive among the Union people there?

Answer. Yes, sir; it is universal. I learn that there are only two Union men in the county who refuse to sign the petition, and they decline from a fear of being interfered with.

Question. What effect has the President's liberality in granting amnesties and pardons to rebels had upon their minds generally?

Answer. So far as my knowledge extends, I cannot say that it has had any good effect; it has made them more contemptuous, if anything.

Question. How do they generally regard the oath of amnesty, when they take it?

Answer. With some few exceptions they feel as if they were simply constrained to do it, just as a man might be compelled to give his money to a robber to save his life.

Question. Have you any reason to suppose that there exists in Virginia, or elsewhere in the rebel region, any secret society or combination having in view southern independence, in any future contingency?

Answer. I have no positive reason to suppose that such exists in the form of combinations or associations, although I have heard such intimations.

Question. That such clubs did exist?

Answer. No; but that such was the feeling in individual cases; for instance, speaking of the probable disagreement of the north in relation to acts of Congress, and hoping that such differences might arise and might produce an appeal to arms in the north.

Question. Do you mean to say that the apprehension is entertained by anybody in the south that there is to be an appeal to arms at the north?

Answer. Yes, sir; that it is to eventuate in that, from disagreement between the republican party and the President.

Question. And in that case, the secessionists are going to do what?

Answer. They would then have a chance for another trial for independence. Such an opinion was advanced to me by the corporation attorney of Staunton, not two weeks since; he avowed himself as a secessionist, and that he was proud of it.

Question. What do they say generally in reference to a war between the United States and some foreign power?

Answer. In many cases they intimate their desire for it.

Question. From what you know of their temper and inclinations, have you reason to apprehend that, in the case of a foreign war, many of them would join the common enemy of the United States?

Answer. My opinion is, that very many would; but as to what proportion of them I am not prepared to state; I think that a great many of the thinking men would discourage it.

Question. Suppose it should become apparent that the rebel States stood a pretty good chance to succeed in establishing their independence by allying themselves with a foreign enemy, in the course of a foreign war, what would they do?

Answer. I am of opinion that many of them would ally themselves with the foreign enemy. I do not know what feeling might arise when such a contingency occurred; the feeling might change, and all might rally around the flag.

Question. How do they feel toward the freedmen?

Answer. Very bitter; but, to use their own terms, they regard the Union man about as they do the nigger. Since I went back to Staunton I have been invited to act as a commissioner in the bureau of refugees, in my leisure time. Some five days since, Mr. Tukey, assistant superintendent, was absent in Richmond on business, and the business of the office was left in my charge. I had some difficulty with a magistrate there, an ex-rebel, who interfered with me; I threatened him with the military if he did not desist; he refused to desist, and I went to the mayor and requested him to do what I wanted, and he instantly did so; it was to take a man out of jail, who had been put in without a hearing; there was nothing at all against the man, and he was simply held in a small amount to keep the peace; the same corporation council appeared there, and argued that they should arrest me for interfering; the town sergeant, who is a loyal man, spoke up and said, that I had done nothing in the world but my duty; the corporation attorney suggested that I should be arrested first and examined afterwards; the magistrate, after hearing the town sergeant, said there was nothing against me; the attorney seemed very much chopfallen, and used some insolent language towards me, which stirred up my anger; he offered to make a test case of it in

some other manner, and I told him just walk out of the office and make a test case of it in any way he chose, which settled the matter.

Question. Whereupon he did not walk out?

Answer. He did not. Another man, named Bunch, a well-known rebel, also appealed to the crowd to excite it against me; I was alone, but armed; some few Union men gathered around, and some loyal blacks also; I told them to be quiet, and under no circumstances to disturb the peace. The affair produced so much excitement that I dropped a line to the commander of the troops at Charlottesville, asking him whether, if it became necessary, he would be prepared to start some troops up to Staunton by the train. He immediately answered that he was prepared.

Question. The ex-rebels have no special fondness for the Union troops in their midst?

Answer. No, sir.

Question. Would the whites in that part of Virginia willingly contribute for the education of all classes, blacks and whites?

Answer. My impression is that they would not. The papers discountenance it, and make fun of the negro schools and school teachers and Freedmen's Bureau.

Question. How are teachers of colored schools treated by ex-rebels?

Answer. They are not treated with any respect, with some few exceptions; there are probably not more than one or two families where they visit.

Question. How do they feel in regard to the education of the blacks? Are they willing to promote it, or do they discourage it?

Answer. They discourage it. A collection was being made to build a church for the blacks; Mr. Sandy (Alex. H. H.) Stuart subscribed five dollars, but remarked to the colored man that he would give five dollars toward building the church, and would give five dollars more if the bureau would leave, and if Mr. Tukey would leave; it was either Mr. Stuart or Mr. John B. Baldwin who said this; I believe it was Mr. Stuart.

Question. Mr. Stuart ran for Congress on the secession ticket?

Answer. Yes, sir.

Question. Who was his competitor?

Answer. Mr. Lewis, a Union man.

Question. Which was elected?

Answer. Mr. Stuart.

Question. Did Mr. Stuart issue a card during the canvass in reference to the test oath?

Answer. Yes, sir.

Question. What did he say in that card?

Answer. He said, in substance, that he could not and would not take the oath.

Question. That was before the election?

Answer. Yes, sir, if I am not mistaken.

Question. By the oath, you refer to what?

Answer. To the test oath.

Question. Contained in the President's proclamation?

Answer. I presume so.

Question. By what majority was Stuart elected over Lewis?

Answer. I am not aware; but if my memory serves me right, it was a pretty good majority.

Question. Are you able to say whether or not Mr. Stuart took any part in the war, on the part of the rebels, encouraged, aided, or abetted it?

Answer. I do not think he was in the army, because his age kept him out; he was regarded as a tolerably good Union man during the war; but the Union men were fearful of him; they did not give him their confidence entirely, but he was looked upon as a little friendly to the Union men.

Question. Was he trusted by either party?

Answer. I cannot say positively.

Question. Did either party look upon him with any reliance?

Answer. My impression is, that men who changed, like him, were not looked upon with confidence, except they took up arms direct in defence of secessionism; they were not looked upon with such respect as if they had.

Question. Do you think a jury could be got together in that county that would convict a ringleader traitor of making war against the United States?

Answer. I do not think so.

Question. Is your opinion founded on your knowledge of public feeling?

Answer. Yes, sir, on my knowledge and on what I hear daily. I was told of a man the other day in the country who said he would not sit as juror in a case between a Union man and an ex-rebel, because he would be prejudiced against the Union man.

Question. Does any other matter occur to your mind which you wish to state?

Answer. I may state that the signers of the petition of which I spoke feel so fully confident that they can get no justice in the State courts that they refuse to take any case there, waiting for something to turn up in their favor. Knowing the position that I hold, I have received hundreds of messages from Dunkards and other Union men to that effect.

Question. Are the Dunkards numerous in that county?

Answer. Yes; they are quite numerous; and, possibly, ninety-nine out of every hundred of them are Union men, except that they paid $500 each to the confederate government for exemption from military service; they were required to pay it.

Question. How do the ex-rebels feel down there towards General Lee?

Answer. They regard him as a saint, so far as my knowledge extends.

Question. How do they feel towards Jefferson Davis?

Answer. They regard him as a persecuted friend, as a general thing. I do not know that I ever heard one say he was justly punished.

Question. Did you ever hear anything said about his connexion with the assassination of Mr. Lincoln?

Answer. I have not, further than what I saw in the newspapers.

Question. How do the most pronounced among the secessionists feel in regard to the assassination of Mr. Lincoln? Do they think it was an atrocious act or a justifiable act?

Answer. So far as my knowledge extends, they consider it an atrocious act generally; it would be exceedingly dangerous to express any different feeling, if they felt it; I am not prepared to say whether they mean what they say, or not. I heard a few say that they had no regret about it, but the generality of them denounce the act. A lawyer named Hill, from Highland county, came into the office recently and made a complaint that a white man who had been arrested for theft, tried, found guilty, and punished by the provost marshal, and who had received a certificate of the fact, had been brought before one of the civil courts on the same charge, and that the court had refused to recognize the certificate of the provost marshal, indorsed by Colonel Clay, commanding the post. The corporation counsel got up and asked, contemptuously, who Colonel Clay was; and he treated the certificate with the utmost contempt. The trial is in progress now. The man managed to get bail, and his lawyer applied to the office of the Freedmen's Bureau.

Question. What was the ruling of the court?

Answer. Mr. Hill, the counsel for the prisoner, said that the certificate was disregarded entirely.

Question. Is Mr. Hill a credible, respectable man?

Answer. Yes, so far as my knowledge extends. The facts are now being laid before General Terry. In reference to the popular feeling I will give another illustration: After my return to Staunton, about a month or six weeks since, an article appeared in the Staunton Spectator, copied from the Metropolitan Record, in reference to Union men, returned refugees, &c.—very bitter and outrageous. Several Union men applied to me to reply to it. The editor of the Spectator reluctantly agreed to publish my reply, and in the same number of the paper he came out with a violent editorial in regard to the petition of which I have spoken. The other two papers took it up and pitched into me in regard to the petition and other matters. I waited upon the editors of those papers and requested permission to reply to their articles, which permission they accorded me; but the editor of the Spectator refused me the same privilege, treating my letter with contempt, and telling the bearer that he would receive nothing from me.

Question. Is the Spectator a secession journal?

Answer. It is; and probably the most bitter in Staunton.

Question. How large a place is Staunton?

Answer. A place of probably seven thousand inhabitants. The other day a flour inspector remarked to a white man, who had appealed to the Freedmen's Bureau against an unjust imprisonment, that any white man who would go to the bureau was no better than a nigger, nor so good. This man holds the position of flour inspector at Staunton under the State government, and is known as a notorious rebel.

Question. By whom was he appointed?

Answer. By Governor Peirpoint.

Question. What is the political character of the Virginia legislature?

Answer. From all I can learn they seem to be rebels—inclined that way.

Question. What public service has Mr. John B. Baldwin rendered?

Answer. He was a member of the rebel Congress.

Question. House of representatives or senate?

Answer. I cannot say.

Question. How long did he serve?

Answer. I presume he served all the time. He was serving when I left the confederacy.

Question. Did he serve in the rebel army at all?

Answer. I do not think he did. I may state in this connexion, that during General Hunter's raid I was within ten miles of Staunton, hiding, and happened to be in the vicinity of the battle-field at Piedmont. When the wagon train came along I made the acquaintance of a colonel and stated my position. He advised me to go to the mountains, as they would probably have a heavy fight at Lynchburg. I went to Staunton with him, and rode in front of the column into the town, where my little boy was. Next morning Mr. Baldwin came down out of the mountains, coming from Richmond, and harangued the people in Staunton, advising them to resistance, and to make all efforts to rally. He said that the President had told him that the valley should be held at all hazards; that the people should have no fear of Hunter or any one else. A large crowd had gathered around him. He was on horseback near the hotel. He did not make any loud speech, but it was conversation. This was in the summer of 1864.

WASHINGTON, D. C., *February* 15, 1866.

John Minor Botts sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In the county of Culpeper, State of Virginia.

Question. Were you a member of the secession convention of Virginia?

Answer. No, sir.

Question. Where were you at the time?

Answer. I was run for the convention as a Union candidate, but was beaten by a secession candidate, the late rebel secretary of war, G. W. Randolph.

Question. Where were you during the session of that convention?

Answer. I was in Richmond.

Question. Were you well acquainted with their proceedings?

Answer. I was tolerably familiar with them. I very seldom attended their discussions, but I had a good deal of intercourse—constant intercourse—with the Union members of the convention.

Question. Are you acquainted with George W. Summers, of Virginia?

Answer. Very well.

Question. Was he a member of the convention?

Answer. Yes, sir.

Question. Was he a Union member?

Answer. He was.

Question. Have you any recollection of John B. Baldwin, of Virginia, who was a member of that convention, paying a visit to President Lincoln just before the firing on Fort Sumter?

Answer. I know nothing of it except what I derived from Mr. Lincoln himself, and from a subsequent interview with, and admission on the part of, Mr. Baldwin, of the material portions of Mr. Lincoln's statement to me.

Question. Go on and state the substance of Mr. Lincoln's statement to you.

Answer. I arrived in Washington on the 5th day of April, 1861. On Sunday afternoon, the 7th, I received a note from Mr. Lincoln, saying he would be glad to see me during the evening. I went up to his house and spent from seven o'clock until eleven o'clock in company with Mr. Lincoln, during which time we had a great deal of conversation upon the general affairs of the country, and especially in reference to the condition of things in Virginia. During the conversation Mr. Lincoln said to me that he had, about a week or ten days before that, possibly a fortnight, written to Mr. Summers, with whom we had both served in Congress together, asking him to come to Washington without delay, as he had a most important proposition to make to him, and that if he could not come himself he would send some other prominent influential Union man of the convention to him; that he had not heard from Mr. Summers until the Friday preceding, which was the 5th; that on that day Mr. John B. Baldwin, a member of the convention, had presented himself to him as having been sent up by Mr. Summers on the invitation of Mr. Lincoln; that when he made this announcement Mr. Lincoln said to him: "Ah, Mr. Baldwin, why did you not come here sooner? I have been waiting and expecting some of you gentlemen of that convention to come to me for more than a week past. I had a most important proposition to make to you. I am afraid you have come too late. However, I will make the proposition now." Said he, "Mr. Baldwin, we have in Fort Sumter with Major Anderson about eighty men, and I learn from Major Anderson that his provisions are nearly exhausted—that he has so much beef, so much pork, so many bushels of beans, potatoes, &c., but that his bread will not last longer than a particular day. I forget whether he said the next Wednesday or the Wednesday after, but at that time his bread would give out. I have not only written to Governor Pickens, but I have sent a special messenger to him to say that if he will allow Major Anderson to obtain his marketing at the Charleston market, or if he objects to allowing our people to land at Charleston, if he will have it sent to him, that I will make no effort to provision the fort; but that if he does not do that, I will not permit these people to starve, and that I shall send provisions down—that I shall send a vessel loaded with bread," (that was his expression, by which, of course, I understood provisions generally,) "and that if he fires on that vessel he will fire upon an unarmed vessel loaded with nothing but bread; but I shall at the same time send a fleet along with her, with instructions not to enter the harbor of Charleston unless that vessel is fired into; and if she is, then the fleet is to enter the harbor and protect her. Now," said he, "Mr. Baldwin, that fleet is now lying in the harbor of New York, and will be ready to sail this afternoon at five o'clock; and although I fear it is almost too late, yet I will submit, anyway, the proposition which I intended when I sent for Mr. Summers. Your convention in Richmond, Mr. Baldwin, has been sitting now nearly two months, and all that they have done has been to shake the rod over my head. You have recently taken a vote in the Virginia convention on the right of secession, which was rejected by ninety to forty-five, a majority of two-thirds, showing the strength of the Union party in that convention; and if you will go back to Richmond and get that Union majority to adjourn and go home without passing the ordinance of secession, so anxious am I for the preservation of the peace of this country, and to save Virginia and the other border States from going out, that

I will take the responsibility of evacuating Fort Sumter, and take the chance of negotiating with the cotton States which have already gone out." "Well," said I, "Mr. Lincoln, how did Mr. Baldwin receive that proposition?" Raising his hands up in this way, (illustrating,) he said: "Sir, he would not listen to it for a moment; he hardly treated me with civility. He asked me what I meant by an adjournment; did I mean an adjournment *sine die*. 'Why, of course, Mr. Baldwin,' said I, 'I mean an adjournment *sine die*. I do not mean to assume such a responsibility as that of surrendering that fort to the people of Charleston upon your adjournment, and then for you to return in a week or ten days and pass your ordinance of secession after I have given up the fort.'"

As a matter of course I felt very much incensed that Mr. Baldwin should have rejected a proposition which, it was manifest, as I thought at that time, would be the only means of saving the country from the calamities through which it has passed; and I said at once: "Mr. Lincoln, will you authorize me to make that proposition to the Union men of the convention? I will take the steamboat to-morrow morning and have a meeting of the Union men to-morrow night, and I will guarantee, with my head, that they will adopt your proposition, and adopt it willingly and cheerfully." "Oh," said Mr. Lincoln, "it is too late; the fleet has sailed, and I have no means of communicating with it." "Well," said I, "will you authorize me to mention this circumstance for your own benefit? because the attempt will be made by all the demagogues in the southern country to impose the responsibilities of this war upon your shoulders; and they will say that you have come here for the purpose of making war upon the institutions of the south, and that you cannot be driven from it." His reply was: "Well, not just now, Botts; after awhile you may." The inference I drew from it was this: that Mr. Lincoln was assuming a responsibility which would, at that day, have been extremely distasteful to those who had elevated him to the presidency, but which I think it is due now to history and to the character of Mr. Lincoln to make known, for it should elevate him in the minds of all men, to see how anxious he was, and what personal sacrifices he was prepared to make, in order to save the country from that ruinous and destructive war which he foresaw.

Question. Did you take any memorandum of that conversation?

Answer. I did not. There was no necessity for it. It was impressed so strongly upon my mind that it could never be obliterated.

Question. Was anybody else present at that conversation?

Answer. There was not; but Mr. Lincoln has made the same statement to others, whose names I will give you before I conclude.

Question. Did Mr. Lincoln say anything about issuing a proclamation, calling a convention of the States, with a view to settle these difficulties?

Answer. He did not.

Question. Are you quite sure of that?

Answer. I am quite sure he did not.

Question. Are you perfectly sure, according to your best recollection, that Mr. Lincoln told you that he had made that proposition to Mr. Baldwin to evacuate Fort Sumter on this condition?

Answer. I know it as well as I know you are standing before me and that I am answering your question.

Question. Are you blessed with a good, retentive memory?

Answer. I think that is pretty generally conceded by those who know me best; but it needs no distinct recollection on that subject, for I will proceed to show that the truth of this conversation was admitted to me in the presence of another gentleman. Although there was no person present when Mr. Lincoln made this communication to me, there was another gentleman present when Mr. Baldwin admitted it.

Question. Go on with your narrative.

Answer. Of course, as Mr. Lincoln had declined to give me authority

Question. He did not wish you to mention the conversation just then?

Answer. Just at that time; after awhile I might. I was very much surprised that, after we got into the war, he did not make it known. I thought Mr. Lincoln would introduce the subject, and make that representation in his first communication to Congress. I thought it was due to himself that he should. Inasmuch as Mr. Lincoln expressed a desire that I should not say anything about it at that time, of course I did not, in a general way. I remained in Washington until Monday morning, the 15th day of April, which was the day his proclamation was issued. The next evening—my house in Richmond being, as it were, something like the headquarters of the Union party when I was at home—quite a number of gentlemen called upon me. In the course of conversation I mentioned it in rather a private way, because I did not feel myself at liberty then to make it a general communication to the gentlemen in the room. I mentioned, in a private way, to Mr. J. F. Lewis, of Rockingham county, who was a very warm and zealous friend of Mr. Baldwin, and who had the most unlimited confidence in his loyalty and patriotism, this conversation that I had with Mr. Lincoln, and I asked Mr. Lewis if he had heard anything of it. He said he had not heard a word of it, and "moreover," said he, "I do not believe it. I would not believe any man that I was not entirely familiar with, who would charge that John Baldwin had taken upon himself such a responsibility as to have rejected the proposition, or to have with-

held it from his Union colleagues in the convention, who would most gladly have adopted it. And," said he, "if you do not object to it, I would like to ask Mr. Baldwin about it." Said I, "so far from my objecting to it, I prefer that you would ask him, as you have intimated a doubt of the veracity of Mr. Lincoln." Mr. Lewis left my house at the usual bed hour, and I think he visited Mr. Baldwin that night; whether it was that night or the next morning, I am not prepared to say; but before I was out of bed the next morning Mr. Lewis came to my room and told me that he had seen Mr. Baldwin, and that Mr. Baldwin had acknowledged to him that the proposition was made, and that, upon his telling him that I felt very much concerned about his having taken such a responsibility upon himself, Mr. Baldwin said he would like to see Mr. Botts and make an explanation on the subject, and of the reason why he had rejected it. "And," said Mr. Lewis, "he has consented to come up with me immediately after breakfast, and as soon as I can have breakfast I shall bring him up here in a hack." Shortly after I had finished my breakfast, Mr. Lewis and Mr. Baldwin were announced. I went into the front room, and Mr. Lewis, Mr. Baldwin being present, said to me, after the exchange of salutations, "Well, Mr. Botts, Mr. Baldwin has come up here to make some explanation to you about the circumstances connected with the conversation with Mr. Lincoln, and why he declined to accept the proposition." "Well," said I, "Mr. Baldwin, is it true that Mr. Lincoln did propose to you that if the convention would adjourn and go home without passing the ordinance of secession, he would evacuate Fort Sumter?" "Yes," said Mr. Baldwin, "he did." "My God," said I, "Mr. Baldwin, why did you reject such a proposition as that?" The only answer he made me was by taking out his watch and saying, "it only wants twenty minutes of the hour of meeting of the convention, when a most important vote is to be taken," (which I knew to be the vote on the ordinance of secession;) "I am obliged to be there punctually at the hour, and I have not time to make the explanation I desire, but I will avail myself of the earliest opportunity to make a full explanation of the whole of it." From that day to this I have not laid my eyes on Mr. Baldwin, nor have I heard any explanation from him, nor have I had directly any communication from him. I have been informed that Mr. Baldwin gets very much excited whenever the subject is mentioned in his presence; and I have also been told that his brother-in-law, Mr. Robert Gray, of Rockingham county, has said that, on one occasion, when he spoke to Mr. Baldwin about it, he became very much excited indeed, and threatened what he would do towards Mr. Botts if Mr. Botts should attempt to use that against him. It was not until about two or three weeks ago that I ever heard of any denial on the part of Mr. Baldwin. Mr. Alexander Rives was at my house and communicated the fact to me that Mr. Baldwin's friends, in his neighborhood, (Charlottesville,) were saying that Mr. Baldwin denied this conversation between Mr. Lincoln and himself, when I replied, "I do not believe it. I believe that John Baldwin is too honorable a man to make a denial of anything so palpable and so true, and which he knows could be proved upon him." But on hearing this from Mr. Rives, I immediately wrote to Mr. Lewis, saying to him, in substance, "You know, Lewis, that I have written a history of this war for thirty years before it broke out, and that I have given this circumstance as an incident connected with the war, as due to history and due to the memory of Mr. Lincoln, which I think will go to elevate him in the eyes of all good men for the sacrifice he was willing to make for the good of his country; and you are the only person by whom I can prove Mr. Baldwin's admission; therefore I want to fortify myself with the proof in the event that hereafter Mr. Baldwin may deny it. You must write me a letter giving me substantially everything that you recollect about it." Mr. Lewis promised me to do it; but he has never done it. I have met with him once or twice since, and have said to him, "You have forgotten to write me that letter, and I must be fortified with proof." One day during last week I met with Mr. Lewis at Willard's hotel, and in the course of our conversation I said, "Lewis, you have never written me that letter yet, and, as life is very uncertain, I do not mean to let you die without leaving it behind you, and I do not mean to leave you now until you give me that letter." To which he replied, "There is no occasion for it. I have put it all down in my testimony before the Reconstruction Committee on oath;" so that instead of Mr. Lewis coming to sustain me, I am now coming here to sustain Mr. Lewis. I want to mention further, that there was some other gentleman whom I met here during the winter, whose name I blame myself very much for forgetting, (names and figures I never can recollect, but circumstances and conversations that come under my observation, if they leave an impression upon my mind at all, are very distinct, and are as fresh in my memory, I believe, for forty years past, as they would have been had they occurred yesterday,) and who told me that Mr. Lincoln had mentioned the same thing to him. Within the last four weeks, in conversation with Governor Peirpoint on this subject, expressing my surprise at having it intimated that Mr. Baldwin denied it, Governor Peirpoint remarked to me that Mr. Lincoln made the same statement to him. I may have confounded the conversation of Governor Peirpoint with that of the gentleman who spoke to me at Willard's; but it was one or the other of them, and I think Governor Peirpoint, who said that Mr. Lincoln communicated the same facts to him, with this addition, that Mr. Baldwin also demanded the surrender of Fortress Monroe; to which I replied, "Mr. Lincoln made no such communication as that to me."

Question. There are two circumstances, then, tending to corroborate your statement—that made by the gentleman at the hotel, and that made by Governor Peirpoint. Is there

any other circumstance of a corroborative nature? Did Mr. Lincoln repeat this conversation to anybody else?

Answer. Not that I am aware of. I have talked very little about this thing. There was no occasion for it during the existence of the rebellion. I always intended—for the book which I have written was written in 1861—communicating it in that history of the war, or the antecedents of the war, and there has been little opportunity to do it since. I have conversed with very few persons on the subject.

Question. If there be any other circumstance connected with that particular transaction going to corroborate the statement which you have made, will you relate it?

Answer. I do not recollect any, except I believe that the fleet did sail about that time, and it can be readily ascertained whether Mr. Lincoln did send a messenger to Governor Pickens with that communication, which would be a corroborating circumstance.

Question. Have you ever heard of the existence of such a communication?

Answer. I think I have seen some mention of it in the papers; but I do not recollect exactly when or by whom. There is another circumstance which is partially corroborative. In an interview which I had with Mr. Chase, then Secretary of the Treasury, now Chief Justice of the United States, I made some allusion to Mr. Lincoln's proposition, and Mr. Chase asked me what proposition I alluded to. I said "his proposition relative to the action of the Virginia convention." Said he, "I do not know what that is; what is it?" To which I replied, "Well, Mr. Chase, if you don't know it, it is not for me to communicate it." I had taken it for granted that it had been mentioned; but I suppose that Mr. Lincoln had forbore to mention it to his cabinet until he ascertained whether it would be successful or not. Another circumstance presents itself at this moment to my mind which does serve to corroborate this statement. Mr. John Lewis was the colleague in the convention of Mr. Algernon S. Gray, and they occupied the same room. Mr. Lewis told me that when he mentioned to Mr. Gray the conversation which had passed between him and myself in reference to Mr. Lincoln's proposition to Mr. Baldwin, Mr. Gray exhibited the most extraordinary surprise, that he sprang out of bed and said, "Where in the world did you get that from?" Mr. Lewis told him that Mr. Botts had just returned from Washington, and had communicated it to him that night, to which Mr. Gray replied, "I did not suppose there were more than three men in the city of Richmond who knew of it." Mr. Gray has informed me that he has been summoned to appear before this committee, and that would be a very proper subject of interrogation. You asked me if I were certain that Mr. Lincoln said nothing about a proclamation calling a national convention. I am sure of it, because it was a proposition which I had myself submitted to Mr. Lincoln at an early day. I came here—I do not recollect the date—during the agony under which we were laboring everywhere, and I submitted to Mr. Bates, the Attorney General, with whom I was very intimate, a proposition which he requested me to submit at once to Mr. Seward. I submitted it to Mr. Seward, and Mr. Seward requested me at once to lay it before the President, and he gave me a note to the President, saying that I had a most important suggestion to make to him. I went at once to Mr. Lincoln, and I made the suggestion. It was this: that he should issue his proclamation calling a national convention so to amend the Constitution as to give to the cotton States that had already seceded leave to go out, and thereby to save the question of the right of secession; the object of which was, as I explained to Mr. Lincoln, to make this a *foreign* and not a *civil* war, to save Virginia, and the other border States which would be influenced by her action, to the Union, and that if they did not come to their senses and ask for readmission within a certain limited time, it would be a capital occasion to apply the principle of the Monroe doctrine or the doctrine of the Ostend manifesto to them, to give them a little of their own physic, to conquer them and hold them as conquered provinces until they were fit to come in again as States. This I afterwards submitted in a correspondence to Mr. Bates. Therefore, if Mr. Lincoln had said anything about the proclamation, it would have been so entirely in accordance with the proposition submitted by me to him that I could not have forgotten it. When I mentioned the matter to Mr. Lincoln he said that it was a proposition worthy of the highest consideration, and that it should have his attention.

[The testimony of John B. Baldwin, hitherto taken before this committee, in reference to his interview with President Lincoln, was here read to the witness.]

Question. Do you wish to say anything in reference to the statement of Mr. Baldwin?

Answer. I cannot undertake to account for the discrepancy between Mr. Baldwin's recollection and Mr. Lincoln's, or between Mr. Baldwin's recollection and that of Mr. Lewis and myself; nor will I undertake to express an opinion on the question of veracity which would be raised between Mr. Lincoln's statement and Mr. Baldwin's admission, about which I do not think it is possible that either Mr. Lewis or myself can be mistaken. I have had so little disposition to do Mr. Baldwin an injury by making a public statement of this terrible responsibility, which I have always felt rested on his shoulders, that in the historical account I have given of it I had left the name of Mr. Baldwin in blank, and should not have given the name, as it was not material to the truth of history that the name should be given, until I heard that Mr. Baldwin had denied it, and then I determined to give Mr. Baldwin the benefit of a public denial by inserting his name, which I have done.

Question. You then resided in Richmond?

Answer. Yes, sir.

Question. You were personally known, perhaps, to every member of the convention; they were your acquaintances, were they not?

Answer. I was living in Richmond, and I suppose that, either personally or politically, I was known to every member of the body, although I think that there were perhaps some members in the convention with whom I had formed no particular personal acquaintance, but my acquaintance with both parties was very general.

Question. If Mr. Baldwin had returned to Richmond, and, as he remarks in his testimony, had reported the interview which he had with President Lincoln to many persons, members of the convention, is it not likely you would have known of that report?

Answer. If he had reported it as Mr. Lincoln had reported it to me, I unquestionably should have known it; and I think there is no doubt whatever that if it had been mentioned to those gentlemen with whom I had communication, the Union men of the convention, it is scarcely possible it would have been withheld from me. But Mr. Gray's declaration, who was on terms of as close intimacy with Mr. Baldwin as any gentleman in the convention, shows, I think, that it could not have been mentioned, as Mr. Gray expressed the supposition that it had not been known to more than three persons in the city of Richmond.

Question. And if the report of that interview of Mr. Baldwin with President Lincoln had been made, as he has given it here in his testimony, would you not have been just as likely to have known it?

Answer. I think that in the event of any communication of that kind being made to the Union men I was obliged to have heard it, because they came to my house every night to consult and confer together as to the condition of things in the convention, and as to the course to be pursued in reference to the various questions constantly arising. It is hardly possible to suppose that some one or more of them would not have mentioned the interview. But I never have heard any member of that convention speak of the interview, except Mr. Lewis, Mr. Gray, and Mr. Baldwin himself, that I recollect.

Question. Can you fix the date on which you first heard of Mr. Baldwin having had an interview with President Lincoln?

Answer. Most distinctly; it was on Sunday night, the 7th of April, 1861.

Question. Then you first heard of it?

Answer. Then I first heard of it.

Question. From Mr. Lincoln?

Answer. Yes.

Question. You had not heard of it before?

Answer. I had not heard of it before. I know that Mr. Baldwin was here to see Mr. Lincoln, but under what circumstances and for what purpose I did not know.

Question. You heard it on the 7th?

Answer. Yes

Question. Mr. Baldwin testified that the interview took place on the 4th of April; where were you on the 5th and 6th?

Answer. I reached the city of Washington on the morning of the 5th or the evening of the 5th, I cannot recollect which; but my impression is that I left home on the night of the 4th, and reached here on the morning of the 5th.

Question. Suppose that proposition had been made fairly and openly to the Unionists of the Virginia convention, what effect would it have had—I mean Mr. Lincoln's proposition as stated to you?

Answer. I have no hesitation in saying that it would have met with, in my opinion, the very general concurrence of the Union men, with whom I was in constant association; and that the democratic members themselves, not knowing the cause of the movement to adjourn, would all have voted for an adjournment, for the very reason that they had just been beaten so very badly on the resolution touching the right of secession that they were themselves anxious for an adjournment, having despaired of being able to carry an ordinance of secession through the convention.

Question. Do you apprehend that the adjournment of that convention would have prevented the State of Virginia from going out of the Union and joining the southern confederacy?

Answer. Most unquestionably. I have no idea that a majority, or anything approximating a majority, of the people of Virginia, were, at the time of the passage of the ordinance of secession in convention, in favor of it.

Question. Suppose that proposition had been made, and suppose the convention had adjourned *sine die*, do you think that the calling of a national convention by the President would have prevented war?

Answer. I do, sir. I do not know that it would have prevented it ultimately between the United States and the States which had already seceded; but I think it would have prevented Virginia from going out, and I think that the action of North Carolina, Tennessee, Kentucky, Arkansas, and Missouri all depended in a very material degree on the action of Virginia.

Question. If this whole proposition had been communicated to the Unionists of the Vir-

ginia convention, together with a call for a national convention, would that have prevented the breaking out of civil war?

Answer. I think it would, for the reason that, although the democracy, which never meant to be satisfied with anything but war, despairing of being able to carry the ordinance, would have voted for the adjournment; whilst the Union men, who wanted peace, would also have voted for an adjournment.

Question. You are well acquainted with Mr. Baldwin?

Answer. I never had any personal intimacy with Mr. Baldwin. I have known him for a number of years, but we have had no particular personal intimacy.

Question. How did he vote in the convention upon the final question of secession?

Answer. On the first vote on the ordinance of secession he voted against it.

Question. State what his general course was?

Answer. Mr. Baldwin voted against the ordinance of secession on the 17th of April, 1861. Within some two or three days after the passage of the ordinance, and before the ordinance had been submitted to the people, (who had reserved to themselves the right to pass upon any ordinance of the convention touching the organic law of the land, by a vote of 56,000 majority,) which did not take place till some five weeks afterwards, Mr. Baldwin, as I always understood, accepted a military commission in the service of the confederate government, which he retained till the close of the war. He subsequently signed his name to the ordinance of secession, which was characterized at that day as a second declaration of independence, and which I had always characterized as a declaration of war against the United States. He also, I believe, voted for the ordinance when it was submitted to the people, and he was then elected to the confederate congress, and was, as I learned, by a special act of the confederate congress, permitted to occupy that seat without surrendering his military commission.

Question. Did he serve in the congress during the war?

Answer. Throughout the war, from that time until the close of it. I think he was elected in 1861 a member of congress, and occupied that position until the end of the war.

Question. What post did he occupy on committees in congress?

Answer. I did not pay sufficient attention to the matter to know.

Question. Do you know what his general course was as a member of that congress?

Answer. As far as I saw or heard anything about it, I always considered him as being as ultra in his hostility to a restoration of peace without its being accompanied by a recognition of the independence of the southern States, as any gentleman in the body.

Question. Such was his reputation?

Answer. That was the position he occupied, so far as I could draw an inference from the proceedings in congress when I saw them; and I think it was his general reputation among the loyal and disloyal men in Virginia. At the time of the passage of the ordinance of secession by the convention, I thought a large majority of the people were utterly opposed to secession, while it was voted for five weeks afterwards. If you would like to know the reason of the change in public sentiment between the passage of the ordinance by the convention and its being submitted to the people, I will state it.

Mr. HOWARD. Certainly, sir, proceed.

WITNESS. Notwithstanding the people had decided, by a majority of 56,000, to make this a convention of limited powers, over which they reserved a revisory power, the authorities—whether by direction of the convention or the State authorities I am not informed—proceeded next day after the passage of the ordinance by the convention to involve the State of Virginia in actual and active war with the United States by seizing Harper's Ferry, the post office and custom-house in Richmond, the custom-house and post office in Norfolk and Portsmouth, the Gosport navy yard and all the material of war therein contained, and by sinking vessels in the channel of Elizabeth river to prevent the escape of United States vessels then lying at or near Gosport navy yard, and thereby securing them to their own purposes, and then by introducing a large number of troops from other southern States and making a general camping ground throughout Eastern Virginia. They then very quietly turned to the people, when they had to vote on the ordinance, and said: "Now we are involved in war, and the rejection of the ordinance will not stop the war; so you can vote for the ordinance of secession or against it, as you like. But, in the language of the Emperor Napoleon's friends, we advise you to vote for the Emperor." You know that expression was made use of when Louis Napoleon was voted an imperial diadem. The people found that it would be utterly useless, and at the same time extremely dangerous for them to exercise the privilege of freemen; and there was a general and almost universal acquiescence in what they could not prevent.

Question. Was the final vote of the people on the ordinance as large as usual?

Answer. I never saw the vote, and I have often inquired why the vote was not published. If it ever was published I have not seen it.

Question. Where are the returns kept?

Answer. Among the select few, I suppose.

Question. They never have been published?

Answer. I do not say that. I have never seen the vote, nor have I seen anybody who has seen it. I have no doubt that a large majority of those who did vote voted for the ordinance; but whether that vote constituted a majority of the legal voters of the State of Vir-

ginia I have never had any means of ascertaining. I know that the vote against it was very small, because in the city of Richmond, which had given me some seventeen or eighteen hundred votes against my competitor, and could therefore, I suppose, have given some fifteen or sixteen hundred votes against the ordinance of secession, actually gave only two votes against it. To illustrate the farce and mockery of the vote taken at that time, I will mention that there were assembled at that time a large body of troops at and around Norfolk, among them a regiment then commanded by Colonel Roger A. Pryor. This regiment was composed principally, if not entirely, of Union men, and when it was found they were voting against the ordinance, they were disbanded and not allowed to vote. This was the statement frequently made, and I have never heard contradicted, and I believe it to be true.

Question. What is the present feeling of the ex-rebels in Virginia generally towards the government of the United States?

Answer. At the time of the surrender of General Lee's army and the restoration of peace I think there was, not only a general, but an almost universal, acquiescence and congratulation among the people that the war had terminated, and a large majority of them were at least contented, if not gratified, that it had terminated by a restoration of the State to the Union. At that time the *leaders*, too, seemed to have been entirely subdued. They had become satisfied that Mr. Lincoln was a noble, kind-hearted, generous man, from whom they had little to fear; but when he was assassinated, and Mr. Johnson took his place, they remembered Mr. Johnson's declarations in the Senate of the United States before the war, his own treatment during the war by the secession party, and his declarations after he came to Washton as the Vice-President of the United States, in one or more speeches, but especially in a speech in which he declared that treason was a crime which must be punished. They felt exceedingly apprehensive for the security of their property, as well as for the security of their lives; and a more humble, unpretending set of gentlemen I never saw than they were at that time. But from the time that Mr. Johnson commenced his indiscriminate system of pardoning all who made application, and from impositions which, I have no doubt, were practiced upon Mr. Johnson in pardoning the worst class of secessionists among the first, they became bold, insolent, and defiant; and this was increased to a very large extent by the permission which was, immediately after the evacuation of Richmond, given by General Patrick, the democratic copperhead provost marshal of the army of the Potomac, to the original conductors of the public press before the rebellion to re-establish their papers, I believe, without restriction or limitation, upon any of the proprietors; since which time, I think, the spirit of disloyalty and disaffection has gone on increasing day by day, and hour by hour, until among the leaders generally there is as much disaffection and disloyalty as there was at any time during the war, and a hundred-fold more than there was immediately after the evacuation and the surrender of the army. This is the conclusion to which my mind has been brought by the licentiousness of the press, and by communications which are made to me from all parts of the State, either verbally or by letter, from the most prominent and reliable Union sources. If I were to judge from anything I have ever heard personally from these gentlemen, I should not think there was any very great difference between their loyalty and yours or mine; but I hear of it elsewhere, and I see evidence of it daily, not only in the public press, but in the proceedings of the so-called legislature of the State. It is no more a body of legislature than we compose one here now. I believe if the leaders and the public press could be restrained in their expressions and inculcations of disloyalty, with the masses of the people we should have no trouble whatever. As indicative of the character of the letters I often receive, I give you the following extract of a letter from a prominent Union man of the State, received last night:

"As an individual, and I think not a very timid one, I have no hopes of future loyalty unless the President and Congress can relieve the masses of the political incubus now weighing them to the ground. Hour after hour the democracy here are becoming more bold, more intolerant, more proscriptive. Was the war in all its horrid consequences designed to establish a democratic oligarchy here in the south and eventually turn over the general government with all its patronage and power to this pack of bloodhounds? Or was it designed to preserve the Union, maintain liberty, and wipe out forever all sectional parties? If for the former, then the prevailing policy will soon effect it; and when it does, I pray that God will cause a universal earthquake and blot out that portion of his footstool comprised within the United States. Under democratic rule again, hell would be a garden of Eden compared to the southern States, and I should assuredly select it as a permanent place of abode if forced to choose between the two."

In this latter conclusion I think I should rather dissent from my friend. Bad as democratic rule is, I would rather bear the ills we have than fly to others that we know not of. But it is bad enough in all conscience; and from the tone of that and other letters, of a similar character to a great extent, received from different parts of the State, and conversations which I have had with gentlemen from every portion of the State, whose opinions are reliable and trustworthy, there must be, I conclude, a very intolerable state of things existing.

Question. Have you any reason to believe that there are in existence now, among the leaders of the late rebellion, any schemes, secret or open, for renewing the war or again asserting the principle of secession?

Answer. I have no idea that there is any purpose of renewing the war, without money, without arms, without men, and without materials of war; but that there are many political leaders who, in the event of a war with any foreign power, would throw every obstacle and every impediment in the way of the success of the United States, if they did not join that foreign power outright, I can entertain no doubt, from all the representations which have been made to me by those who have heard such opinions expressed, although I have heard no such opinion expressed in my presence.

Question. In the event of a war between the United States and any foreign power, such as France or England, and under circumstances which would seem to hold out a fair hope of success on the part of the rebels, would you anticipate that many of them would join the army of the enemy against the United States?

Answer. I have no reason to suppose that the enemy would be joined by any except some of the more reckless and mortified, chagrined political leaders, and who claim that their vocation exempts them from participating in the fight, and who would always be able to carry with them a portion of the masses who have been for so many years under their influence, if not under their absolute control; but among the officers of the late rebel army, and among the masses of the people, who do the fighting as a general thing, I have no reason to believe that any such feeling exists. I believe that the most constant and earnest prayer of many of these political leaders is that the United States shall be involved in a foreign war; and they hope for it from some indiscretion on the part of the civil authorities in Washington, or from some inadvertent step that may be taken by the military authorities on the Rio Grande.

Question. You would regard the southern States in their present condition and with their present feeling towards the United States as a source of weakness to the government, and not of strength, in the event of a foreign war?

Answer. I should consider those who manage the affairs of state, generally, as very unsafe custodians of the public liberty or the public interests, and that you would be a great deal better off if they were in France instead of in this country.

Question. You are acquainted with the proposed amendment of the Constitution now pending in the Senate of the United States?

Answer. I understand it.

Question. What is your opinion about any of the southern States ever adopting that amendment by their legislature?

Answer. I have no idea that any one of them would in the present temper of the public mind.

Question. Is it probable that they would during future ages?

Answer. Oh, yes; I think that the fact of the slaves being emancipated will lead to their ultimate education and improvement and fit them for the exercise of qualified suffrage in the course of years, and that then the States would be very glad to avail themselves of the increased representation which could be based on that population, but not now.

Question. Is it practicable in Virginia, either by act of legislation or by an amendment of her constitution, to restrict the right of suffrage in the case of white persons; for instance, to introduce a property qualification or an intelligence qualification?

Answer. I think there is a very general desire to do it, and for the reason that I think that class of voters which would be excluded constitutes by far the most loyal portion of the State—the men who have seen service and have had enough of war.

Question. Would those who might be excluded vote for it?

Answer. No: but the leaders would adopt a constitution without submitting it to the people in order to get rid of them.

Question. How would it be in regard to numbers; would they have numbers enough to adopt such a restriction?

Answer. Of course a very large majority of the people have been involved in the rebellion.

Question. Is there any contemplated purpose to hold a convention in Virginia?

Answer. I have been informed by many persons, embracing members of the present so-called legislature of Virginia, that it was the purpose of some leaders of that body, before they adjourned, to call a convention which would, under regulations to be adopted by the legislature, insure an overwhelming majority of those persons who sympathized with or participated in the war, which would lead to the most violent proscription that they dared to practice toward all Union and loyal men who had not participated in the war, as has been exhibited by the action of that body now in session, in removing from office every loyal man whom they could reach, and putting in their places men who had no other recommendation than their sympathy for, or participation in, the rebellion. Their purpose is supposed to be, if he has not more wisdom than to lend his assent to it, to place General Robert E. Lee, who was at the head of the rebellion, in the gubernatorial chair. This was indicated by an expression of Mr. John B. Baldwin, of whom we have been speaking, and who is now speaker of the house of delegates, when he descended from his chair a short time back, on the election of a subordinate officer, and declared that he hoped the day was near at hand when General Robert E. Lee would fill that position; which, the papers stated, was received with great applause, both in the galleries and on the floor.

Question. How are Unionists treated generally in the State, whether native Unionists or parties from other States which have come there?

Answer. During the war they were treated generally with great unkindness by the government, and there were a great many political prisoners kept in the same prison house, or negro jail, with me; they were treated very harshly and unkindly. Since the rebellion, I have known of no instance of actual violence having been resorted to on the part of any portion of our people towards any Union man, whether of northern or southern birth; but there is a social ban put upon them; there is scarcely a recognition of acquaintanceship, to say nothing of friendly feeling, on the part of secessionists and their families towards the Union people in the cities. And when the officers now stationed at Richmond, under command of General Terry, have, on several occasions, given social parties, or "hops" as they are called, with the hope and for the purpose of introducing a better state of feeling among these two classes of people, the parties were not only not attended by the ladies of Richmond generally, but even those of Union families seemed to be apprehensive of presenting themselves at such places, because of the effect it would produce on their social position, and because it was the custom of a part of the press of the city to attach ridicule and discredit to every lady who attended these parties, and who were mentioned by name. There is a good deal more of this feeling in the cities than in the country. In my immediate neighborhood there is not a great deal of it.

Question. How much chance does a Union man stand in your State courts to obtain justice?

Answer. Well, sir, I have no reason, from anything that has yet transpired there, to think that the courts would not do justice to a Union man. I think it would create a decidedly unfavorable effect upon the standing and character of any magistrate upon the bench who would be supposed to be influenced by such a consideration.

Question. How would it be with the juries?

Answer. Well, sir, I have nothing to do with the courts, and cannot speak with any certainty on that subject further than this: I received a letter from a gentleman a short time since, who was not personally known to me, but who represented himself to be a native Virginian, a refugee during the war, and to be now connected with the Freedmen's Bureau in Staunton, saying that they had gotten up a memorial in Augusta county, which had been signed by some five hundred of the most respectable people of the county, asking that Congress should require that, in all cases coming before the courts in which Union men were concerned, they should be transferred to a military court, for the reason that a Union man could not obtain justice in the State courts, and asking me whether, if that memorial was sent to me, I would indorse it; to which I replied that I could not promise my indorsement to a paper which I had not seen, and without knowing the character of the persons who had signed the memorial; but that, if he thought proper to send his memorial to me, I would give it the proper direction, and let the parties to whom it was sent make those inquiries for themselves.

Question. What is the political character of the present legislature of Virginia?

Answer. My opinion is, from observations made during my recent visit to Richmond, that that body is composed of a majority of respectable, orderly, intelligent farmers, and others who have not heretofore had any experience in legislation, who are wholly unaccustomed to meeting in debate with practiced politicians and lawyers of reputation, and that, although they constitute, if they had any organization among themselves, a majority of conservative men, yet from the want of that organization, and from the want of a leader, they suffer themselves to be carried away on every question of party interest by a few leading and designing politicians on the other side. I found gentlemen, when I went there, sitting side by side, day by day, who knew nothing of the political sentiments of each other. I think that if the people at the elections in October last meant any one thing more particularly than another, it was that they were tired of the misrule to which they had been so long subjected, and for which they had paid so dearly by the results of the war, and were determined, so far as their action was concerned, to place the control of the government in safer and better hands, but that their views and desires had been entirely frustrated, from the causes I have already mentioned.

Question. What is the general feeling of the white people of Virginia in regard to the education of the blacks?

Answer. I think that the more intelligent classes of the people would be very glad to see information and education diffused among the blacks, as being calculated not only to benefit their own condition, but to make them better citizens among themselves.

Question. Would they consent to contribute of their own means to educate the blacks?

Answer. There are a great many who would, and a great many who would not. I think, as a general thing, however, that it would be a difficult matter to get up a very large subscription for that purpose.

Question. I mean in the form of legislation and taxation.

Answer. That comes in a different shape, and men do not feel it so sensibly as when it comes directly out of their pockets.

Question. Do they generally feel kindly towards the freedmen, and willing to allow him the privileges of his industry?

Answer. I think that among the educated, well-informed, and better classes of the people there is a disposition to do them justice. But there are other classes with whom, as a mat-

ter of course, there are very strong prejudices existing, which time alone can probably cure, and which may be increased or diminished according to circumstances. I think that one of the great difficulties in Virginia, in regard to the colored people, arises from the organization of the Freedmen's Bureau—not that the Freedmen's Bureau is not in itself a proper, and perhaps in some localities an indispensable institution, but that it stands very greatly in need of reformation.

Question. In its administration?

Answer. In its administration, and in its officers. I have heard of a great many difficulties and outrages which have proceeded in some instances, if the truth has been represented to me, from the ignorance and fanaticism of persons connected with the Freedmen's Bureau, who do not understand anything of the true relation of the original master to the slave, and who have, in many instances, held out promises and inducements which can never be realized to the negroes, which have made them entirely indifferent to work, and sometimes ill-behaved. On the other hand, there are many of the persons connected with the Freedmen's Bureau who have conducted themselves with great propriety; and where that has been so, there has been no difficulty between the whites and blacks that I know of.

Question. Do you think that the liberality of President Johnson, in granting pardons and amnesties, and using other measures, which appertain to him personally, towards the rebel community, has had a greater tendency to restore peace and harmony there, than the contrary?

Answer. Very far from it. I think that if Mr. Johnson had held his pardons up until the State was reorganized and placed in the hands of the loyal men of the State, there would have been no difficulty; but they have seemed to think, when they got the pardons, that they not only had the penalties of death and confiscation of property remitted to them, but that they were restored to all their political rights, State constitution and congressional enactments to the contrary notwithstanding, which were all overridden and trampled down by Mr. Johnson's pardons. Mr. Johnson has said, in his recent interview with the delegation from the Virginia legislature, that he thought if there were five thousand loyal men, or even a smaller number, in a State, they were entitled to exercise a controlling influence over that State in its legislation, in which I entirely concur with him. But Mr. Johnson's opinions on that subject do not help the loyal men much unless he will help to put them on the track, when they will keep the machinery in motion.

Question. The difference being the difference between saying and doing?

Answer. If he will carry that view into effect, to the extent of his civil and military power, they will bring the State back to its proper moorings, but they can do nothing without either the aid of Mr. Johnson or of the law-making power of the United States.

Question. Do you think of anything else that you wish to state to the committee?

Answer. I should like to say that I think Mr. Johnson has been actuated in his policy by too much confidence and liberality towards people who did not appreciate it, and did not meet it in the spirit in which his liberality was tendered, and that the sooner he retraces his steps, so far as is possible, in that particular, in holding out hopes of aid from him to those who have brought all these calamities upon the country, the better it will be for himself, the better for the south, and the better for the nation.

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WASHINGTON, D. C., *February* 15, 1866.

Colonel Orlando Brown sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. My home is in Massachusetts.

Question. Where have you been recently residing?

Answer. I have been residing since the 15th of June in Richmond, Virginia. Previous to that time I had resided in Norfolk. I had been on duty in Norfolk since February, 1862.

Question. What official position do you hold?

Answer. Assistant commissioner in the Bureau of Freedmen, Refugees, and Abandoned Lands.

Question. And as such you have been stationed at Richmond?

Answer. Yes.

Question How do you find the state of feeling in Richmond towards the freedmen? How are they treated?

Answer. There is a disposition on the part of citizens to secure, as far as possible, the same control over the freedmen by contracts which they possessed when they held them as slaves.

Question. Is there much ill-feeling towards the freedmen in that vicinity?

Answer. I hardly know how to answer that question. It seems to me more a feeling of irritation, perhaps, than of hatred. They seemed disposed to regard the freedmen almost universally as unfit to care for themselves. They think that a wrong has been done them in

taking their slaves. They have not lost the feeling that they have a right to hold slaves, and they are not disposed—a large number of them—to forgive the negro for being free. But, on the other hand, there is a class—numerically small, but comprising some of the ablest and best men in the State—who are disposed to acknowledge them as free and to treat them as free men.

Question. Do they entertain generally an expectation that they will get pay for their slaves?

Answer. No, sir; I think not. In a few instances I have heard men who have been loyal throughout express that expectation, that they were entitled to compensation for their slaves.

Question. Are the freedmen willing to work generally for fair wages?

Answer. Yes, sir; for what any northern man would consider fair wages.

Question. Is there a disposition on the part of their white employers to allow them fair, living wages?

Answer. That disposition might exist if they had the means. They have not the means to allow them what would be considered living wages—wages to support a man and his family. It is unnecessary to say that they are wholly exhausted. A great deal of the land in Virginia is very poor, and on that poor land the farmer cannot afford to pay more than ten dollars per month to a laborer, even with the disposition to pay more. There is little other business in the State than agriculture.

Question. Do you find an abundance of money and personal property down there in Virginia among the secessionists?

Answer. No, sir.

Question. What is the state of things in that respect?

Answer. Most of the State having been overrun by our troops, the fences destroyed, the farming utensils used up during the war, the currency that they had worthless, and not being able to collect their notes, they have not the means to carry on agricultural pursuits so as to afford to pay the freedmen.

Question. Are they sufficiently supplied with horses, mules, &c.?

Answer. No, sir; they are not, although large numbers have been supplied by our army.

Question. Do you not find there great destitution in point of stock?

Answer. Yes, sir. Some of the best land on the James river will remain uncultivated this season because the owners have not the means to buy stock, hire laborers, buy tools, seeds, &c., and put the land under cultivation.

Question. How is it with the whites? Do they go to work individually and try to retrieve their fortunes, or do they lead a lazy, idle life?

Answer. I do not think they have fully settled yet what they will do.

Question. Do they go to work as our people at the north do?

Answer. No, sir; it is not in them to go to work as our people at the north. They have not so much energy.

Question. As a general thing, they and work do not particularly agree?

Answer. No, sir. As for manual labor, that is out of the question. The owners of plantations are not disposed to go to work with their hands; but they are being forced to do it, and they do it very unwillingly. They choose that rather than suffer.

Question. Is that generally the case wherever you have been acquainted among the farming community?

Answer. Yes, sir.

Question. How much loyalty is there down there in Richmond, and how are loyal people treated?

Answer. If you mean a willing submission to the government——

Question. I mean loyalty in its general acceptation, a friendship for the government under which they live, and a disposition to uphold and maintain it.

Answer. They consider themselves in the Union by compulsion. A majority of them think that the cause they fought for was just; that in failing to accomplish their object they have been defrauded of their just rights, and that they had a right to secede. That sentiment has been expressed to me a great many times.

Question. Do you hear among them many regrets for having taken up arms against Uncle Sam?

Answer. Not so much as regret at the result. That seems to be the cause of regret. Governor Wise says he has been for the Union all through, and he adds: "Had we succeeded, we would have shown you what the Union was." He said to me a day or two ago, "I never fought under the confederate flag. It may have been carried in my brigade; but I have gone under the Virginia flag." And he showed me his buttons, Virginia buttons, which he said he had worn all through the war.

Question. Is there generally prevalent down there a feeling of disaffection or dislike towards the government of the United States?

Answer. Yes, sir, I think there is.

Question. In what class is it strongest?

Answer. I think in the higher class. The lower classes, I think, are thankful to be out of the war under any consideration.

Question. Have you any reason to believe that there are any combinations among the secessionists there to renew the war or to make another attempt to secure southern independence?

Answer. No, sir, I have not. A conversation was repeated to me on the cars last night of Mr. Pollard's, whose paper has just been suppressed in Richmond. He stated that three hundred men had wished to drive the guard from his office and take possession of it, but that he dissuaded them from the attempt. This is hearsay evidence. It was reported to me by a gentleman from Philadelphia.

Question. Of what paper was he the editor?

Answer. The Richmond Examiner.

Question. What is, or has been, the political character of that paper?

Answer. Violent and saucy against the government of the United States; insolent, defiant, and false. It has carried along this vein of *submission*—that they *submitted* to the government.

Question. Is its editor related to the historian Pollard?

Answer. He is a brother.

Question. Do you know whether both, or either of them, served in the rebel army?

Answer. I do not.

Question. Both of them have been traitors, I suppose?

Answer. I think there is no doubt about that.

Question. What was the Examiner stopped for?

Answer. I heard here to-day that it was stopped by orders from General Grant for its disloyalty.

Question. Has that paper a large circulation?

Answer. I am unable to say what its circulation is. The true feeling in Virginia is well illustrated by an interview which I had with a gentleman in Richmond. I had received a letter from a gentleman in Boston, Mr. Stearns, in regard to the purchase of real estate in Virginia. I called upon a gentleman belonging to a very wealthy firm in Richmond, which held a large quantity of real estate, and inquired of him whether he had such property for sale. He said yes, and that he was obliged to sell it. I said that northern capital was looking for investment in Virginia; and I added that I thought that it would be for the best good of the country to get northern capital down there, as northern men would come with it; and that, from constant business intercourse, the feeling of hostility caused by the war would more readily pass away. He replied: "That can never be, sir; we have suffered too much. The atrocities and barbarities practiced by your army can never be forgotten by any true southern man. I have on file now a copy of one of Sheridan's official reports, and I expect when my children grow up they will read it, and will feel toward you northern men just as I do." It was shortly after the publication of Mr. Beecher's sermon, taking conservative ground. I referred him to that, showing him what the feeling of the men who had been considered radical in the north was. Said he, "Were I drowning in the most filthy ditch, and were Henry Ward Beecher to hold out his hand to draw me out I would not take it."

Question. He was the "last-ditch" man?

Answer. No; I think Ruffin was the only "last-ditch" man—the only consistent one.

Question. Did this person refuse to sell land to you?

Answer. No, sir, he did not. Their necessities were such that they were obliged to sell.

Question. How are northern men treated in Virginia?

Answer. Northern men are treated better than Union Virginians. I do not think they would be well treated if the troops were withdrawn.

Question. Would they not be generally driven out by threats, violence, and mobs?

Answer. I think they would in isolated localities. I might refer you to Norfolk, which has been for a long time in our possession. A great many northern men had come down there and commenced business. After the surrender of General Lee the owners of property immediately put up their rents so high that nearly all the Union men were compelled to leave.

Question. Did the owners afterwards rent their premises to southern persons?

Answer. The premises then fell into the hands of southern men.

Question. At lower rates?

Answer. Perhaps at lower rates, but I cannot say. The feeling among the northern men seemed to be that this was a plan to get rid of them; otherwise I can hardly conceive that the owners would be so blind to their own interests. Still it may have been simply an attempt at extortion.

Question. Are northern men and ladies, who happen to be visiting at Richmond, invited into society by the residents?

Answer. I think not to any extent.

Question. Have you ever been invited to visit a secession family?

Answer. I cannot say that I have.

Question. And you have been there how long?

Answer. I have been there eight months. I am not inclined to go much into society under any circumstances. I am not aware that the officers generally have been invited into families. I think they have not been.

Question. You think, so far as your observation goes, that there is a feeling of unfriendliness toward the government of the United States among the people of Virginia?

Answer. Yes, sir.

Question. Do you hear anything said among them in regard to a foreign war?

Answer. Yes, sir.

Question. And as to what they would do in that case?

Answer. I recollect that one gentleman, Captain Pegram, formerly of our navy, who commanded the Nashville and some other rebel vessels, seemed to think that a foreign war would cement the relations between the two sections. I think that, in case of a foreign war, they would take up arms with the federal government, unless there was a chance of securing their independence.

Question. But suppose there were such a chance?

Answer. Well, sir, they would avail themselves of it. I do not think their sentiments are at all changed in that respect. They are loyal by compulsion.

Question. What effect has President Johnson's liberal policy in giving pardons and amnesties to them had upon their minds and hearts?

Answer. It has had the effect of making them admire President Johnson.

Question. Has it made them more, or less, friendly to the government of the United States?

Answer. They are disposed to think that Mr. Johnson stands between them and the Congress of the United States.

Question. They look to him?

Answer. Yes, sir.

Question. Do they talk about running him for the next presidency?

Answer. I have not heard talk of that.

Question. How do they seem to regard General Lee?

Answer. With the hignest affection. I know no man who has more fully the hearts of a people than he has the hearts of Virginians.

Question. Suppose the Freedmen's Bureau were discontinued and the troops withdrawn, what would be the treatment of the secessionists towards the black people?

Answer. By vagrant laws, and by availing themselves of the ignorance of the negroes in the making of contracts, by getting them in debt, and otherwise, they would place them, I think, in a worse condition than they were in when slaves. I speak of the majority. The sentiment towards the freedmen in Virginia is changing, I think, and becoming more favorable to them; I hear the expression frequently that they would prefer, now that the blacks are free, that they should remain so; there may be something that smacks of dollars and cents in that. The slave system in Virginia has been such as to exhaust very largely the able-bodied laborers; I have been informed that twenty thousand of that class were annually sold from Virginia; consequently, a very large proportion of the colored population there is composed of the aged, infirm, women and children, and the being freed from the necessity of supporting them is really a great relief in the present poverty of the people—a relief to their former owners.

Question. Do they appear to be willing that the negro should acquire property, and have houses and homes, and school-houses?

Answer. I think they are coming to feel that the negro will make a better citizen educated; that is not generally the sentiment, but it is improving in that direction. We have now some fifteen thousand children in school, and there is very little hostility evinced to the teachers; occasionally there are unpleasant remarks made about them, but still there is comparatively little hostility. We have schools now in localities remote from troops which are not broken up. They recognize the freedom of the negro as a fixed fact.

Question. If they had an opportunity, would they reduce the negro again to slavery?

Answer. If I can believe their assertions, I should hardly think they would; I think they would prefer to hold him, by their laws, &c., in a situation which would be slavery in effect but not in name, so as to have the benefit of his labor without the responsibility of supporting him.

Question. That smacks of a piece of Yankee ingenuity?

Answer. Why, sir, in that respect, they out-Herod Herod.

Question. How do the secessionists feel in regard to the payment of the debt of the United States contracted in prosecuting the war?

Answer. I have not heard them express any opinion in that regard, nor have I talked with them on that subject.

Question. Are they nervously anxious to pay the confederate debt contracted in the prosecution of the rebellion?

Answer. I think not in Virginia.

Question. You do not think it would distress them much if they should be relieved from payment of that debt?

Answer. I think not. I do not think that repudiation would trouble any of these southern men; I think that they would prefer to pay the southern debt rather than the northern debt.

Question. Do you hear frequent complaints among them that they are not admitted to participation in the political power of the government?

Answer. Yes; they attribute that to your radical Congress; they seem to hope for a more conservative state of things hereafter—what they term "conservative."

Question. They seem to regard themselves as entirely fit for readmission into the government which they have been endeavoring to overthrow?

Answer. I think they do; I have heard of no case in which the ministers who preached secession during the war have publicly acknowledged the error.

Question. Do their ministers pray for the President of the United States, or for Congress, or for any other functionary of the government?

Answer. I have not attended their churches, because there is not one of their ministers, to my knowledge, who has publicly renounced his error as publicly as he has preached it.

Question. Do you hear, in your intercourse with secessionists, expressions of dislike and contempt towards the government of the United States?

Answer. No sir.

Question. Do you hear of them?

Answer. I hear of them.

Question. Frequently?

Answer. Perhaps I may say frequently.

Question. How are they pleased with the Freedmen's Bureau?

Answer. I think they are anxious to have it out of the way.

Question. Would they be likely to oppress the freedmen if that bureau were removed and the troops were removed?

Answer. I think they would.

Question. Would the negro stand any chance of obtaining justice in the courts?

Answer. I have the assurance of one of the first lawyers in the city of Richmond that his opinion is that the negroes could not obtain justice before a Virginia jury?

Question. Justice to the negro and justice to the white man are different articles, I suppose; it changes with the complexion?

Answer. Yes, sir.

Question. Your bureau exercises jurisdiction over cases in which freedmen are parties?

Answer. Yes, sir; in all cases where his rights are involved.

Question. Is much of the time of the bureau at Richmond occupied in settling these controversies?

Answer. Yes, sir; it is occupied most of the time in every county in the State in settling controversies and aiding the negroes to make contracts; but it is very largely occupied in settling controversies.

Question. Have you heard of any cases of violence between whites and blacks down there?

Answer. Yes, sir, I have.

Question. Are they of frequent occurrence?

Answer. Of nearly every day occurrence in the State.

Question. Can you relate some instances of violence on the part of whites towards the blacks?

Answer. A case came before me yesterday. A negro was shot through the head and killed while sitting by his fire in his cabin, near Suffolk; circumstantial evidence points very strongly toward a white man with whom he had had an altercation, and who had shot at him before.

Question. Was the white man arrested?

Answer. I sent officers for him at once. A few weeks ago, near Fredericksburg, a negro, who had been a soldier, was making some remarks in a boasting manner of his having served in the federal army; he was overheard by a citizen, who said he would not allow him to boast of having served in the federal army—that he considered it an insult. The negro said he had served, and was not ashamed to say so; that he felt it something to be proud of. The man drew a revolver and fired at him, the ball going through the negro's clothing; then he overtook him and struck him over the head with the but end of the revolver, laying the skull bare. A physician who was sent for said, in the preliminary examination before the Freedmen's Bureau, that he considered the insult strong enough to justify the outrage; we have arrested the physician, but have not been able to catch the other yet.

Question. Was the physician a secessionist?

Answer. Oh! of course, yes. I might multiply instances of the kind to any extent. Outrages have increased very much since the diminution of our troops in the State; perhaps there is a little holding up now as they find that, even with few troops, we are determined to reach them; the bureau has not the power to reach all cases that occur; it wants more men; it wants the opportunity of selecting its officers, which it now has not; it has to take such as it can get.

Question. In case of the removal of that bureau, would you apprehend a great increase of those scenes of violence towards the blacks?

Answer. I should.

Question. What would it result in?

Answer. I think it would eventually result in an insurrection on the part of the blacks; the black troops that are about being mustered out, and those that have been mustered out, will all provide themselves with arms; probably most of them will purchase their arms; and they will not endure those outrages, without any protection except that which they obtain

from Virginia; they have not confidence in their old masters, notwithstanding their great love for them, in which they have tried to make us believe.

Question. Are there many arms among the blacks?

Answer. Yes, sir; attempts have been made, in many instances, to disarm them.

Question. Who have made the attempts?

Answer. The citizens, by organizing what they call "patrols"—combinations of citizens.

Question. Has that arrangement pervaded the State generally?

Answer. No, sir; it has not been allowed; they would disarm the negroes at once if they could.

Question. Is that feeling extensive?

Answer. I may say it is universal; they have no confidence in the negroes, and they have every reason for not having it. They apprehended very much an insurrection during the holidays; I was called on by gentlemen from every section of the State about it, but there was at that time no disposition at all on the part of the negroes to make any difficulty.

Question. Have you reason to believe that there have been combinations among the negroes with a view to insurrection?

Answer. No, sir, I am satisfied there were no such combinations; there have been combinations to secure their suffrage, and other things of that kind, but nothing further. They have a great disposition to form secret combinations for very trivial objects; for instance, I recollect one charitable association called "The Holy Sons of God;" they get up such names. Their object was simply to take care of the sick and helpless, bury the dead, &c.; their meetings were all secret.

Question. Have you ever seen negro troops under fire?

Answer. No, sir, I have not.

Question. What is your idea about their courage in active operations in the field?

Answer. I can only base my opinion on what I have heard and read; I think they make good soldiers; I think that in case of insurrection, they would fight desperately.

Question. How would they fight the Union troops, in case Union troops were brought against them to put down an insurrection?

Answer. They were examined on that subject by my officers when there was talk of an insurrection at the holidays, fearing that they might have such ideas, although we had no confidence in the report; but there was so much alarm expressed that we took occasion to talk to them on that subject, and told them that federal troops would be brought against them if any such attempt were made. I think that a regiment of federal troops would create more demoralization among them than a brigade of confederates would—far more.

Question. Do you hear anything said among the whites in Virginia about expelling the blacks from their midst?

Answer. No, sir; I think, though, they would prefer to have them away; they would not expel them, but it would be their fancy to have them away.

Question. With what kind of people would they supply their places?

Answer. An attempt was made a few months ago to introduce foreign labor, but, from the best evidence I can get, it proved a failure; those who employed foreigners were perfectly willing to go back to the negroes; still the feeling was very general when they were first freed, and is not done away with yet, that "if we cannot have them as slaves, take them away; we don't want them."

Question. Is not that rather the result of a feeling of mortification that the negroes are made free—mere spite?

Answer. I do not know how to analyze the feeling they seem to have; they have been always in the habit of having this control over them, and now the negro comes and asserts his rights and says, "I am free as well as you;" that creates an irritation, a dislike; I hardly know what it is.

Question. And they think they would be glad to get rid of the negro?

Answer. Yes, sir.

Question. And when they think of the labor which they find it necessary to have performed, they want the negro to stay with them?

Answer. Yes, sir; that is it.

Question. So that really, between the two motives—the motive of spite, ill-will, and disappointment, and the other, a sort of respect for him because he is a good laborer—they are divided?

Answer. That is it, sir.

Question. They do not propose to do the labor themselves?

Answer. No, sir; and they do not propose to break up their large estates if they can help it. That is one thing which keeps them back; they seem indisposed to sell their real estate; they do not like to part with it. I remember seeing an editorial article in one of the Richmond papers containing such an expression as this: "If the estates were to be broken up so as to destroy the old Virginia gentleman, Virginia would cease to be Virginia."

Question. "One of the olden time?"

Answer. "One of the olden time."

Question. Do you think of anything else that you wish to state?

Answer. No, sir.

WASHINGTON, D. C., *February* 17, 1866.

Robert E. Lee sworn and examined.

By Mr. HOWARD:

Question. Where is your present residence?

Answer. Lexington, Virginia.

Question. How long have you resided at Lexington?

Answer. Since the first of October last; nearly five months.

Question. Are you acquainted with the state of feeling among what we call secessionists in Virginia, at present, toward the government of the United States?

Answer. I do not know that I am. I have been living very retired, and have had but little communication with politicians. I know nothing more than from my observation, and from such facts as have come to my knowledge.

Question. From your observation, what is your opinion as to the feeling of loyalty towards the government of the United States among the secession portion of the people of that State at this time?

Answer. So far as has come to my knowledge, I do not know of a single person who either feels or contemplates any resistance to the government of the United States, or, indeed, any opposition to it. No word has reached me to either purpose.

Question. From what you have observed among them, is it your opinion that they are friendly toward the government of the United States, and that they will co-operate to sustain and uphold the government for the future?

Answer. I believe that they entirely acquiesce in the government of the United States, and, so far as I have heard any one express an opinion, they are for co-operating with President Johnson in his policy.

Question. In his policy in regard to what?

Answer. His policy in regard to the restoration of the whole country. I have heard persons with whom I have conversed express great confidence in the wisdom of his policy of restoration, and they seem to look forward to it as a hope of restoration.

Question. How do they feel in regard to that portion of the people of the United States who have been forward and zealous in the prosecution of the war against the rebellion?

Answer. Well, I do not know. I have heard nobody express any opinion in regard to it. As I said before, I have not had much communication with politicians in the country, if there are any. Every one seems to be engaged in his own affairs, and endeavoring to restore the civil government of the State. I have heard no expression of a sentiment toward any particular portion of the country.

Question. How do the secessionists feel in regard to the payment of the debt of the United States contracted in the prosecution of the war?

Answer. I have never heard any one speak on the subject. I suppose they must expect to pay the taxes levied by the government. I have heard them speak in reference to the payment of taxes, and of their efforts to raise money to pay the taxes, which I suppose are for their share of the debt. I have never heard any one speak in opposition to the payment of taxes, or of resistance to their payment. Their whole effort has been to try and raise the money for the payment of the taxes.

Question. From your knowledge of the state of public feeling in Virginia, is it your opinion that the people would, if the question were left to them, repudiate and reject that debt?

Answer. I never heard any one speak on that subject, but from my knowledge of the people I believe that they would be in favor of the payment of all just debts.

Question. Do they, in your opinion, regard that as a just debt?

Answer. I do not know what their opinion is on the subject of the particular debt. I have never heard any opinion expressed, but I have never heard any expressed contrary to it. Indeed, as I said in the beginning, I have had very little discussion or intercourse with the people. I believe that the people would pay the debts they are called upon to pay. I say that from my knowledge of the people generally.

Question. Would they pay that debt, or their portion of it, with as much alacrity as people ordinarily pay their taxes to their government?

Answer. I do not know that they would make any distinction between the two. The taxes laid by the government, so far as I know, they are prepared to pay to the best of their ability. I never heard them make any distinction.

Question. What is the feeling of that portion of the people of Virginia in regard to the payment of the so-called confederate debt?

Answer. I believe, so far as my opinion goes, (I have no facts to go upon, but merely base my opinion on the knowledge I have of the people,) they would be willing to pay the confederate debt too.

Question. You think they would?

Answer. I think they would if they had the power and ability to do it. I have never heard any one in the State with whom I have conversed speak of repudiating any debt.

Question. I suppose the confederate debt is almost entirely valueless, even in the market of Virginia?

Answer. Entirely, as far as I know. I believe the people generally look upon it as lost entirely. I never heard any question on the subject.

Question. Do you recollect the terms of the confederate bonds—when they were made payable?

Answer. I think I have a general recollection that they were made payable six months after a declaration of peace.

Question. Six months after the ratification of a treaty of peace between the United States and the confederate government?

Answer. I think they ran in that way.

Question. So that the bonds are not due yet by their terms?

Answer. I suppose, unless it is considered that there is peace now, they are not due.

Question. How do the people in Virginia, the secessionists more particularly, feel toward the freedmen?

Answer. Every one with whom I associate expresses kind feelings towards the freedmen. They wish to see them get on in the world, and particularly to take up some occupation for a living and to turn their hands to some work. I know that efforts have been made among the farmers, near where I live, to induce them to engage for the year at regular wages.

Question. Do you think there is a willingness on the part of their old masters to give them fair, living wages for their labor?

Answer. I believe it is so. The farmers generally prefer those servants who have been living with them before. I have heard them express their preference for the men whom they know, who had lived with them before, and their wish to get them to return to work.

Question. Are you aware of the existence of any combination among the whites to keep down the wages of the negroes?

Answer. I am not. I have heard that, in several counties, land owners have met in order to establish a uniform rate of wages; but I never heard, nor do I know, of any combination to keep down wages, or establish any rate which they did not think fair. The means of paying wages in Virginia are very limited now, and there is a difference of opinion as to how much each person is able to pay.

Question. How do they feel in regard to the education of the blacks? Is there a general willingness or a general unwillingness to have them educated?

Answer. Where I am, and have been, the people have exhibited a willingness that the blacks should be educated, and they express an opinion that that would be better for the blacks and better for the whites.

Question. General, you are very competent to judge of the capacity of black men for acquiring knowledge: I want your opinion on that capacity, as compared with the capacity of white men?

Answer. I do not know that I am particularly qualified to speak on that subject, as you seem to intimate; but I do not think that he is as capable of acquiring knowledge as the white man is. There are some more apt than others. I have known some to acquire knowledge and skill in their trade or profession. I have had servants of my own who learned to read and write very well.

Question. Do they show a capacity to obtain knowledge of mathematics and the exact sciences?

Answer. I have no knowledge on that subject. I am merely acquainted with those who have learned the common rudiments of education.

Question. General, are you aware of the existence among the blacks of Virginia, anywhere within the limits of the State, of combinations having in view the disturbance of the peace, or any improper and unlawful acts?

Answer I am not. I have seen no evidence of it, and have heard of none. Wherever I have been they have been quiet and orderly, not disposed to work, or rather not disposed to any continuous engagement to work, but just very short jobs, to provide them with the immediate means of subsistence.

Question. Has the colored race generally as great a love of money and property as the white race possesses?

Answer. I do not think it has. The blacks with whom I am acquainted look more to the present time than to the future?

Question. Does that absence of a lust of money and property arise more from the nature of the negro than from his former servile condition?

Answer. Well, it may be, in some measure, attributable to his former condition. They are an amiable, social race. They like their ease and comfort, and, I think, look more to their present than to their future condition.

Question. In the event of a war between the United States and any foreign power, such as England or France, if there should be held out to the secession portion of the people of Virginia, or the other recently rebel States, a fair prospect of gaining their independence, and shaking off the government of the United States, is it, or is it not, your opinion that they would avail themselves of that opportunity?

Answer. I cannot speak with any certainty on that point. I do not know how far they might be actuated by their feelings. I have nothing whatever to base an opinion upon. So far as I know, they contemplate nothing of the kind now. What may happen in the future I cannot say.

Question. Do you not frequently hear, in your intercourse with secessionists in Virginia, expressions of a hope that such a war may break out?

Answer. I cannot say that I have heard it. On the contrary, I have heard persons (I do not know whether you would call them secessionists or not—I mean those people in Virginia with whom I associate) express a hope that the country may not be led into a war.

Question. In such an event, do you not think that many of that class of persons whom I call secessionists would join the common enemy?

Answer. It is possible. It depends upon the feelings of the individual.

Question. If it is a fair question, (you may answer it, or not, as you choose,) what, in such an event, might be your own choice?

Answer. I have no disposition now to do it, and I never have had.

Question. And you cannot foresee that such would be your inclination in such an event?

Answer. No. I can only judge by the past. I do not know what circumstances may produce. I cannot pretend to foresee events. So far as I know the feeling of the people of Virginia, they wish for peace.

Question. During the civil war, was it not contemplated by the government of the confederacy to form an alliance with some foreign nation, if possible?

Answer. I believe it was their wish to do so if they could. It was their wish so have the confederate government recognized as an independent government. I have no doubt that, if it could have made favorable treaties, it would have done so. But I knew nothing of the policy of the government. I had no hand or part in it. I merely express my own opinion.

Question. The question I am about to put to you you may answer, or not, as you choose: Did you take an oath of fidelity or allegiance to the confederate government?

Answer. I do not recollect having done so; but it is possible that, when I was commissioned, I did. I do not recollect whether it was required. If it was required, I took it; or, if it had been required, I would have taken it; but I do not recollect whether it wa or not.

By Mr. BLOW:

Question. In reference to the effect of President Johnson's policy, if it were adopted, would there be anything like a return of the old feeling? I ask that because you used the expression "acquiescing in the result."

Answer. I believe it would take time for the feelings of the people to be of that cordial nature to the government that they were formerly.

Question. Do you think that their preference for that policy arises from a desire to have peace and good feeling in the country, or from the probability of their regaining political power?

Answer. So far as I know the desire of the people of the south, it is for the restoration of their civil government, and they look upon the policy of President Johnson as the one which would most clearly and most surely re-establish it.

Question. Do you see any change among the poorer classes in Virginia in reference to industry? Are they as much, or more, interested in developing their material interests than they were?

Answer. I have not observed any change. Every one now has to attend to his business for his support.

Question. The poorer classes are generally hard at work, are they?

Answer. So far as I know, they are; I know nothing to the contrary.

Question. Is there any difference in their relations to the colored people—is their prejudice increased or diminished?

Answer. I have noticed no change. So far as I do know the feelings of all the people of Virginia, they are kind to the colored people. I have never heard any blame attributed to them as to the present condition of things, or any responsibility.

Question. There are very few colored laborers employed, I suppose?

Answer. Those who own farms have employed them more or less—one or two. Some are so poor that they have to work themselves.

Question. Can capitalists and workingmen from the north go into any portion of Virginia with which you are familiar and go to work among the people?

Answer. I do not know anything to prevent them. Their peace and pleasure there would depend very much on their conduct. If they confined themselves to their own business, and did not interfere to provoke controversies with their neighbors, I do not believe they would be molested.

Question. There is no desire to keep out labor and capital?

Answer. Not that I know of. On the contrary, they are very anxious to get capital into the State.

Question. You see nothing of a disposition to prevent such a thing?

Answer. I have seen nothing, and do not know of anything. As I said before, the manner in which they would be received would depend entirely upon the individuals themselves. They might make themselves obnoxious, as you can understand.

By Mr. HOWARD:

Question. Is there not a general dislike of northern men among secessionists?

Answer. I suppose they would prefer not to associate with them. I do not know that they would select them as associates.

Question. Do they avoid and ostracise them socially?

Answer. They might avoid them. They would not select them as associates, unless there was some reason for it. I do not know that they would associate with them until they became acquainted. I think it probable they would not admit them into their social circles.

By Mr. BLOW:

Question. What is the position of the colored men in Virginia with reference to the persons they work for? Do you think they would prefer to work for northern men or for southern men?

Answer. I think it very probable that they would prefer the northern man, although I have no facts to go upon.

Question. That having been stated very frequently in reference to the cotton States, does it result from a fear of bad treatment on the part of the resident population, or from the idea that they will be more fairly treated by the new-comers? What is your observation in that respect in regard to Virginia?

Answer. I have no means of forming an opinion; I do not know any such case in Virginia; I know of numbers of the blacks engaging with their old masters, and I know of a good many who prefer to go off and look for new homes. Whether it is from any dislike of their former masters, or from a desire of change, or that they feel more free and independent, I do not know.

Question. What is your opinion in regard to the material interests of Virginia? Do you think they will be equal to what they were before the rebellion under the changed aspect of affairs?

Answer. It will take a long time for them to reach their former standard. I think that after some years they will reach it, and I hope exceed it; but it cannot be immediately, in my opinion.

Question. It will take a number of years?

Answer. It will take a number of years, I think.

Question. On the whole, the condition of things in Virginia is hopeful, both in regard to its material interests and the future peace of the country?

Answer. I have heard great hope expressed, and there is great cheerfulness and willingness to labor.

Question. Suppose that this policy of President Johnson should be all that you anticipate, and that you should also realize all that you expect in the improvement of your material interests, do you think that the result of that would be the gradual restoration of the old feeling?

Answer. That would be the natural result, I think, and I see no other way in which that result can be brought about.

Question. There is a fear in the public mind that the friends of the policy in the south adopt it because they see in it the means of regaining the political position which they lost in the recent contest: do you think that that is the main idea with them, or that they really look to it, as you say, as the best means of restoring civil government and the peace and prosperity of their respective States?

Answer. As to the first point you make, I do not know that I ever heard any person speak upon it. I never heard the points separated. I have heard them speak generally as to the effect of the policy of President Johnson. The feeling, so far as I know, now is that there is not that equality extended to the southern States as is enjoyed by the north.

Question. You do not feel down there that while you accept the result, that we are as generous as we ought to be under the circumstances?

Answer. They think that the north can afford to be generous.

Question. That is the feeling down there?

Answer. Yes, and they think it is the best policy—those who reflect upon the subject and are able to judge.

Question. I understand it to be your opinion that generosity and liberality towards the entire south would be the surest means of regaining their good opinion?

Answer. Yes, and the speediest.

By Mr. HOWARD:

Question. I understood you to say, generally, that you had no apprehension of any combination among the leading secessionists to renew the war, or anything of the kind?

Answer. I have no reason in the world to think so.

Question. Have you heard that subject talked over among any of the politicians?

Answer. No, sir; I have not. I have not heard that matter even suggested.

Question. Let me put another hypothetical state of things: Suppose the executive government of the United States should be held by a President who, like Mr. Buchanan, rejected the right of coercion, so-called, and suppose a Congress should exist here entertaining the same political opinions, thus presenting to the once rebel States the opportunity again to secede from the Union, would they or not, in your opinion, avail themselves of that opportunity, or some of them?

Answer. I suppose it would depend upon the circumstances existing at the time. If their feelings should remain embittered, and their affections alienated from the rest of the States, I think it very probable they might do so, provided they thought it was to their interest.

Question. Do you not think that at the present time there is a deep-seated feeling of dislike towards the government of the United States on the part of the masses of the secessionists?

Answer. I do not know that there is any deep-seated dislike. I think it is probable there may be some animosity still existing among some of the people at the south.

Question. Is there not a deep-seated feeling of disappointment and chagrin at the result of the war?

Answer. I think that, at the time, they were disappointed at the result of the war.

Question. Do you mean to be understood as saying that there is not a condition of discontent against the government of the United States among the secessionists generally?

Answer. I know of none.

Question. Are you prepared to say that they respect the government of the United States and the loyal people of the United States so much, at the present time, as to perform their duties as citizens of the United States and of the States faithfully and well?

Answer. I believe that they will perform all the duties that they are required to perform. I think that is the general feeling, so far as I know.

Question. Do you think that it would be practicable to convict a man in Virginia of treason for having taken part in this rebellion against the government, by a Virginia jury, without packing it with direct reference to a verdict of guilty?

Answer. On that point I have no knowledge, and I do not know what they would consider treason against the United States. If you mean past acts——

Mr. HOWARD. Yes, sir.

WITNESS. I have no knowledge as to what their views on that subject in the past are.

Question. You understand my question: Suppose a jury was impanelled in your own neighborhood, taken up by lot; would it be practicable to convict, for instance, Jefferson Davis for having levied war upon the United States, and thus having committed the crime of treason?

Answer. I think it is very probable that they would not consider he had committed treason.

Question. Suppose the jury should be clearly and plainly instructed by the court that such an act of war upon the United States, on the part of Mr. Davis, or any other leading man, constituted in itself the crime of treason under the Constitution of the United States; would the jury be likely to heed that instruction, and if the facts were plainly in proof before them, convict the offender?

Answer. I do not know, sir, what they would do on that question.

Question. They do not generally suppose that it was treason against the United States, do they?

Answer. I do not think that they so consider it.

Question. In what light would they view it? What would be their excuse or justification? How would they escape in their own mind? I refer to the past.

Answer. I am referring to the past and as to the feelings they would have. So far as I know, they look upon the action of the State, in withdrawing itself from the government of the United States, as carrying the individuals of the State along with it; that the State was responsible for the act, not the individual.

Question. And that the ordinance of secession, so-called, or those acts of the State which recognized a condition of war between the State and the general government, stood as their justification for their bearing arms against the government of the United States?

Answer. Yes, sir. I think they considered the act of the State as legitimate; that they were merely using the reserved right which they had a right to do.

Question. State, if you please, (and if you are disinclined to answer the question you need not do so,) what your own personal views on that question were?

Answer. That was my view; that the act of Virginia, in withdrawing herself from the United States, carried me along as a citizen of Virginia, and that her laws and her acts were binding on me.

Question. And that you felt to be your justification in taking the course you did?

Answer. Yes, sir.

Question. I have been told, general, that you have remarked to some of your friends in conversation that you were rather wheedled or cheated into that course by politicians?

Answer. I do not recollect making any such remark. I do not think I ever made it.

Question. If there be any other matter about which you wish to speak on this occasion, do so freely.

Answer. Only in reference to that last question you put to me. I may have said, and I may have believed, that the position of the two sections which they held to each other was brought about by the politicians of the country; that the great masses of the people, if they understood the real question, would have avoided it; but not that I had been individually wheedled by the politicians.

Question. That is probably the origin of the whole thing?

Answer. I may have said that; but I do not even recollect that. But I did believe at the

time that it was an unnecessary condition of affairs, and might have been avoided if forbearance and wisdom had been practiced on both sides.

Question. You say that you do not recollect having sworn allegiance and fidelity to the confederate government?

Answer. I do not recollect it, nor do I know that it was ever required. I was regularly commissioned in the army of the Confederate States, but I really do not recollect that that oath was required. If it was required, I have no doubt I took it; or if it had been required, I would have taken it.

Question. Is there any other matter which you desire to state to the committee?

Answer. No, sir; I am ready to answer any question which you think proper to put to me.

Question. How would an amendment to the Constitution be received by the secessionists, or by the people at large, allowing the colored people or certain classes of them to exercise the right of voting at elections?

Answer. I think, so far as I can form an opinion, in such an event they would object.

Question. They would object to such an amendment?

Answer. Yes, sir.

Question. Suppose an amendment should, nevertheless, be adopted, conferring on the blacks the right of suffrage, would that, in your opinion, lead to scenes of violence and breaches of the peace between the two races in Virginia?

Answer. I think it would excite unfriendly feelings between the two races. I cannot pretend to say to what extent it would go, but that would be the result.

Question. Are you acquainted with the proposed amendment now pending in the Senate of the United States?

Answer. No, sir; I am not. I scarcely ever read a paper. [The substance of the proposed amendment was here explained to the witness by Mr. CONKLING.] So far as I can see, I do not think the State of Virginia would object to it.

Question. Would she consent, under any circumstances, to allow the black people to vote, even if she were to gain a larger number of representatives in Congress?

Answer. That would depend upon her interests. If she had the right of determining that, I do not see why she should object. If it were to her interest to admit these people to vote, that might overrule any other objection that she had to it.

Question. What, in your opinion, would be the practical result? Do you think that Virginia would consent to allow the negro to vote?

Answer. I think that, at present, she would accept the smaller representation. I do not know what the future may develop. If it should be plain to her that these persons will vote properly and understandingly, she might admit them to vote.

By Mr. BLOW:

Question. Do you not think it would turn a good deal, in the cotton States, upon the value of the labor of the black people—upon the amount which they produce?

Answer. In a good many States in the south, and in a good many counties in Virginia, if the black people now were allowed to vote, it would, I think, exclude proper representation; that is, proper, intelligent people would not be elected; and rather than suffer that injury they would not let them vote at all.

Question. Do you not think that the question, as to whether any southern State would allow the colored people the right of suffrage in order to increase representation, would depend a good deal on the amount which the colored people might contribute to the wealth of the State in order to secure two things: first, the larger representation, and, second, the influence derived from these persons voting?

Answer. I think they would determine the question more in reference to their opinion as to the manner in which those votes would be exercised, whether they consider those people qualified to vote. My own opinion is, that, at this time, they cannot vote intelligently, and that giving them the right of suffrage would open the door to a great deal of demagogism, and lead to embarrassments in various ways. What the future may prove, how intelligent they may become, with what eyes they may look upon the interests of the State in which they may reside, I cannot say more than you can.

Question. Is there any sympathy felt in the south for those schemes of emigration to Mexico?

Answer. I believe that the masses of the people have not any sympathy with them. There are individuals who think that their interest would be benefited, and, indeed, that their prospects at home are so poor now that it is like losing their lives to remain. That feeling was stronger at the first cessation of hostilities than it is now. At this time it seems to be subsiding.

By Mr. HOWARD:

Question. I will put one question to you to which you may respond or not, as you please: I wish to inquire whether you had any knowledge, while you were in command at Richmond, of the cruelties practiced towards the Union prisoners at Libby prison and Belle Isle?

Answer. I never knew that any cruelty was practiced, and I have no reason to believe

that it was practiced. I can believe, and I had reason to believe, that privations may have been experienced among the prisoners, because I know that provisions and shelter could not be provided them.

Question. Were you not aware that those prisoners were dying from cold and starvation?

Answer. I was not.

Mr. HOWARD. I desire that you shall speak your mind fully and freely on this subject, for it is useless to conceal from you the fact that those scenes have created a sad feeling in the hearts of the people at the north.

Answer. As regards myself, I never had any control over the prisoners, except those that were captured on the field of battle. Them it was my business to send to Richmond to the proper officer, who was then the provost marshal general. In regard to their disposition afterwards I had no control. I never gave an order about it. It was entirely in the hands of the War Department.

Question. And not in your hands?

Answer. Not in mine.

Question. Did these scenes come at all to your knowledge?

Answer. Never. No report was ever made to me about them; there was no call for any to be made to me. I did hear (it was mere hearsay) that statements had been made to the war department, and that everything had been done to relieve them that could be done; even, finally, so far as to offer to send them to some points (Charleston was one point named) if they would be received by the United States authorities and taken to their homes; but whether that is true or not I do not know; it was merely a report that I heard.

Question. Were you in the same ignorance of the scenes at Andersonville and Salisbury?

Answer. I never knew who commanded at Andersonville until I saw by the papers, after the cessation of hostilities, that Captain Wirz had been arrested on that account, nor do I know now who commanded at Salisbury.

Question. And of course you knew nothing of the scenes of cruelty, about which complaints have been made, at those places?

Answer. Nothing in the world. As I said before, I suppose they suffered from the want of ability on the part of the Confederate States to supply their wants. At the very beginning of the war I knew that there were sufferings of prisoners on both sides, but, as far as I could, I did everything in my power to relieve them, and urged the establishment of the cartel which was established.

By Mr. BLOW:

Question. It has been frequently asserted that the confederate soldiers feel more kindly toward the government of the United States than any other portion of the people of the south. What is your observation on that point?

Answer. From the confederate soldiers I have heard no expression of any other opinion. They looked upon the war as a necessary evil and went through it. I have seen them relieve the wants of federal soldiers on the field. The orders always were that the whole field should be treated alike. Parties were sent out to take in the federal wounded as well as the confederate, and the surgeons were told to treat the one as they did the other. These orders have been given by me repeatedly on every field.

Question. Do you think that the good feeling on their part toward the rest of the people has continued since the close of the war?

Answer. I know nothing to the contrary. I made several efforts to exchange the prisoners after the cartel was suspended; I did not know why it was suspended; I do not know to this day which side took the initiative; I knew that there were constant complaints made on both sides; I merely knew it from public rumor. I offered to General Grant, around Richmond, that we should ourselves exchange all the prisoners in our hands. There was a committee from the Christian Association, I think, which reached Petersburg and made an application to me for a passport to visit all the prisons at the south. My letter to them I suppose they have. I told them that I had not that authority; that it could be only obtained from the war department at Richmond, but that neither they nor I could relieve the sufferings of the prisoners; that the only thing to be done for them was to exchange them; and to show that I would do whatever was in my power, I offered then to send to City Point all the prisoners in Virginia and North Carolina, over which my command extended, provided they returned an equal number of mine, man for man. I reported this to the war department, and received an answer that they would place at my command all the prisoners at the south, if the proposition was accepted. I heard nothing more on the subject.

Question. Has there been any considerable change in the number of the negro population in Virginia during the last four years?

Answer. I suppose it has diminished, but I do not know.

Question. Diminished in consequence of more negroes going south than was made up by the natural increase?

Answer. My general opinion is that the number has diminished, and for the reason you give.

Question. I suppose that the mass of the negroes in Virginia, at the present time, are able to work; that there are not many helpless ones among them?

Answer. There are helpless ones, certainly, but I do not know to what extent.

Question. What is your opinion about its being an advantage to Virginia to keep them there at all. Do you not think that Virginia would be better off if the colored population were to go to Alabama, Louisiana, and the other southern States?

Answer. I think it would be better for Virginia if she could get rid of them. That is no new opinion with me. I have always thought so, and have always been in favor of emancipation—gradual emancipation.

Question. As a question of labor alone, do you not think that the labor which would flow into Virginia, if the negroes left it for the cotton States, would be far more advantageous to the State and to its future prosperity?

Answer. I think it would be for the benefit of Virginia, and I believe that everybody there would be willing to aid it.

Question. Do you not think that the State of Virginia is absolutely injured and its future impaired by the presence of the black population there?

Answer. I think it is.

Question. And do you not think it is peculiarly adapted to the quality of labor which would flow into it, from its great natural resources, in case it was made more attractive by the absence of the colored race?

Answer. I do.

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WASHINGTON, *February* 17, 1866.

Doctor Charles S. Mills sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Richmond, Virginia.

Question. Are you a native Virginian?

Answer. Yes.

Question. How old are you?

Answer. Fifty-three years.

Question. State whether you have been a Unionist or the opposite?

Answer. I was opposed to secession.

Question. Have you taken any part in the war?

Answer. No, sir; I have taken no part in it.

Question. How extensive is your acquaintance in Virginia?

Answer. My acquaintance is principally local. It is not very extensive, having no connexion with politics in any manner. I was a private citizen, a practitioner of medicine, up to the commencement of the war, and I afterwards took charge, as president, of a large coal-mining company.

Question. State what is the feeling among the secessionists generally, so far as your observation extends, towards the government of the United States?

Answer. There is a feeling, as they express it, of acquiescence in the determination of the war. I believe there is no disposition at all on their part to recommence hostilities. They see, in the first place, the utter futility of such a thing. Their condition is such that there is no hope of success, and no means to carry on the war. As to their feeling towards the United States, so far as my acquaintance goes, they feel very sore on the subject. I think they have no real love for the Union of the States.

Question. Suppose they had another opportunity to get out of the Union, would they embrace it?

Answer. With regard to the people generally, uninfluenced and unbiased by the politicians who have had control of Virginia, I think they would not; and the politicians I think would not, provided they had the control of the federal government. I believe they would be satisfied under any circumstances, provided they had the control.

Question. They would consider that reasonable, I suppose?

Answer. Yes, sir; but I believe that a great many of them would be glad of an opportunity to rid themselves of their allegiance and obligations to the United States government.

Question. You heard the question put to General Lee on the subject of war between this country and a foreign power?

Answer. Yes.

Question. And you heard his answer?

Answer. Yes.

Question. What is your idea about that?

Answer. It is pretty much the same. I believe that many at the south would be very glad to embrace an opportunity to go to war if there was a prospect of their throwing off their allegiance to the United States government. To what extent that feeling prevails through the country I am unable to say, because for the last six years I have been confined principally to Richmond and the immediate neighborhood.

Question. Have you reason to believe that that feeling is pretty extensive?

Answer. It is pretty extensive, I think, in Richmond.

Question. Can a Union man be elected to office anywhere in Virginia?

Answer. I do not believe that a man who has occupied the position of a Union man during the war can be elected to any office, either of profit or honor, in Virginia; that is, if the people are left entirely to exercise their own preference on the subject, unrestrained by any other influence.

Question. How large a proportion of the people in that State are Unionists, so far as your observation has extended—one out of a hundred?

Answer. No, sir; I hardly think as many as that. In Richmond I know a good many who were Unionists, who were opposed to secession, but who were compelled from necessity to be very quiet during the existence of the war, from prudential considerations. Still, they knew each other and spoke their sentiments very freely to each other, and in that way I knew most of those who were Union men. I was in the habit of speaking more freely myself than almost any one else during the war, and consequently I was generally known as a Union man throughout. In 1861, having occupied some little position in Richmond, and being personally popular there, I was, at the suggestion of some friends, brought out as a Union candidate for the mayoralty of the city. I believe that up to that time, and on any other issue, I could have been elected to almost any post in the city; but I was, of course, defeated. I knew that I would be on that issue.

Question. Were you defeated by a large majority?

Answer. Yes, sir; by a very large majority. Those who voted for me were, I believe, one-third of the whole number of voters. To show the extent of the feeling which existed at that time, I may mention that a good many who voted against me were my warmest friends, and stated that on any other issue they would have voted for me.

Question. Is there any other fact or circumstance occurring to your mind, and which you would like to relate.

Answer. Nothing at all, sir.

Question. How do the secessionists in Virginia feel towards the freedmen?

Answer. I do not know that there is any feeling of hostility against them at all, although they think that they have been at a very heavy loss in having their slaves taken from them.

Question. Is there an unwillingness among them to have the blacks educated?

Answer. I am unable to say. There is a diversity of opinion on the subject. I believe that the more intelligent portion of the community desire to have them educated.

Question. Would they consent to be taxed for that purpose?

Answer. I would not like to say.

Question. You think not?

Answer. I think that they would not be willing to be taxed.

Question. Suppose they were taxed in common with the blacks, or suppose the blacks should bear their fair proportion, and even more than their fair proportion, of the taxation which might be necessary to promote education among the blacks, would they consent even to that?

Answer. I do not know that I can answer that question. I never had much conversation on the subject. But I believe there is a disposition generally among the former owners of the blacks to have them educated. I say that from the fact that I know several members of families who are now educating their former slaves, teaching them to read and write. It generally devolves upon young ladies. They are now devoting a portion of their time, at intervals, to this purpose.

Question. Do you think it practicable to have a convention called in Virginia, and your constitution and laws amended in such a way as to restrict the right of suffrage, as now exercised among the whites, by imposing qualifications which would exclude portions of the white population from the right of suffrage which they now enjoy?

Answer. I do not know. The question has been discussed to a limited extent with regard to limiting the franchise; and the disposition to do so is pretty extensive—to carry it back as near as possible to the basis which prevailed previously to 1829.

Question. What was that?

Answer. That was a freehold basis, I think, of twenty-five acres of land, or the value of one hundred dollars. I am not sure in regard to that. It was in the first constitution that existed in Virginia up to 1829. It was then changed, and the franchise extended. I believe there is a general disposition now among the people, not among the politicians, to limit the franchise.

Question. Do you think the blacks can be allowed the privilege of voting in Virginia by any convention or legislature that may be got together?

Answer. No, sir. I do not think that any convention would ever extend the right of suffrage to the blacks, of its own accord, voluntarily.

Question. Is that feeling of repugnance to the exercise of the right of suffrage by the blacks apparently increasing or diminishing among the people of Virginia?

Answer. I do not know that any change has taken place. There has always been opposition to the right of suffrage being enjoyed by the blacks.

Question. Is that feeling apparently universal among the whites?

Answer. Pretty universal. If the right were to be universal suffrage, I dare say the feel-

ing would be universal; but if there was a property qualification connected with it, I think a great many would probably be willing to admit the blacks to vote on a property qualification.

Question. You think they would consent to that far more freely than to universal suffrage?

Answer. Yes, sir.

Question. How would they regard a qualification based on education—for instance, on a knowledge of reading and writing among the blacks?

Answer. I do not know. They would prefer that, of course, to universal suffrage among the blacks; but I think that they would prefer a property qualification. I think that if there should be any limit put to the franchise it would be with a view rather of excluding the blacks—that is, to raise the franchise so that very few blacks would obtain it, although a good many whites might be excluded with them; but I do not know that even that is practicable in Virginia at present. I think that those who control the State are disposed to continue the system of universal suffrage, at least so far as the whites are concerned, because, by that system they keep in power.

Question. How are Union men generally treated among the secessionists in Virginia—I mean the native Unionists?

Answer. I do not know that any change has taken place at all with regard to them socially, excepting in a few instances.

Question. Are they not almost universally proscribed so far as political honors are concerned?

Answer. Oh yes, completely.

Question. How are Unionists from the northern States treated there?

Answer. I can only tell you from what I know of the federal officers who are there. I believe there is no social intercourse at all between them and the citizens. In the few instances in which they have been admitted into families there has been a very bad feeling created on the part of the rest of the citizens towards the members of those families. That I know to exist to a great extent in the city of Richmond.

Question. How do they feel in regard to the settlement of northern people among them?

Answer. I think they would generally prefer any other settlers. They would have no objection to them; but I think that, generally, in many portions of Virginia, their situation would be unpleasant.

Question. Would they be subjected to ill-treatment or violence?

Answer. No, sir, not at all; merely to social proscription.

Question. What degree of justice would northern people be likely to obtain in the State courts?

Answer. I think they would obtain justice.

Question. Can a jury be impanelled in Virginia which would convict a ringleader, who had been a traitor during the past war, of treason?

Answer. I think not.

Question. What schemes do the leading secessionists harbor down there? What is their idea? What is their great object?

Answer. I am not sufficiently acquainted with political men to say. I have very little intercourse with them. They profess to sustain President Johnson's policy, whatever that is.

Question. They like President Johnson much better than they do the loyal people of the north?

Answer. President Johnson states very distinctly that none but loyal men shall be elected to office. I think he stated that in his interview with the Virginia committee that came on recently; and, of course, they sustain President Johnson in that opinion. At least they profess to do so. But that depends on the interpretation put upon the word "loyal."

Question. What interpretation do they put upon it?

Answer. I think that they consider a man who has taken the oath of allegiance as not only a reconstructed citizen of the United States, but a loyal man.

Question. And a Unionist who has not had occasion to take that oath at all, they consider as what?

Answer. I do not know. They proscribe him.

Question. They do not consider that he belongs to the category, do they?

Answer I do not know that they would consider him disloyal at all.

Question. But they would not like him much?

Answer. I think the majority of them would not; that is, they would not be willing to confer upon him any post of honor or profit.

Question. You have observed something of the effect which Mr. Johnson's liberal policy towards the rebels and the rebel States has had on the minds of the secessionists. State the effect. Has it made them more, or less, respectful to the government of the United States?

Answer. I have been so long observant of the course of the politicians of Virginia that I expected it would have exactly the effect it has had. They are willing, I believe, to adopt any policy, almost, that will keep them in power, and give them power. I think that it would have been better (and I so stated to Governor Peirpoint and others) to have kept things in abeyance, as it were, some time at least; to have withheld amnesty from those who had been active in thrusting the State of Virginia out of the Union; to have withheld

their pardons until the State was restored. I think that they would have co-operated much more cordially, would have worked more heartily, for a proper restoration of the State, than they have done since, or will do since they obtained their pardons.

Question. Has this liberality made them more, or less, contemptuous towards the government and laws of the United States—not towards President Johnson?

Answer. I do not know that it has really changed their feelings at all. But the pardon has given them an opportunity to give utterance to, and exhibt the true state of, their feelings, more than they could have done or would have done had they not been pardoned.

Question. Have you any reason to apprehend that any portion of them still entertain the scheme of secession from the United States, or the repudiation of the debt of the United States, or the assumption and payment of the confederate debt?

Answer. No, sir. I think there is no feeling in favor of secession now. They consider that as a matter perfectly settled, unless probably the country were to become involved in a foreign war. Then, I think, it is probable that a great many of them would like to embrace the opportunity of throwing off their allegiance to the United States. To what extent that feeling exists I cannot say. In my intercourse with the people I have heard it frequently uttered. With regard to the repudiation of the debt, the people of the south are scarcely in a condition to pay taxes at all at present. It is very burdensome on them. They have lost nearly everything they had. I think they would be almost as willing to repudiate the confederate debt as the United States debt.

Question. Would they get rid of them both if they could, think you?

Answer. I think they would get rid of both if they could.

Question. Do you think that that is their ultimate aim?

Answer. I have heard an expression of opinion to that effect, not among the men of influence but among the people, that if the south could manage to get control of the government again they would repudiate both debts; that, as they had been forced to repudiate their own debt, they would repudiate that of the United States.

Question. How do they propose to get possession of the government? What is to be the machinery by which they are to fasten themselves upon it as engineers?

Answer. They expect to get control of it by getting back into the Congress of the United States, and acting with that portion of northern citizens who have always been considered natural allies of the south.

Question. What is the name commonly given to that portion of northern citizens?

Answer. The democratic party of the north.

Question. Sometimes called copperheads?

Answer. The reconstruction of the democratic party would probably give the south again control of the government of the United States. I really believe that they think that by sustaining President Johnson in his course they will re-establish the democratic party, and, in that way, get control of the government of the United States.

Question. Will they be likely to take up President Johnson for re-election as the democratic candidate?

Answer. I suppose they would, sir.

Question. Do they appear to have an inclination in that direction?

Answer. I have heard no opinion expressed with reference to the future, and therefore I am unable to say what they would do.

Question. Do they seem to regard him as their friend?

Answer. Yes, sir; they consider him, in the south, as peculiarly their friend.

Question. How do they feel towards the majority in the two houses of Congress who commonly go by the denomination of radicals?

Answer. I think you get a good idea in regard to that feeling by the expressions and sentiments of almost all our papers. They represent pretty extensively the feelings of the people generally in regard to that.

Question. Describe that feeling in your own terms?

Answer. I think it is a feeling of hostility against what is considered the dominant party in Congress?

Question. They would be glad to overthrow them?

Answer. Yes, sir.

Question. Do you think of anything else which you desire to say?

Answer. Nothing at all. It was very unexpected to me to be called before this committee. I came to Washington on business, and found myself served with a summons. I did not know that it was even known that I was in the city of Washington.

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WASHINGTON, D. C., *February* 17, 1866

John H. Anderson sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Richmond, Virginia.

Question. How old are you?

Answer. Thirty-one.

Question. What is your position?

Answer. I have been lately storekeeper and general agent in the Richmond penitentiary. My business before the war was that of tobacco manufacturer. I was appointed by Governor Peirpoint, in July last, as general agent and storekeeper in the penitentiary in Richmond, and was turned out of office by the Virginia legislature, now in session.

Question. Were you turned out on any charge of misconduct on your part?

Answer. None in the world, sir.

Question. Had you been a Union man during the war?

Answer. Yes; I was one of the two men in the city of Richmond who voted against the ordinance of secession. In 1864 I came here and got an appointment in the Quartermaster General's office. When the city of Richmond was captured in April I went there, where my family lives. I found there was no chance of getting into business there, as most of my property was destroyed by the fire. What I had left behind I had been robbed of by an old man, a partner of mine, who was a secessionist. As soon as Governor Peirpoint came down there I asked him for an office, and he gave me that one, which I held for seven months.

Question. Have you any idea why the patriotic legislature of Virginia turned you out of office?

Answer. Yes, sir; I know the reason.

Question. What was it?

Answer. Because I was a Union man.

Question. Are you able to say whether that was made a charge against you in the legislature?

Answer. The members of the legislature perfectly understood it. I was a marked man in Richmond for having voted against the ordinance of secession. I am well known there, as my father and grandfather before me did business there, and my family is a well-known family there.

Question. Has the legislature extended that kind of compliment to other officers who are known as Union men?

Answer. To all of them, sir. Only one of a party of five who were appointed by the governor was elected by the legislature. I allude to the first auditor, who was the only officer retained, and he was appointed in the first instance and retained afterwards because he was a competent man.

Question. He was not turned out by the legislature?

Answer. No, sir; he was unanimously elected.

Question. Have you heard the statement made by Dr. Mills on this occasion?

Answer. Yes, sir.

Question. And you understood all the answers he has given?

Answer. Yes, sir.

Question. What do you say in regard to the subjects about which he has testified? Do you concur with him or dissent?

Answer. I concur with him.

Question. In all the statements he has made?

Answer. Yes, sir. I know that the secessionists in the city of Richmond would not associate with me on account only of my being a Union man. I know that they treat us Union men in such a way as to make it very unpleasant for us to live there. I have been associating while I have been there with some few Union families and United States officers.

Question. Your family is a good family there, is it not?

Answer. Yes, sir. My family has always been in the habit of associating with good families in Richmond; but they did not recently associate with us on my account. I knew the Union officers there very well, and the secessionists have been more bitter against me on that account, for associating with United States officers. I have heard sneering remarks made on the street and in public places about Union men associating with damned Yankees.

Question. Do they call you a damned Yankee?

Answer. Certainly; they call every Union man a Yankee.

Question. And commonly prefix the epithet "damned?"

Answer. Yes, sir. The feeling is getting more bitter every day. When I first went back they all met me kindly and were very glad to see me; but as soon as they found out the policy of the President of the United States they turned, and then I was proscribed. I agree with Dr. Mills, that no Union man stands a chance of being elected to any office. I do not think they can do any business with profit. I should be very sorry to go into business there to-morrow, dependent upon the citizens of Richmond for support.

Question. Suppose you had a suit for the recovery of a just claim in any of the State courts of Virginia; would you be prejudiced before the court on account of your Unionism?

Answer. I think so. I should fear it.

WASHINGTON, D. C., *February* 20, 1866.

Major General Alfred H. Terry sworn and examined.

By Mr. HOWARD:

Question. What is your rank in the army?

Answer. I am major general of volunteers and brigadier general and brevet major general in the United States army.

Question. Where are you now stationed?

Answer. In Richmond, Virginia.

Question. How long have you been in command there?

Answer. Since about the middle of last June.

Question. What amount of force have you in your department?

Answer. By the last return there were, present and absent, 2,942 men. The number actually present in the department, including officers of the Veteran Reserve Corps, reporting to the freedmen's commissioner, is between 2,600 and 2,700.

Question. At what points are they chiefly stationed?

Answer. At Richmond, Fredericksburg, Charlottesville, Lynchburg, Bristol, Danville, Petersburg, City Point, Norfolk, Fort Monroe, Yorktown, and Williamsburg. These are mostly one and two-company posts.

Question. What is the territorial extent of your department?

Answer. The State of Virginia, with the exception of Alexandria, Fairfax, and Loudon counties, and the northern part of the Shenandoah valley.

Question. Have you much to do with the Freedmen's Bureau in your department?

Answer. I have. A great deal of business comes to me from the bureau, and I am in constant communication with Colonel Brown, the assistant commissioner.

Question. What are your means of knowledge of the state of affairs in Virginia, or throughout your department?

Answer. I do not come in direct personal contact with the people of Virginia as much as many of my subordinates do. I have no social intercourse with any except those known to be Union people.

Question. Why not?

Answer. They do not seek me; and it is neither becoming my position as the commanding officer of the department, nor consistent with my self-respect, to seek them first. My knowledge of affairs is derived from the business that comes to me officially, from official reports of my subordinates, and from unofficial information of occurrences which I receive from those of my own people in whom I have confidence. It is derived, also, from what I see in the public press of Virginia, and from what is brought to my attention, officially and unofficially, by the commissioner of freemen's affairs. I frequently see citizens on official business, but not as frequently as my subordinates do. My business is done chiefly on paper.

Question. What, generally, is the feeling on the part of the secession element towards the Unionists, whether native Virginians or persons from other States?

Answer. I think it is as hostile as it has ever been. As to the feeling towards the people of the north, I do not think that it has essentially changed from what it was before the war and during the war. There is still the same hatred of, and the same contempt for, them.

Question. How much social intercourse is there between them.

Answer. Very little, so far as my knowledge goes; very little, indeed.

Question. Are you prepared to say that the state of feeling between secessionists and Unionists is one of bitter hostility?

Answer. I think it is.

Question. Are Unionists secure in the enjoyment of their rights in the midst of a secession community there?

Answer. I do not think they are.

Question. Can they safely rely on the State courts for justice to themselves and protection to their rights?

Answer. No, sir; I think not.

Question. How would it be, for instance, in a suit between a strong Union man, whether residing there or from a loyal State, and a secessionist? Would you apprehend that a jury, called in the regular way in Virginia, would be prejudiced against a Union man?

Answer. While I do not know of any such case, such is my impression in regard to the feelings of secessionists towards Union men that I think that the rights of the latter, under these circumstances, would not be secured. I know, from conversation with Union men, that such is the general impression among them.

Question. What do the secessionists appear to desire? What great object have they in view?

Answer. In the first place, having failed to maintain the separate nationality which they asserted, they desire to keep themselves a separate people, and to prevent, by any means in their power, our becoming a homogeneous nation; secondly, they desire to make treason honorable and loyalty infamous, and to secure, as far as they may be able, political power.

Question. And, of course, the great object which they immediately have in view is the possession of political power?

Answer. Yes, sir.

Question. How do they regard President Johnson's liberal policy in reconstructing the States and granting pardons and amnesties?

Answer. They seem to be very much pleased with it. They would, of course, regard with great favor any action tending to restore them to their former status.

Question. Do you hear any expressions of disloyalty among them towards President Johnson?

Answer. I do not.

Question. Suppose they got into power again, with their full representation in Congress, and with a President who, like Mr. Buchanan, should disavow the right of the government of the United States to coerce a State, and should decline to use the military force of the government to prevent secession; would they or would they not, in your opinion, again secede from the Union and attempt to set up an independent government?

Answer. If these or any other circumstances should occur, and they should be convinced that, notwithstanding their former failure, they then would have a certainty of success, I think they would attempt to secede again.

Question. State whether they are in the habit of speaking contemptuously of the government of the United States as a political institution?

Answer. They are.

Question. Do you know, or have you any reason to believe, that there are now existing in your department, or elsewhere in the rebel States, any combinations or conspiracies among the secessionists with a view to the ultimate establishment of southern independence, or a renewal of the rebellion, directly or indirectly?

Answer. I know of none.

Question. Have you any reason to believe in the existence of any?

Answer. I have none.

Question. In the event of a war between the United States and any foreign government, such as England or France, and in the event of there being a prospect of the establishment of southern independence, by an alliance between the secession element in the south and the foreign enemy, have you any reason to suppose that that element would ally itself with the foreign enemy, or take any part in the war against the United States?

Answer. I think that, such has been the punishment which they have received for their recent attempt to throw off the authority of the government, unless there was a very strong prospect of success, they would be reluctant to engage in another attempt of the kind, with or without alliance; but, should a powerful foreign enemy land upon the southern coast, they would receive some material aid and much sympathy, under all circumstances. Should the circumstances be such as to promise them their independence, then a very large portion of the people of the south would join the enemy.

Answer. And, in view of the contingency of a foreign war with a powerful nation, and the occurrence of such an invasion of our territory, do you regard the rebel States, one or altogether, as an element of strength in the government of the United States at the present time?

Answer. No, sir; on the contrary, most decidedly an element of weakness.

Question. This conclusion, I take it, you have drawn from a careful observation of the sentiments and feelings of the southern people, so far as you have had an opportunity?

Answer. Yes, sir.

Question. What is their treatment generally towards the freedmen?

Answer. It is very various. Many persons are treating the freedmen kindly and justly, endeavoring to accommodate themselves to the changed circumstances of the times, and to enter into the proper relations with them as between employers and employed. Many others, on the contrary, treat them with great harshness and injustice, and seek to obtain their services without just compensation, and to reduce them to a condition which will give to the former masters all the benefits of slavery, and throw upon them none of its responsibilities.

Question. So far as you can judge, which class is the more numerous, those who treat the freedmen kindly, or those who treat them with injustice and severity?

Answer. The latter.

Question. Do you think they greatly predominate in numbers?

Answer. I can hardly estimate the relative proportions; I think that they predominate.

Question. Do you suppose, from what you have seen and heard, and from what you know, that it would be safe to intrust the great body of freedmen in Virginia, or elsewhere in the south, to the care of the local authorities or the local legislatures?

Answer. I do not.

Question. Suppose this were done, what consequences, in your judgment, would be likely to follow? Would they not maltreat the black race, deprive them of their rights, embarrass them in the enjoyment of their property, if they should have any, provoke them, goad them, if necessary, to acts of violence, which the blacks might suppose they were performing in their own defence, and in their own interests, and in this way, within some short time, bring about an open bloody resistance on the part of the black population?

Answer. I should say there would be danger that the blacks would commit those acts which an oppressed people sooner or later commit against their oppressors.

Question. Have you reason to believe that the blacks possess arms to any extent at the present time?

Answer. I have been told that they do. I have received that information from citizens of Virginia, including State officials, who have entreated me to take the arms of the blacks away from them.

Question. Who were those officials?

Answer. Some were members of the present legislature. I have been also asked to do so by a public meeting held in one of the counties.

Question. Have you, in any case, issued orders for disarming blacks?

Answer. I have not.

Question. The blacks, I suppose, are almost universally loyal?

Answer. I think there is no question about that?

Question. How do the Virginians feel in regard to the education of the blacks?

Answer. There is great difference of opinion in that respect in different communities. In some places the people approve of it cordially, and many have taken part in it. In other places the reverse is the case. Cases have come to my knowledge where persons coming to teach blacks were not permitted to rent a place either for a school or for their own personal occupation; and it has been reported to me that teachers sent to teach the blacks have been treated with great contempt, and in some places threatened. Then, again, in the city of Lynchburg, for instance, the city authorities cordially entered into the arrangements for teaching the blacks in connexion with the military authorities. There is this variation of feeling, and what is the prevailing feeling I cannot tell.

Question. What is the political character of the present legislature of Virginia?

Answer. Judging by its actions, and by the language used by many of its members in debate, it is not a loyal legislature.

Question. In case of the withdrawal of military protection from Virginia, what would be the condition of the loyal people in Virginia and of the blacks?

Answer. I think they would be in a lamentable condition. Such is the prejudice entertained, especially against those who were faithful to their obligations to the government during the war, that I do not think they would receive any adequate protection for their rights of person or property from the people or from the courts; and I think that they would be persecuted through the machinery of the courts as well as privately. Even now, when military law prevails in the State, and when military authority is supreme, attempts are made in the courts to punish Unionists for acts done by them under military authority during the war, and I have been obliged to interfere and release from prison men thus prosecuted.

Question. Has that been of frequent occurrence?

Answer. I have directed the cessation of proceedings in some five or six cases of this kind. In some of them the parties had been admitted to bail; in some they were imprisoned. I have released those in prison, and in all cases have taken possession of the indictments and warrants and, when bonds have been given, of the bonds.

Question. Would the Unionists be safe, so to speak, in case of the removal of the protecting troops?

Answer. I think not; and in that opinion I am supported by, as I think, the unanimous feeling of the Unionists themselves, which has been frequently, and still continues to be, expressed to me.

Question. Has the liberal policy of President Johnson in granting pardons and amnesties to the rebels had the effect, in your opinion, to increase or to decrease the feeling of respect towards the government of the United States on the part of the people of Virginia?

Answer. I am unable to trace results to their causes in that matter; but since the time when I took command, especially since military restraint has been so much relaxed as it has been during the last two or three months, disloyal utterances and disloyal publications have very much increased. They seem to have increased in proportion to the relaxation of military restraint.

Question. The newspaper known as the Richmond Examiner has been recently suppressed by an order emanating from General Grant?

Answer. Yes, sir.

Question. For the utterance of disloyal sentiments, and of language insulting to Unionists and to the northern section of the country?

Answer. Yes, sir.

Question. Has that paper a large circulation?

Answer. I do not know its circulation.

Question. How is it regarded? Is it regarded as one of the leading exponents of public feeling and opinion in Virginia?

Answer. It seems to be an exponent of the secession feeling.

Question. Are you acquainted with its publisher or editor?

Answer. I have seen the editor and publisher once or twice.

Question. Did you execute the order of General Grant?

Answer. I caused it to be executed. I gave the order to General Turner, who commands in Richmond.

Question. And he executed it?

Answer. Yes.

Question. Has the order been revoked or modified in any way?

Answer. It has.

Question. By whose order, so far as you know?

Answer. So far as I know officially, by General Grant's order.

Question. Has it been revoked entirely?

Answer. It has been revoked temporarily by order of General Grant, and, as I understand, on condition that, in future, it will not pursue a course inimical to the government or to the growth or expression, in acts and words, of Union sentiment among the people of the States lately in rebellion, or to the cultivation of friendly relations between the people of those States, or any of them, and the other States of the Union, and that it will not in any way fail in its editorials, correspondence, or transfer of articles from other newspapers, to give support, countenance, and friendship to acts and expressions of loyalty to the Union and its supporters.

Question. Do you think of anything else that you desire to state to the committee?

Answer. No, sir.

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WASHINGTON, D. C., *February* 21, 1866.

Charles H. Lewis sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Rockingham county, Virginia.

Question. Have you been occupying any public position in Virginia?

Answer. Yes, sir. I was appointed secretary of the commonwealth by Governor Peirpoint in May last, at Alexandria, under what is called the restored government.

Question. Did you enter upon the discharge of your duties?

Answer. Yes, immediately upon my appointment.

Question. Where?

Answer. At Alexandria.

Question. How long did you remain there?

Answer. I remained until the latter end of May, and then I went to Richmond with Governor Peirpoint when the restored government went there.

Question. On reaching Richmond what archives of the State government of Virginia did you find remaining?

Answer. I think all the archives of the State government connected with my office were in the office of the secretary of the commonwealth, with the exception of one box of papers. The contents of that box I never learned. The chief clerk of the rebel secretary said that they were important documents, but what they were I never was able to ascertain. In the discharge of my duties I never found any papers missing that I had occasion to use.

Question Do you know what became of that box?

Answer. I do not. I took measures to endeavor to recover it, but all the United States officers to whom I applied reported to me that they never could find it.

Question. Have you any reason to suppose that it was destroyed, with its contents?

Answer. The chief clerk of the secretary of the commonwealth under the rebel government informed me that it was taken possession of by order of General Weitzel; but that was a hearsay statement in the case. He did not know the fact that General Weitzel had possession of it. He had derived it from somebody else.

Question. How long did you exercise the functions of secretary of state of the commonwealth?

Answer. From the time of my appointment in May until the 11th of January, 1866. It is proper to state that I had discharged the duties of secretary of the commonwealth for some time at Alexandria before I had a regular appointment.

Question. And in the mean time the legislature of Virginia had assembled?

Answer. Yes, sir. The legislature of Virginia assembled the first Monday in December, 1865—that is, what claims to be the present legislature of Virginia.

Question. Composed, I suppose, of members elected under the laws of Virginia?

Answer. Yes, sir. They so claim.

Question. Were they elected under the laws passed by the rebel legislature of Virginia, or under the old laws in force before the rebellion?

Answer. It is proper that I should give some explanation of that election. On our return to Richmond, what is called the Alexandria constitution was in operation—that is, a constitution adopted by the convention assembled at Alexandria in 1864. That constitution was framed, of course, under what is called the restored government—I mean the

government which was recognized by the government of the United States. It was called the restored government of Virginia because it was restored at Wheeling by a loyal convention assembled there. That Alexandria constitution was in operation and was recognized as the constitution of Virginia. There was an article in that constitution which forbade all persons from voting who did not take and subscribe an oath that they would be loyal to the government of the United States, that they recognized and would uphold and defend the government of Virginia as established at Wheeling in June, 1861, and that since the 1st of January, 1864, they had not been voluntarily engaged in the rebellion against the government of the United States. That was the substance of the oath. That article of the constitution further provided that no person should hold office who had held any office, military or civil, except county offices, under the so-called government of the Confederate States, or under any State government in rebellion against the government of the United States. The legislature of Virginia, which was called the Alexandria legislature, was convened by Governor Peirpoint at Richmond in a called session in June, 1865. That legislature provided that the governor should submit to the people at the next election for members of Congress and of the general assembly the question whether the next legislature should have power to alter and amend that third article of the constitution. At the same election at which this vote was taken a number of persons were elected as members of the general assembly who were ineligible under the third article of the constitution. On the day of the assembling of the legislature at Richmond the house of delegates was organized without any reference to the ineligibility of any person claiming to be a member under that third article of the constitution. The legislature, after being organized, took measures to remove the restrictions, although a number of the persons who voted for the removal of the restrictions were ineligible under the constitution. Their first act was to elect a speaker who had been a member of the confederate congress—Colonel John B. Baldwin.

Question. Were you turned out of office?

Answer. I was not re-elected to the office of secretary of the commonwealth.

Question. When would your term of office expire?

Answer. The legislature proceeded to the election of a secretary of the commonwealth, by joint ballot, under a resolution adopted by themselves; but for that resolution my term of office would not have expired until January, 1867.

Question. Whom did they elect in your place?

Answer. Mr. John M. Herndon.

Question. What was his political character?

Answer. I do not know, further than that I have always heard and believed that he sympathized and acted with the secession party during the war.

Question. State whether the removal from office, by joint action of the legislature, was general in Virginia?

Answer. Every Union man who held office by Governor Peirpoint's appointment, whom the legislature could reach, was removed.

Question. What is the present political complexion of the two houses of the Virginia legislature?

Answer. I believe that the majority of both houses is composed of men who sympathized with the rebellion; a considerable majority.

Question. Can you state what proportion of them were actually engaged in the rebellion?

Answer. I cannot.

Question. What proportion of them had been pardoned by the President?

Answer. I cannot tell how many of them had been pardoned. I know that many of them had been; but I cannot even approximate the number. I believe that all of them who owned $20,000 worth of property had been pardoned. Those who did not own so much property of course had no need to be pardoned. The speaker of the house of delegates, I know, had been pardoned by the President. He came under a different clause, and I know that a number of other members of the two houses had been pardoned by the President, because their pardons went through my office.

Question. What is the feeling among the secessionists in Virginia toward the government of the United States?

Answer. My decided impression in regard to that matter is, that the masses of the people (and by that term I do not mean only the laboring classes, but I mean all those persons who are not politicians) were very favorably disposed toward the government of the United States at the time of Lee's surrender. I believe that very decided efforts have been made by the politicians to change that feeling since that time, and I am afraid that they have had a great deal of success. I believe that the majority of the people of Virginia would still be loyal to the government of the United States if it were not for the pressure of the press and the politicians, who, to a great extent, control public opinion. I believe that many of the old secession politicians are actively engaged in promoting dissatisfaction with the government of the United States.

Question. How do these politicians feel toward President Johnson's policy in regard to the reconstruction of the States?

Answer. They all profess to be decidedly in favor of President Johnson's policy of recon-

struction, which, they either believe or profess to believe, means the restoration to power of the men who have been disloyal at the north and at the south.

Question. Do you think that President Johnson's liberal policy in granting pardons and amnesties has made the masses of the people more or less respectful to the government of the United States than they were before?

Answer. When the restored government first went back to Richmond, the politicians professed great anxiety to be pardoned in order that they might get their property back, resume their avocations, and be released from the penalties of treason; and they made very loud professions of accepting the condition of things, and of being anxious to become true and loyal subjects of the United States government. After most of them got pardons, I found among the politicians a very decided change for the worse.

Question. Have you reason to apprehend that schemes are cherished by any of the late rebels in Virginia for a renewal of the war, or for the establishment of what is known as southern independence, in any event?

Answer. I have no reason to believe that there is any organization in the State for that purpose; but, from the conversation of some of the most outspoken of the secessionists of the State, I am inclined to think that a great many of them would be very glad to see the country involved in a foreign war, in the hope that they could again get up a secession party in the south; but I have no idea that a majority or anything like a majority of the people of Virginia entertain any such wish or desire now. I believe that feeling is entirely confined to the most ultra secessionists.

Question. How do secessionists generally feel in regard to the payment of the federal debt contracted in the prosecution of the war; are they willing to pay it, or would they prefer to repudiate and get rid of it?

Answer. I believe that the politicians would, if they were encouraged to do so, gladly persuade the people to repudiate the national debt; but it is not their policy to profess this intention now; most of them declare that they have no such wish or intention; but I have no confidence in them. The masses of the people would be disposed to meet all their obligations to the nation. As to the assumption of the confederate debt, I would say that I do not believe that the leaders of the rebellion—I speak of the majority of them—ever contemplated the payment of that debt even if the rebellion succeeded. I have no doubt the secessionists of Virginia would gladly vote for the assumption of the confederate debt by the nation.

Question. You do not think that it would touch their consciences very deeply to be deprived of the pleasure of paying the rebel debt contracted in the prosecution of the rebellion?

Answer. No, sir. I think that a great many of them, if the debt could be paid without gaining unpopularity by taxing the people, would be glad to pay it; but I do not think they would be willing now to impose a tax upon the people. That would make them unpopular.

Question. Where is the great mass of the confederate bonds and currency now?

Answer. Soon after we went to Richmond I saw a great number of them hawked about the streets by the boys for sale, for whatever they could get for them. The United States officers, soldiers, and others bought them as curiosities. For some time past I have not seen a confederate note or bond. I do not know where they are now.

Question. Can you explain what are known as the cotton bonds?

Answer. No, sir, I cannot. I never knew what became of those cotton bonds. I presume they are in the hands of capitalists in London and Paris. I never owned any confederate securities, and never had anything to do with the confederacy, except this: When the ordinance of secession passed, I was under forty-five years of age, and I was called out with the militia. I could not get away, and of course I had to go out. I was adjutant of my regiment. We did no fighting, and were only a short time in the service. If I had supposed that our regiment would have done any harm to the United States, I should have endeavored to keep out of the service; but, believing that we would not hurt anybody, and that nobody would hurt us, I thought that it was best for us Union men to go into the militia. At that time we were not without hopes that we might be able to induce the people to go back into the Union, and we thought we would not make any open opposition nor produce any issue just at that time, but wait our opportunity. I never held any confederate security, and never voted at any election, under the confederate government, except county officers, believing that to do so would be to recognize the confederate government.

Question Were you in Richmond at the time of the passage of the ordinance of secession?

Answer. I was not. I left Richmond a few days before the ordinance was passed.

Question. While you were there at that time, did you hear anything about President Lincoln making a proposition to evacuate Fort Sumter or Fort Pickens?

Answer. I did not. My brother, who was a member of the convention, informed me, a very considerable time after the convention adjourned, that he understood that such a proposition had been made to Colonel Baldwin and had been withheld from the convention.

Question. What is the general feeling among the substantial classes of Virginia towards the freedmen?

Answer. That depends on localities. I think that in some localities there is a disposition to treat the freedmen with kindness and liberality: but I believe, from what I have learned, that in other localities there is a disposition manifested to be illiberal to them. I do not by any means believe that it would be entirely safe at present to leave the negroes to the local

officers in the State or to the legislature. I believe that if the masses of the people were let alone, they would treat the negroes with kindness and humanity; but the turblent portion of the community would be anxious always to treat the negroes with unkindness, and would try to create difficulties by endeavoring to raise rows, and to excite the white people against them.

Question. Do you think that a great many of them would be willing to reduce the blacks again to slavery?

Answer. I believe that a large number of persons would be very glad to do so if they could. I do not believe that among the intelligent people of Virginia there is any hope or expectation of any such thing; I have heard some persons who were large slaveholders say that they would not have slavery re-established in Virginia; but I know that there is a very large number of persons in Virginia who would be very glad, if they had any means of doing so, to reduce the blacks to slavery again. I do not think, however, that they have any idea of attempting it, or hope or expectation of accomplishing it. My impression in regard to the condition of things in Virginia is about this: The design of the politicians and of the disloyal press is, as far as possible, to create an alienation of feeling, and to inculcate a spirit of bitterness among the southern people against the north. My decided impression is that the politicians, and a portion of the clergy, and the disloyal press, are busily engaged in that attempt.

Question. What does all that look to?

Answer. I think they have a double motive in it. They wish to impress the people with the sentiment that the secessionists are the only patriots in the State; and they hope, by a union with the disloyal people of the north, to be able to get control of the government.

Question. Suppose they should do that, and suppose they should have a President of the United States who entertained the same political doctrines as James Buchanan entertained in regard to the coercion of a State, renouncing for the United States all power to coerce a rebel State, and suppose we should have a Congress of the same political stripe, what would be the result in regard to secession?

Answer. Then every intelligent loyal man would tremble for the safety of the nation; I believe the secessionist politicians of the south would eagerly avail themselves of such an opportunity to dismember the republic. Whether the masses of the people of Virginia could be persuaded into another rebellion is doubtful. When the restored government went to Richmond in May last, Governor Peirpoint received assurances from every part of the State of the earnest loyalty of the people. I am sure that the *people* were sincere; I regret to have to express the fear that very many of those who were active in promoting and sustaining the rebellion were not. Every means in their power is used to induce the people to regard those who made themselves conspicuous in their efforts to destroy the government of the United States as patriots, and to render those who desired to restore the Union odious. The secession leaders rely very much, as I gather from their conversations, on the sympathy and assistance of the "peace democracy" of the north to enable them to get into power. I have heard some of them say that Ben. Wood had promised them that the northern democracy would sustain them.

Question. Should you or not apprehend, in such an event, a reassertion of the doctrine of secession practically?

Answer. I should.

Question. Have you any doubt that the rebel States, including Virginia, would again go out of the Union by secession?

Answer. I am rather inclined to think that there would be a pretty hard fight in Virginia. I do not think that the masses of our people want to go out of the Union any more; I believe that the object of the politicians and of the press is to bring about a state of things which would produce that result; but I am in hopes that the masses of the people of Virginia have too much good sense ever to go out if they can help it. It is proper to state that all these politicians now profess loyalty to the Union, but I am very free to say that I distrust their professions very much.

Question. Have you ever had a conversation with any of the persons who were prominent in the rebellion on the subject of the manner in which the oath of allegiance to the government of the United States, usually designated as the "amnesty oath," is regarded by the secessionists in Virginia?

Answer. I have heard Generals Wickam, Mahone, and some others repeatedly declare that they had taken the oath in good faith and meant to keep it. I have, on the other hand, heard other persons who were engaged in the rebellion speak of the oath as an oath taken under compulsion, coupled with the intimation that it was not binding. I remember a conversation I had with Governor Henry A. Wise, in my office in December last, whilst I was secretary of the commonwealth of Virginia. A number of pardons by the President were lying on the table near us, and Governor Wise remarked that if he had his way he would burn every one that had been issued. I jestingly remarked to him that if he would make out his application I would take great pleasure in forwarding it to Washington, as I had no doubt Governor Peirpoint would recommend it. He replied that we were much more kind to *them* (meaning those who had been actively engaged in the rebellion) than they would have been to us; "for," said he, "if *I* had caught Governor Peirpoint or yourself whilst I was in com-

mand, I would have hanged you, notwithstanding my respect for the honesty which I have no doubt influenced your conduct. But, sir, I could not take that oath; I feel for my old friends when some of them tell me, with tears in their eyes, that they feel degraded at having taken it to save their property, and others laughingly refer to it as 'a mere custom-house oath.' Now, sir, if *I take an oath I will keep it.*" I do not pretend to give the precise words of Governor Wise, but I have given the substance of what he said on this subject. I should add that Governor Wise, whilst he complained of the treatment he had received from the government of the United States, declared his intention to comply strictly with the terms of his parole, and said that even now he loved the old Union better than most of those who made loud professions of devotion to it. The conversation made a deep impression on my mind, as it confirmed the misgivings I had felt for some time previous as to the sincerity of many of those who had obtained their pardons by making professions of a determination to be loyal for the future.

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WASHINGTON, *February* 21, 1866.

Manasseh Blackburn sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Rockingham county, Virginia.

Question. How long have you resided there?

Answer. I have resided in the county since 1862, and in the valley since 1858.

Question. Have you taken any part in the rebellion?

Answer. No part, more than in connexion with Mr. Lewis—we were compelled to make iron for the rebels. We were induced, through expediency, to make a contract with the confederate government to make iron for it so as to keep hands out of the army. We made a contract, I think, in the fall of 1863.

Question. Are you an iron manufacturer?

Answer. Yes, sir; that is my profession. I moved there from Pennsylvania.

Question. You have been always a Union man?

Answer. Yes, sir. We thought it better for us to hold the works than to let the rebel government send people there themselves to work them. After consultation we thought that we were doing less for the confederacy that way than if we let the government use the works themselves.

Question. What is the feeling in your neighborhood, on the part of the secessionists, towards the United States government?

Answer. I think it is right hostile. I do not think there is much change since the surrender. They are speaking out more boldly now than they did in June or July.

Question. What is their tone now?

Answer. They think they are badly treated; that they are taxed without representation. I heard a remark made on the cars yesterday, that only one scene of the play was over yet; that the curtain had fallen when Lincoln was assassinated, and that one similar scene was to follow, unless their representatives were admitted, or unless there was a change in the policy of the United States government.

Question. Did that person go on and inform you what the next scene was to be?

Answer. No, sir; he stopped short at that.

Question. Did he seem to be a man of consequence?

Answer. There were five or six men talking together, and they seemed to be men of character. It is the general talk, that the people are more disaffected now than they were after the surrender. I can see it, too, from their movements and conversation, but I believe that the masses of the people, the working classes, in the valley are loyal—partly voluntarily, and partly compulsorily.

Question. How do they feel towards the freedmen?

Answer. In the valley I think that, as a general thing, they treat the freedmen nearly right, but in eastern Virginia I think that the feeling is rather against the freedmen. I do not think they would do justice to them. I am employing about one hundred and fifty hands, and most of them are freedmen, and I find them very good hands.

Question. Do you notice much idleness and vagabondage among the freedmen?

Answer. None at all in our neighborhood.

Question. If they are liberally and fairly paid, will they not work and support themselves as well as white men?

Answer. My experience has been such. They all show a disposition to try and earn something, and to get homes for their families. They come to me and say they want to get a house and home and go to work. They work with energy, and seem anxious and rejoiced that they are earning something and getting their pay. They show a disposition to be good citizens.

Question. Do you discover a disposition among the whites to allow the blacks to own real estate and personal property?

Answer. I have not heard anything said in the valley as regards that. East of the ridge I have heard some gentlemen say that they should never be allowed to have a roof over their heads, or should not have any countenance shown to them at all. But I believe that the mass of the people in the valley would treat the freedmen as they should be treated.

Question. Have you ever held any public office?

Answer. No, sir; I never have.

Question. Can you relate any incident going to show the feeling on the part of the whites towards Union men or blacks?

Answer. No; I do not know that I can.

Question. What chance does a black man or a Unionist stand in the State courts for justice and the protection of his rights?

Answer. I would doubt whether a Unionist can get justice. He might in some pecuniary matters get justice, but I doubt whether in other things he could. I think that, as far as the blacks are concerned in the valley, they could in pecuniary matters get justice—they could collect bills, or anything of that kind.

Question. What, generally, is the treatment shown by disunionists toward the Unionists in your vicinity?

Answer. They regard us as intruders—not their equals. Their families will not associate with ours; they consider us as rebels to their so-called government.

Question. Do they speak of you as traitors?

Answer. Yes, sir, as traitors to the country; and they curse a man who would not fight for the country, and for the government which supports him—and such stuff. It has been very frequently said, by neighbors who visited my family, that they were ridiculed for visiting "Union trash." They curse us as Yankees and intruders, and such things.

Question. Is that a general feeling, or merely occasional?

Answer. That feeling, I think, has worn off, in regard to ourselves, since the failure of the rebellion. It was the general feeling before; but since they saw they could not drive us away from the neighborhood they have given it up. In my case I suppose it is a little different, for I bring a good deal of money into the neighborhood, and they therefore court my favor. I am putting up works and introducing a good deal of labor, and that seems to be removing some of the antipathy to me.

Question. You are not a native of Virginia?

Answer. No, sir; I am a native of Chester county, Pennsylvania.

Question. Do you think of anything else that you wish to relate?

Answer. No, sir; I think not.

Question. Are there any Union troops in your neighborhood?

Answer. None nearer than Charlestown

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WASHINGTON, *February* 21, 1866.

Rev. James W. Hunnicutt sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Fredericksburg, Virginia.

Question. What is your profession?

Answer. I am a minister of the gospel, and edited a religious paper before the war.

Question. To what denomination do you belong?

Answer. To the Baptist.

Question. How long have you resided in Fredericksburg?

Answer. I came to Fredericksburg in April, 1847.

Question. Are you a native of Virginia?

Answer. No, sir; I am a native of Pendleton district, South Carolina.

Question. Are you acquainted with the state of feeling in the neighborhood where you reside toward the government of the United States?

Answer. I think I am.

Question. Please state what appears to be the prevailing feeling there.

Answer. I think you have the religion of the place, as it is called, and the capital of the place, and the politics of the place, and the social influence of the place, all against the government and against Union men who are in favor of the government. The Union men are virtually disfranchised.

Question. Would it be safe for a Union man to go to the polls and vote there at an election?

Answer. No, sir, not even with the military there. If the military and the Freedmen's Bureau were removed from there, we could neither vote there nor stay there in peace and safety. That is the honest conviction of my heart.

Question. What is the feeling generally in your denomination?

Answer. I have not visited any of my churches in the lower part of Virginia, but they are generally secesh—I am sorry to inform you—so much so that I have not received an invitation to visit any church in Virginia since my return, and there are few members of my church who visit me.

Question. Has there been a rupture in the Baptist church growing out of the late troubles?

Answer. Before the war there was a Methodist Episcopal church and a Methodist church south; since the war Mr. Conway, who belongs to the Methodist Episcopal church, took possession of the parsonage, and Mr. Lanahan went down there to look after the property. Mr. Conway, who was a member of his church before the war, refused to give up the property to Mr. Lanahan, and would not let him into the church. Mr. Lanahan employed a lawyer, who got an order from headquarters that the property should be given up to Dr. Green, who is a member of the Baltimore conference, taking it from that party which has gone over to the Methodist Episcopal church south. Those who belonged to the church before the war have gone over to the Methodist Episcopal church south. Any man who professes to be a Union man is ignored in the church. For instance, the Baptists employed a local Methodist preacher named Lentner to preach for them. He was a drum-major in the confederate army. I saw him myself. After the collapse of the rebellion the Baptists were without a preacher, and this man went to their church and drummed them until they could get a minister.

Question. He kept up his drumming in the pulpit?

Answer. Yes, sir. When I returned from the north, a week ago last Sabbath, I was informed that there was a colored free school in Fredericksburg, and a free school for whites. I visited the teachers, and was told how difficult it was for them to get board. Myself and wife and Dr. Smith paid them a visit on Tuesday. I visited the schools at the request of the teachers, and was requested to address the scholars. I asked the children if any of the preachers of the town had visited them. They said not. "Has the mayor visited you?" "He has not." "Have any of the councilmen visited you?" "None." "Have any of the citizens visited you?" "None." And if the Freedmen's Bureau were removed and the military taken from Fredericksburg, that school would not continue in operation a week, and northern men could not stay there a week.

Question. Do you think that Union men, whether from the north or residents in the neighborhood, are secure in the civil courts of justice of the State?

Answer. I do not believe that any of us will get justice done. I hate to give such a bad account of my fellow-citizens, but I have no faith in them. The preachers and the editors are doing more injury now to the people of the south than any other class of men there.

Question. Do they not pray for the President of the United States occasionally?

Answer. I do not know. I do not go to hear them pray. I have no faith in their prayers or their churches.

Question. What is the effect of President Johnson's policy of reconstruction there?

Answer. They are all now for Johnson. They cursed him and Peirpoint and Brownlow and Hunnicutt - that is myself—and all of us were alike until since he has pardoned everybody down there; and they are now Johnson men. Peirpoint was their man, but they are cursing him now. They are all in favor of President Johnson's policy of reconstruction. As soon as they get their ends served by him they would not touch him, but he is their man now. They say that in 1868 the south will be a unit, and that with the help of the copperhead party of the north they will elect a President. They do not care to have slavery back, but they will try and make the federal government pay them for their slaves. A man from Virginia told me to-day that they would be paid for their negroes. This gentleman lost forty negroes. This is their idea; they do not want slavery back, but they want to be paid for their slaves. They say that unless you accept their debt they will repudiate yours. They say they are not interested in this government.

Question. They would be glad to have Uncle Sam assume the payment of the confederate debt?

Answer. Yes, sir, and to pay them for their negroes and to indemnify them for their loss of property in the war. It is an impression of most of them, men, women and children, that they are going to be paid for every rail burned, for every stick of timber destroyed, and for every negro lost. One man told me in my house that as soon as they could get the reins of government in their hands they would undo everything that this administration has done, with an awful adjective prefixed to the word "administration." He said, "We have as much right to undo what the administration has done as they have to destroy the government of the Constitution"—as they claim the administration has done.

Question. They propose to get back into the Union for the purpose of restoring the Constitution?

Answer. Yes, sir; and the testimony of the negroes will not be worth a snap of your finger, and all this is done for policy. A negro can come and give his testimony, and it passes for what it is worth with the courts. They can do what they please with it; there are the judges, the lawyers, and the jury against the negro, and perhaps every one of them is sniggering and laughing while the negro is giving his testimony.

Question. Has not the liberal policy of President Johnson in granting pardons and amnes

ties rather tended to soothe and allay their feelings towards the government of the United States?

Answer. No, sir, not towards the government of the United States nor towards the Union men.

Question. What effect has it had in that respect?

Answer. It has made them more impudent. They were once humble and felt that they had done wrong, but this policy has emboldened them, and they are more impudent to-day, more intolerant, and more proscriptive than they were in 1864. They say that we are the traitors and went over to the damned Yankees. Our present mayor, Slaughter, had sixty men of Grant's army, who were wounded in the wilderness and sent to Fredericksburg, forwarded to General Lee as prisoners-of-war. When Fredericksburg fell into our hands Slaughter made his escape. The federals arrested sixty citizens of Fredericksburg to be held as hostages for these sixty soldiers whom Slaughter had sent to the enemy, and among them was my wife's brother, who was living in Fredericksburg, and yet that same Slaughter was re-elected mayor of Fredericksburg last summer after the collapse of the rebellion. Old Tom Barton, the commonwealth's attorney, said in 1861 (and I suppose his feelings are the same still) that all these Union shriekers ought to be hung as high as Haman, and this old man was re-elected commonwealth attorney by the people of the county. Every member of the rebel common council was re-elected. One of the men who were elected members of the common council from that district stated that none of the Union men who went over to the Yankees during the war should be allowed to return to Fredericksburg; he was also appointed director of a bank there. These are the men we have got over us, and what kind of justice can we expect in the courts?

Question. You will probably get pretty summary justice?

Answer. I think so; these are facts.

Question. Where is Slaughter now?

Answer. He is now mayor of Fredericksburg and will be re-elected next month; we need not run a Union man there; we are disfranchised.

Question. Is not Slaughter a good Union man?

Answer. Oh! he has been notoriously Union all the time, as the papers say—notoriously Union! I saw that stated in a Fredericksburg paper; it stated that they had been persecuting Mayor Slaughter, who had been notoriously Union all the time.

Question. You have not a great deal of confidence in the truthfulness of secession?

Answer. No, sir; I have not.

Question. Where their political standing is concerned?

Answer. I used to have some confidence, not in secession, but in the people; but it seems to me that their whole nature and character has been changed, and that when treason enters a man's heart, every virtue he has departs.

Question. Could Jefferson Davis be convicted of treason in that part of Virginia?

Answer. As I went home last Sunday week in the boat, I was in company with a delegation from the Virginia legislature which waited upon President Johnson, and I heard one of them say that there could not be a jury obtained south of the Potomac who would convict Jeff. Davis, and that the man who would write down there that Jeff. Davis should be punished would be in danger. Jeff. Davis cannot be punished down there, and they would elect Lee to-morrow, if there were no difficulty in the way, governor of Virginia. There is no question about that in my mind.

Question. Do you think of anything that you wish to relate?

Answer. No, sir; I simply wish to state that I make these remarks conscientiously. I was born and raised in the south; my interests of every kind, social, financial, religious and political, are in the south; my church is in the south, and I am going soon to Richmond to edit a paper. Nothing but the good of the country, my own safety, and the safety of my children, and of Union men and of freedmen, could have induced me to come before you and make this statement. I am a friend of the south. I have written for the south, and I shall write in behalf of the south, but the south is one thing, and traitors and treason in the south are different things.

Question. What is the political character of the Richmond Dispatch?

Answer. There are seven papers published in Richmond—seven of them; and every one of them is disloyal to the core, except the Republic, and you know the character of that. The Dispatch was one of the most devilish sheets in the State while the rebellion was going on, and it has got the same ring to it yet, and so have all of them.

Question. What is the political character of the Alexandria Gazette?

Answer. That is all secesh, heel, soul and body, and has been all the time. I used to exchange with the Alexandria Gazette before the war. I made speeches in Alexandria in 1863 and 1864, and they reported my speeches and made the worst they could of everything in order to make me odious. It is a "notoriously loyal" sheet, as they would say of Mayor Slaughter.

Question. Loyal on the principle of reconstruction?

Answer. Yes, sir.

Question. Do you know much about the condition of South Carolina?

Answer. I do not; but secesh is the same everywhere.

WASHINGTON, *February* 28, 1866.

Frederick H. Bruce sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. I reside in Rappahannock county, Virginia.

Question. What is your present occupation?

Answer. Mail agent, United States Post Office Department.

Question. On what lines in Virginia?

Answer. From Washington to Lynchburg.

Question. How long have you held that post?

Answer. Since July last.

Question. Have you mingled freely with the people of Virginia during that time?

Answer. I have in that portion of Virginia in which I have travelled. I have mingled very freely with them.

Question. Were you raised in Virginia?

Answer. Yes, sir.

Question. Were you in Virginia during the war?

Answer. Yes, sir.

Question. Did you take any part in the war?

Answer. The part I took in the war is on record in the Post Office Department.

Question. You were drafted, I suppose?

Answer. No, sir; I was not drafted; I was called out by the governor of the State.

Question. You never have been in active service?

Answer. I never voluntarily, or of my own free will, gave any active service to the rebellion.

Question. So far as your knowledge and information extends, what can you say as to the present condition of feeling among the residents of Virginia towards the United States; is it friendly or unfriendly?

Answer. I consider it unfriendly. As to those politicians whom I have heard converse, I can only repeat their remarks, from which I have in part made up my opinion. I can better illustrate, perhaps, by these conversations than in any other way. I heard a man in Virginia, now commonwealth's attorney, a man of influence in the county in which he lives, and of considerable ability, not ten days ago, express the sentiment that he indorsed or justified the assassination of President Lincoln; that he rejoiced at it, and if he could would build a monument to the memory of Booth as high as the skies; and this man was holding office in that State.

Question. Appointed under what administration?

Answer. He was elected by the people of the county.

Question. Do you regard him as a fair type of the political class to which he belongs, or as an extremist?

Answer. I suppose if he and a loyal man of the county were candidates together, he would receive the unanimous vote of the county, with perhaps fifty or one hundred exceptions. He also stated that those who did not uphold the President in his restoration policy, and were not identified with their people against the radicals, would forever be denounced in the southern States; that they ought not and could not expect any political favors; that he considered it a crime, politically and morally, for a man to favor the Sumner and Stevens policy.

Question. Had this man been pardoned?

Answer. I do not think he came under any of the exceptions in the amnesty proclamation. He had not $20,000, and he had not participated in the rebellion to the extent of having been in the army. I heard a doctor, a man of influence, last week make a remark, which I believe is the general sentiment of almost every one in that part of Virginia. He said he did all he could during the rebellion, and did not regret it; that he was ready and willing to resume hostilities at any time; that his only regret was that he could not have done more. This remark was made last Saturday.

Question. Was that doctor a man of position and influence?

Answer. He was a man of position and of considerable family influence.

Question. Will you name any other instance?

Answer. I will mention an incident, as told to me, that occurred in the early part of the summer, during the canvass for members of the legislature. One of the candidates had just taken the amnesty oath, and after he had taken it, he picked up a Constitution of the United States, spit upon it, threw it down, and trampled it under his feet.

Question. Was he elected to the legislature?

Answer. No, sir; he was defeated by a small majority.

Question. Was a Union man elected in his place?

Answer. No; he was not a Union man; a Union man could not have been elected in that county. This man, I was informed, had made himself obnoxious among the people there during the war, in consequence of the tyrannical course he had pursued towards poor people,

and was for that reason defeated; but he was an influential man, and a man of wealth. You have perhaps heard of the difficulty that occurred at Gordonsville, which was reported in the papers, in which a mail agent was concerned; I was unfortunately that mail agent.

Question. You will please state it now.

Answer. In regard to the facts of the case as they occurred, I do not suppose it is necessary to mention them; I only refer to it for the purpose of illustrating the spirit of the people. While they were abusing me, I made some remark to them, which was replied to; and the reply seemed to hit the crowd, who took off their hats, shouted, "Jeff. Davis and the Confederate States," and gave three rounds of cheers. That was only last Christmas day.

Question. Did they commit or attempt to commit any violence upon you?

Answer. They attempted to do it, but failed to inflict any material injury. I can state in regard to the condition of things in the city of Lynchburg, that I have been informed by persons in the employment of the government, that if the troops were withdrawn from the city no man connected with the United States government would be safe in walking in the streets after dark, and I am fully satisfied of that fact.

Question. Does this arise from a hostile and bitter feeling on the part of secessionists towards Union men and the government of the United States?

Answer. Yes; towards all Union men.

Question. Is that a very general impression pervading that district of country?

Answer. Yes, though not especially in that district. I may state, that having been requested by the department, in accordance with my duty, I endeavored to get post offices established at the various points along the road, and I succeeded, with the exception of one or two places. About two months ago I asked a young man in Amherst county, at a station there, if he could not hunt up some one for postmaster there. He very indignantly replied, "No; no man was going to take that God d—d oath." I kept my temper, not wishing to get into any controversy with him, and said, "Cannot you find some lady to take it; it is necessary that some one should take it, if the post office is to be established." He said, "No; he might find some d—d nigger to take it." I replied, "That would be the most suitable person for such men." There is one matter to which I wish to call your attention. There is a State law in existence in Virginia prohibiting postmasters, under the penalty of fine, from delivering what are termed "incendiary documents." It is a law which, in my opinion, has never been repealed.

Question. Can you give the date of it?

Answer. I cannot. I suppose it has been in existence fifteen or twenty years. There were such laws in most of the southern States. If it has been repealed in Virginia I have never seen any notice of it. I call attention to it because I do not think such a law ought to remain. The postmasters, I believe, were made the judges as to what were incendiary, and they refused to deliver such documents. I recollect the New York Tribune and Helper book were considered as especially incendiary.

Question. Have you heard of any cases where postmasters have prevented the circulation of documents through the mail?

Answer. I have not since the war. About ten days ago I heard a gentlemen—a man of influence in his county in Virginia—remark that he would hail the day with joy when the extermination of races came, as the only means by which they could "get rid of the negro." He made it in my presence and in the presence of the postmaster, where I was—a loyal man. I begged him not to make such remarks. I said to him that he was a friend of mine, and that if he persisted in talking that way in my presence, it might become necessary for me to report the facts. I did not want to hear my friend make use of such language.

Question. Did he repeat it?

Answer. Yes, he repeated it.

Question. Is there any other incident that occurs to you?

Answer. I do not know that there is any other leading incident.

Question. How much chance does a Union man stand in that region for obtaining justice in the courts of the State?

Answer. My honest impression is that a leading Union man—one who had made himself notorious or conspicuous as such, as against a southern man who had been in the rebellion—would not have an equal show in the courts of justice. The prejudice is so strong, that while they may think they are acting honestly they will unconsciously be led astray; and I have no doubt there are men there who would not under any circumstances do justice to a Union man in a controversy between him and a secessionist. I believe, however, I could get justice in my own county.

Question. How do the secessionists generally feel there towards the freedmen?

Answer. I can only judge by the expressions I have heard used. A man who owned slaves, and whose slaves remained with him during the war perfectly faithful, remarked in my hearing that he had no interest whatever in them now; that while they were his slaves it was his interest to treat them well, but he had no interest in them now: that they might "rot," so far as his looking after them, getting a doctor for them, or anything of that kind. That seems to be the general feeling. I do not think there is any interest taken in these people. This is not, of course, the universal feeling; there are some good men who will look after them and treat them well.

Question. Suppose the federal troops should be withdrawn, and the Freedmen's Bureau be withdrawn: what, in your opinion, would be the treatment of the secessionists towards the negroes?

Answer. I believe the condition of the negroes would be worse than it has ever been during the time of their servitude. I do not think they could possibly remain in some portions of the country, unless the secessionists should find it to their interest to retain them. In some instances it may be so much for theiri nterest to retain them that they will be treated well.

Question. Have you been a slaveholder?

Answer. No, sir. I have been a slave-hirer for a good many years. In some instances the freedmen behave badly. In some instances they will not keep to their contract. Of course, you will find sorry negroes, as you find sorry white men; but, as a general thing, the former slaves or freedmen are behaving remarkably well in the portion of Virginia where I have been.

Question. If they are paid fair or reasonable wages will not they work?

Answer. I think a majority of them will. A majority of them seem to show a disposition to work. At the same time they seem to show a disposition to assert their freedom, not by any violence of word or action, but they are disposed to keep to themselves, to get a little land to work on for themselves, and what they term "go to housekeeping" and "living independently."

Question. Do many of the free negroes own property in that section of country?

Answer. No, sir.

Question. Do you discover a willingness or unwillingness upon the part of the whites to recognize the right of the freedmen to hold or own property, real or personal?

Answer. I think there is a great unwillingness on the part of the people to allow them to own property. I judge from the fact that it is with great difficulty that a negro can rent land to tend himself. They allow them no privileges in that respect. If the negroes will work for them they will hire them, but they are not willing to rent them lands or recognize them as citizens in any respect.

Question. How do they feel in regard to the education of the blacks?

Answer. There is great animosity against it in some localities. I will mention an instance. A man at a town in Virginia established a freedmen's school. I was asked the question, did I suppose, or did "the God d——d government" suppose, that they would submit to having a freedmen's school there, or submit to be taxed to "educate the d——d niggers?" I asked him how he was going to prevent it. He said he would prevent it by shooting every teacher they sent there.

Question. Do you know of any instances of violence committed upon the teachers of the blacks?

Answer. None of my own knowledge. I have heard them say in one place, in boast, that they had run off or frightened away one teacher sent there, and that the other better look out. My informant said that he would be shot; *he* was not going to do it, but *he would be shot*.

Question. How do they look upon the question of the negroes voting?

Answer. That is not a question they even allow themselves to debate. They consider it too monstrous a proposition even to debate. That is one of the things they imagine they will never submit to. They will suffer confiscation and everything before they will endure that degradation. I noticed for a while after the surrender, and while the power of the government was held with a very firm grasp, while they supposed their property was in danger of being taken away from them, that most of the twenty-thousand-dollar men were very submissive and quiet. You would not hear any violent words from them; they were willing to sustain the government, and perfectly willing to agree to any means of restoration. But since they have obtained their pardons, and their property is safe, they are as violent as any other class of secessionists. I can see but very little difference in the portion of Virginia in which I have been, so far as the expressed feelings of the people are concerned, between now and before the war. The same reign of terror for Union men which existed then exists now. I can get along, and any Union man can get along with them if he will sit still, take all sorts of abuse, and never resent it. They take occasion to come round me and make use of all sorts of taunts and abuse. You will have to submit to it, or, if you make any reply, you will have violence on the spot. That is the only way a loyal man can get along in peace in that country.

Question. How do they feel towards northern loyalists—towards men from the north who have favored the prosecution of the war against the rebellion?

Answer. Their hatred towards them is just as great as it is towards loyal men in the south. As I remarked, there is still the same reign of terror there was before the war, the only difference being that then they had it all their own way. I believe now that if the army were withdrawn, and the Freedmen's Bureau were withdrawn, an actively loyal man could not live in some parts of Virginia. A great many of these men even claim to be loyal, and say they are the only loyal men; that Congress is disloyal.

Question. In case the secessionists of Virginia should have another opportunity to go out of the Union; in case, in the course of political events, they should imagine they saw in the

circumstances surrounding them a chance to get out of the Union again, would they avail themselves of it?

Answer. None of them deny that they would rather live under some other government than the United States. They now complain very bitterly that their members are not admitted to Congress. I have asked them the question whether, if they had the opportunity, they would not rather live under a separate government. None of them can deny, or pretend to deny, that they would. I then asked them whether, holding such sentiments, they had the right to ask to be admitted to a full voice in administering the affairs of the government. These are the sentiments of nearly all the men in the section of Virginia with which I am familiar. There are, of course, exceptions. There are some good loyal men there, men who have never been secessionists, and there are men who were original secessionists, who fought through the war to establish the confederacy, but, having failed, are now willing in good faith to sustain the government. But the great mass of the politicians, who are the leaders of the people, are not of that spirit. They do not want the people to heartily support the government. They make them believe that the United States government is oppressing them, robbing them of their rights, and so keep them in ignorance, for a very large portion of the people have no other means of information upon these subjects. I would suggest that documents ought to be distributed among these people. Those who are willing and desire to be enlightened have not the means, and so remain in perfect ignorance.

Question. Have you reason to believe there is any secret association or organization down there with the view of a renewal of the war, or of the ultimate secession of the rebel States?

Answer. No, sir; I have no reason to believe there is any such concert of action.

Question In case of a foreign war between the United States and any foreign government, such as England or France, what do you think would be the course pursued by the secessionists?

Answer. I have heard some of them say they had taken the amnesty oath from policy, and they would only regard it as far as it suited their policy; that, if the United States should get into a war with a foreign nation, they would not take up arms against that government, but for it. I do not know whether that sentiment is entertained generally, but I have heard soldiers say it.

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WASHINGTON, *February* 10, 1866.

William T. Joynes sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Petersburg, Virginia.

Question. Are you a native Virginian?

Answer. I was born in Virginia, and have resided there all my life.

Question. What is your occupation?

Answer. I am an attorney at-law.

Question. Do you hold any public office now?

Answer. I am a member of the house of delegates of Virginia, and chairman of the committee on courts of justice.

Question. Have the goodness to state the effect of a certain clause in what is called the Alexandria constitution of Virginia, which has been repealed or modified by an act of the legislature, relating to suffrage.

Answer By the third article of that constitution the qualifications of suffrage were prescribed. In addition to the qualification of residence, age, &c., it was provided that no person should exercise the right of suffrage who did not take a certain oath. It was provided in that same clause that it should be in the power of the legislature to remove the disability created by that provision; that was a general provision, applicable to the whole people. There followed that a clause applicable to those who had held office under the confederate government or under the rebel State government; and it was provided that no person should hold office or vote under the constitution of the State who held office under the confederate government or rebel State government; and it was further provided that every officer in the State should take the oath prescribed in the preceding part of that section. At a special session of the legislature held in June, 1865, the legislature, acting under the provision of the prior part of that clause, modified the right of suffrage by changing the form of the oath which the voter should take, and enabled those who had taken part in the rebellion, but who were prepared to take the oath of amnesty, to vote: and provided that, instead of taking an oath that they had taken no part in the rebellion, they should take the amnesty oath; that was done by an act of June, 1865; but that only applied to the qualifications for suffrage, which were applicable to the whole people, and had no application to those who had held office under the confederate government or rebel State government, and who were the subjects of a special disqualification in the latter part of that clause. It was not in the power of the legislature

to reach this by its own direct action; its power being confined to that provision which was general, which applied to all the people. The legislature therefore passed an act directing the governor to submit the question to the people at the polls whether the legislature should have authority to alter or amend the third article of the constitution; that question was submitted by the governor in the election in October last, at which time the members of the general assembly now sitting were elected; and by a vote nearly unanimous (in our part of the State it was entirely unanimous, and there were perhaps only a few hundred votes against it in all the State) power was given to the legislature to alter or amend that part of the constitution.

Question. Had the secessionists a right to vote at the polls on that question?

Answer. Every person could vote who had taken the amnesty oath. I think the oath is very much in the form of the amnesty oath; it is prescribed in the act of 23d June, 1865.

Question. No person who had not taken the amnesty oath could vote on that question?

Answer. No person who had not taken the oath prescribed in that act could vote; which, I believe, is the amnesty oath in effect.

Question. Have you any doubt about the constitutionality of that act of the legislature removing the restriction?

Answer. None; because the terms of the constitution are very plain—that it shall be in the power of the legislature to remove that restriction. I have no doubt of the constitutionality of that act. The power which the legislature exercised in submitting the question to the people at the October election was a power which is not to be found in any express grant of the constitution: but it is such a power as we would say, results from the original sovereignty of the people. The question was left to them. Acting under that authority the legislature repealed that particular part of the constitution which disqualified all those who had held office under the rebel State government or under the confederate government, and it is in that way it stands now. There was a provision in that constitution for voting by ballot. Our mode of voting has always been *viva voce;* and there was a strong prejudice against the introduction of voting by ballot; it was a novelty which the people did not understand and would not accept, and the general feeling was to restore the old system of voting. The legislature also restored the period of residence as in the old constitution: two years in the State, and twelve months in the county or corporation.

Question. Is that at present the law?

Answer. I believe the bill has been passed by both houses, but there is some amendment pending in one of the houses. We require that the voter shall be twenty-one years of age; shall have resided two years in the State and twelve months in the county, which was the term of residence fixed by the constitution of 1851. The Alexandria constitution had reduced the term of residence in the State to twelve months, and in the county to six months. The Alexandria constitution provided, also, that the voter should pay his taxes to the State. The constitution of 1851 did not require the payment of taxes, so that anybody, whether he paid his taxes or not, could vote. As it passed the house of delegates we required the payment of taxes to the State as well as to the county. In the senate they struck out the provision about the payment of taxes, and it has come back to our house now with the requisites of age and residence and without the requisite of the payment of taxes; and my impression is that our house has not acted on that proposition.

Question. The qualification for residence, as passed, is two years?

Answer. Yes, sir; which is the same as prescribed by the constitution of 1851.

Question. So that there will be no substantial alteration of the old constitution in that respect?

Answer. None at all, sir. There was an effort made to raise the term of residence to five years, but that was defeated by an overwhelming vote.

Question. Are there many members of the house of delegates who have been rebels during the war; who have taken an active part in promoting the objects of the rebellion, whether as officers civil or military?

Answer. I think I may say that a large majority never held any office, civil or military, during the war. There is a large proportion of old men in the house of delegates; I think there is probably a considerable majority above the military age. The speaker of the house was a colonel in the service of the State of Virginia, held the office of inspector general for awhile, and was a member of the confederate congress; I speak of Mr. Baldwin. I was myself a judge, but I had no other connexion with the rebel government in any form. I was elected a judge to supply a vacancy during the war. I never was in the army or in the civil service in any shape.

Question. Are you generally acquainted with the leading men in the State of Virginia?

Answer. Yes, sir. Take my own committee, consisting of fifteen gentlemen; they are mostly men above the military age, and certainly not a man of them has been in the military service during the war.

Question. Are there not a majority in each of the two houses who have been regarded as secessionists?

Answer. Originally the number of secessionists in the State was very small. I will state a fact that will probably astonish you. The first time that I ever heard any man say that he desired a dissolution of the Union was during the session of the democratic convention at Petersburg which nominated Mr. Letcher in 1859; that is the first time in all my life that I

ever heard that sentiment expressed. I confess I was very much shocked at it, and I said to the gentleman, "Is it possible?" And he said with some vehemence, "Yes; that he wished the Union might go to flinders before breakfast to-morrow morning." The next time, so far as I recollect, that I heard the declaration was from old Mr. Ruffin, which was some time in 1860; he killed himself after the surrender of General Lee. Said I, "Mr. Ruffin, are you in the habit of expressing opinions of that kind?" "I have been in that habit," said he, "for ten years." I merely mention this to show you what is not generally understood, that the number of those who originally desired secession was very small; so small as to occasion that surprise on my part when I heard that declaration. When the election of Mr. Lincoln was pending, when all these unfortunate questions arose, and when excitement and bitter feelings grew up, of course the number of secessionists increased; some upon principle and some upon policy. After the election of Mr. Lincoln and the secession of South Carolina there were a great many who thought that the safest course, the politic course, although they originally disapproved it and thought the secession of South Carolina unnecessary and improper, was for all the southern States to go together and do it at once. In that stage of the affair, the secession of South Carolina having taken place in December, the election for members of the convention took place in Virginia, and a very large majority of persons utterly averse to the dissolution of the Union were elected. This was in February. Some of the States further south had already seceded in January. Of course, as you may imagine, the whole caldron was boiling with excitement, and there was great division of opinion in Virginia; some were in favor of an immediate co-operative action with the southern States; others said, no; that we were more identified with the border States, and that we should act with them; others insisted that we should not act with either, but should wait until some overt act of violence was committed against the southern States; but after the attack on Fort Sumter, and Mr. Lincoln's proclamation of the 15th of April, then there was an entire change of feeling and opinion in the convention and throughout the State, and the ordinance of secession, which had been over and over again defeated up to that time, was passed almost unanimously on the 17th of April. There was a general concurrence upon the part of the people of the State, whether they approved secession or deprecated it, in the opinion that interest, and duty, and policy alike required that they should stand by their old neighbors and friends; in other words, as the fight was made, they would have to take sides. The most conservative men, with the rarest exceptions, those who were opposed to any attempt to destroy the government, who sincerely desired that it should be preserved, and did everything they could to avert war, some of them voted for the ordinance of secession in convention; they did not see how they could stand against the current, or how they could possibly accomplish anything if they attempted it.

Question. Was it a very prevalent opinion among Virginians that the government of the United States would abstain from using military force against the secessionists after Sumter was fired on?

Answer. The period for consideration was very short; the firing on Fort Sumter was on Friday, and the proclamation was on Sunday.

Question. There had been a series of acts of violence committed on the government of the United States in South Carolina and other cotton States, as you know?

Answer. Yes, sir.

Question. Stealing the property of the government, and laying hold of forts, &c. Was there a considerable portion of the people of Virginia who supposed that the United States would abstain from using force to recover its property, and punish those acts of violence?

Answer. I was myself, I think, in a decided minority on that subject. I think that the impression that there would be no war was a very general one; that the influence of dollars and cents, commercial considerations, and the friendly intercession of foreign powers to prevent the breaking up of all the interests involved, would prevent a war; and the idea was, that if the southern States would stand together and act promptly, there would be no war. Many of the most intelligent men in the commonwealth will tell you to-day that they were deliberately of that opinion. They very often say, "It is you, gentlemen, that opposed secession, who have brought all this trouble and devastation upon the country; for if you had not hesitated and halted, and if all had stuck together at once, it would have resulted in some compromise which would not have destroyed the Union, but which would have settled the question and avoided war." I have no doubt that they were very sincere in their belief.

Question. Do you suppose that there are at present any class of persons in Virginia, or elsewhere in the south, who entertain the project of finally seceding from the Union, and setting up southern independence?

Answer. Not one, so far as I know or believe.

Question. You have no reason to believe that there is any such combination or conspiracy among any persons or class of persons?

Answer. If there is, there is no fact the discovery of which could give me more astonishment. Of course, there might be in some of the nooks and recesses which I know nothing about, but so far as the people in my region are concerned, I know that no idea of the kind is entertained.

Question. Do you not hear frequent expressions of contempt towards the government of the United States among the people with whom you intermingle?

Answer. No, sir. In a matter which has involved so deeply the interest and feelings of the people, there was, of course, a great deal of irritation and a great deal of passion; and the result has left a great deal of mortification, chagrin, and soreness. Of course, that is to be expected. We very often hear hasty expressions which evince it, but nothing approaching to sentiments of hostility, or a deliberate desire for the injury of the government. That is a wholly different affair.

Question. Suppose the government of the United States should be involved in a war with any foreign power, such as England or France, and the war should be waged, on the part of the enemy, with such vigor as to hold out some show of a hope, at least to persons of the south who are unfriendly to the government, of finally succeeding in their hope of establishing their independence; would you anticipate, in such a case as that, that any considerable number of southern people would join the common enemy?

Answer. It would be very difficult to form an opinion about that, so soon after the failure of the hopes of the southern people. I do not know how far excitable people—especially those who have been connected with the army—might be induced to lay hold of any such prospect. That is a very difficult question to answer. I will say, however, though it is not exactly called for by your question, that I think there has been a feeling of disappointment, of very great disappointment, among our people, that their hopes and expectations have not been realized. I think that the great mass of the intelligent people despaired of the success of the confederacy long before it broke up. For myself, I never had a doubt of the result after the 4th of July, 1863. The action of Congress and the proclamation of the President led to the belief and the strong hope that after the rebellion should be crushed, and the power of the government of the United States unmistakably established, we should then be permitted to return to the exercise of our rights, and that the taking of the oath of amnesty, prescribed by Mr. Lincoln's proclamation, would at once relieve everybody of disability. The issuing of Mr. Johnson's proclamation of the 29th of May, 1865, had a most unfavorable effect, accompanied as it was by Mr. Speed's opinion, because the effect of the two combined was, that thousands of persons who had no hesitation in supposing, and who felt themselves happy in the belief, that they were secure by Mr. Lincoln's amnesty, of which they had taken the benefit, found themselves at once without the benefit of the amnesty, and they felt irritated about it. For instance, in my own case, I took the benefit, on the 16th of April, of Mr. Lincoln's amnesty. I never had any doubt that I was entitled to do so, and that I was fully relieved, so far as that proclamation of amnesty proffered the relief. Having the misfortune, so far as that is concerned, to be the owner of $20,000 worth of property, I found myself, for that cause and for no other, without the pale, and, according to Mr. Speed's opinion, I was obliged to apply again for a special pardon. That cast a gloom over the minds of the people. It made the people exceedingly unhappy. It was a source of more distress and anxiety than you can well conceive. Every man felt that his property was uncertain. Then proceedings of confiscation were commenced. A parcel of people were sent noising throughout the country to pick out persons to be libelled. These things created great irritation, a soreness, and a feeling of alarm and uneasiness. Then there was a great deal of delay and difficulty in getting pardons. Then came the delay in organizing State governments. Then came the operations of military governments, military arrests for ordinary crimes, military interference in the decision of civil disputes, the operations of the Freedmen's Bureau, and the exclusion of the southern States from representation. All these things combined to create a feeling of disappointment. We had flattered ourselves with the hope that we should be at once taken under the protection of the Constitution, and should enjoy its advantages and blessings. The feeling created by the course of the government has been one of disappointment and unhappiness. The people feel unsettled. They do not know where they are, or whether they stand upon their heads or heels. There is no disposition in our part of the country to immigrate. Down further south, I have no doubt, there is a very extensive disposition of that kind, but we hope that better days are coming.

Question. You understand the nature of the constitutional amendment now pending in Congress relating to the basis of representation?

Answer. Yes, sir.

Question. Suppose that amendment should be passed by Congress, and should be ratified by three-fourths of the States; what is your belief as to the final action of the insurgent States on that subject? Would they ever consent to let the negroes vote?

Answer. I have no hesitation in saying what I think we would do in Virginia, and what, it strikes me, would be the obvious policy of every other State; it would be at once to establish qualifications for suffrage which would exclude nobody on account of race or color, but would apply to all races by enacting a property qualification, or a qualification of reading and writing and property together, which would give us the benefit of the negro race in counting our population, and under which white people would do all the voting.

Question. That is a general idea throughout the southern States, is it?

Answer. That is my impression. I only speak from my own personal reflection. We cannot afford to allow the negroes to vote now in their present condition, and this is not from prejudice. There exists a very different feeling towards the negro among us from that which you, gentlemen, feel disposed to suppose. It is a feeling of very great kindness; we were born together, raised together, have lived together, and played together, and the relation of

master and slave has been a very much misunderstood one; but that is out of the question now. Our disposition towards the negro, however, is entirely kind. By a single stroke of the pen, or by a single act of legislation, you cannot change the character of the negro. You cannot give him intelligence; you cannot give him a knowledge of our institutions; you cannot enable him to comprehend public questions; you cannot convert the darkness of his mind into light. We never can consent voluntarily to allow the negro to vote, until, by a process of cultivation—I do not mean mere instruction in letters, but by cultivation of body and mind, and by association—he has become capable of appreciating the duties and understanding the questions which the exercise of that right would involve.

Question. Then I understand you to give the opinion that Virginia, as well as the other southern States, would not reject the black race entirely from representation simply because they are black?

Answer. Not at all, sir.

Question. You think that they would be disposed to place both races on the same level in regard to the right of suffrage?

Answer. Yes, sir; and I think I can furnish you with a demonstration of that fact in the action of our present legislature at Richmond.

Question. Such qualifications as you speak of, I suppose, would exclude a vast proportion of the blacks at present?

Answer. Yes, sir, nearly all of them.

Question. The qualifications which would exclude nearly all the blacks would include, I suppose, nearly all the whites?

Answer. Very far from it. It would exclude a very large proportion of the whites who now vote. There is no property qualification now.

Question. Do you think that in Virginia you could call together a convention of the people which would have the nerve to disqualify any considerable portion of the present white voters?

Answer. It is very hard to predict anything of the nerve of a politician when the popular majority is likely to be against him, but I have no doubt on that subject. During the rebellion, (we do not like to use that word much, but it is expressive,) a new constitution of the State was adopted by the same convention which passed the ordinance of secession, and among the amendments was a restriction of the right of suffrage. That was submitted to the people, and while the constitution itself was rejected, the restriction of the right of suffrage was passed by a very large majority.

Question. Is there anything further you wish to state to the committee?

Answer. I want to make a statement in reference to the legislation of the present general assembly in reference to negroes. I am, *magna pars*, chairman of the committee on courts of justice, and have, of course, pretty much the direction of matter. What I want to state is in reference to this idea of a distinction between the races. In South Carolina and Georgia, as you must have observed, they have enacted separate negro codes, going down into great minuteness of detail. We unanimously determined against that thing. We thought that it was wrong in principle, and that it would work badly in practice; that it was likely to be a source of irritation and annoyance, and therefore, as I say, we determined against it. Very well; now what should we do? We determined, therefore, to avoid all distinction between the races, except in such cases, for instance, as prohibiting the intermarriage of the two races, and that all the laws which made a distinction between black and white should disappear, and that we would only enact such laws as appeared to us to be absolutely necessary, leaving time and experience to develop, by the actual operation of things, any regulation that might be necessarily applicable to either race. Now, we have taken up the provisions of our code, and have repealed all laws on the subject of slaves and slavery. We propose to repeal all the laws in relation to free negroes as such. That bill would have been reported to-day. We have then modified all the criminal laws, so as to place the black man and the white man on the same footing.

Question. Whether as parties or witnesses?

Answer. I will come to that directly; I am speaking now as to crimes; that is to say, that the same thing shall constitute a crime in the black man which constitutes a crime in the white man, and that there shall be the same mode of trial and the same punishment precisely. We have declined to legislate on the subject of labor contracts, except to this extent: We have provided, for the protection of the negro, that no contract for labor shall bind a colored person for a longer period than one month, (the senate had it two months, but the house put it at one,) except it is in writing, and that no contract in writing shall bind a colored person unless it is signed by him in the presence of a justice of the peace, a notary public, an overseer of the poor, or two respectable witnesses, whose duty it shall be to read the contract to him, explain it to him, and to set forth that fact in the certificate of acknowledgment, the object being to protect the negro altogether. A motion was made in the house to strike out the words "two witnesses" and to insert the words "one witness." I opposed that, stating that the object was protection to a helpless and ignorant class of people who might be overreached; that a man might get one witness to swear falsely, but that it would be more difficult for him to get two witnesses to enable him to commit a fraud; and the house adhered to my proposition, so that we have, in all our legislation, discarded all idea of distinct and discriminative legislation even in phraseology. For instance, some of our acts read that if any person, white

or colored, shall do so and so; we struck out the words "white or colored;" leaving it "if any person" shall do so and so, our object being to put the two races, so far as the provisions of law and the phraseology of law are concerned, on the same footing. On the subject of evidence, the only difference of opinion in the legislature is this: There is not a man in my committee, so far as I know, who is opposed to admitting the negro as a witness. In some parts of the State, outside of the legislature, among some of the people, there is opposition to it. The poorer classes of people are very much opposed to it. All intelligent people that I speak to, especially all lawyers, are in favor of it, but the poorer class of people are exceedingly opposed to it as a general rule. They have their prejudices against the negro. The only difference among members of the legislature and among intelligent gentlemen, so far as I know, is, whether the negro shall be admitted as a witness to the extent of protecting himself and his race in their rights of person and property, or whether he shall be admitted in all cases; as, for example, if you make a negro a witness in all cases he will be a witness as between two white persons, which would not be necessary for the protection of the negro in any right of his, because it is a controversy between A and B, both being white persons. Some think there is no necessity arising out of the present state of things, and no duty arising out of the present state of things, to admit the negro as a witness to that extent, but that he ought to be admitted to the extent of protecting the negro race in all civil cases where any negro is interested one way or the other, or where his rights are affected, and in all criminal cases where the negro is a party, or where the offence has been committed upon the person or rights of a negro. On that point I do not know any difference of opinion. The only difference of opinion is whether the principle should be carried a step further, so as to embrace all cases between white persons.

Question. What can be the objection, as between two white persons, to putting a negro on the stand as a witness and letting him testify in the presence of the jury, subjecting his evidence to the same ordeal as the testimony of the white man is subjected? If he is a worthless character and objectionable on the ground of veracity, why not let the jury judge of it? Is there, in reality, any objection to the testimony of negroes which does not apply to the same class of white persons?

Answer. The objection is really more of a practical one than anything else, as a sort of concession to, or compromise with, those who feel a repugnance to the idea; who think it looks like negro equality. If you go before that class of people with the absolute admission of the negro as a witness in all cases you find it most difficult to reconcile them to it; but if you say that it is necessary that this man who is declared a freeman shall be protected in his rights as such, they are better satisfied with that. What the opinion of the legislature will be when the matter comes up for decision I do not know; but that is the only difference of opinion in the committee.

Question. Do you think that these bills to which you have referred will pass the legislature of Virginia?

Answer. Two-thirds of them have already passed.

Question. You have no doubt that this general system of legislation will pass?

Answer. No doubt in the world. I propose as soon as the system is completed to make a synopsis of it and have it published in one of the newspapers of Washington, for I find that nobody here knows anything about it. Our effort has been to treat the negroes with justice and good faith, so as to try and make something out of them. They have got to live with us as free people; they cannot get away; there is no doubt about that. It is to our interest therefore to treat them with kindness. If you want to make a well-disposed and well-behaved people in the south, all that is necessary is an expression of a feeling of kindness on the part of the northern people. Give us the benefits of the Constitution and let us go to work and repair our ruined fortunes. You have no conception how poor we are, you have no conception to what point of destitution and distress the country has fallen; we want repose; we want to get into the Union for practical purposes, to be quiet; we want to get rid of military government.

Question. Is it your opinion that a jury could be impanelled in Virginia, by the process now prescribed by the law for that purpose, that would find Jefferson Davis or any other prominent leader of the rebellion guilty of treason for acts of war committed by him against the United States?

Answer. I think it would depend upon the instructions of the court. If the court should instruct the jury authoritatively and distinctly that certain facts constituted treason, and if those facts were clearly proved, the jury would find him guilty, but they would do so with great regret and great pain. I think I have seen many verdicts found under instructions of the court which were very disagreeable to the jury. I think they would do it under restraint, however, from a solemn sense of sworn duty to take the law from the court. I think that to a great mass of jurors it would be a very painful duty, and one which they would submit to only under restraint, which, as good citizens, they would be obliged to do.

Question. Suppose a plea of justification should be interposed founded on the ordinance of secession and upon the laws of the State growing out of that ordinance, commanding the accused with others to prosecute the war against the government, and suppose the judge trying the case should overrule the plea and instruct the jury that that plea was unavailing as a

justification for the act, would the jury be likely to follow the ruling and instructions of the court on that subject?

Answer. Of course I speak of juries consisting of intelligent and respectable men, and I am unable to conceive by what series of reasoning such men could refuse to find a verdict under the positive instructions of the court, however repugnant to their feelings and wishes.

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WASHINGTON, D. C., *February* 10, 1866.

B. R. Grattan sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. Richmond, Virginia.

Question. Are you a native of Virginia?

Answer. Yes, sir: I was raised in the valley of Virginia.

Question. Do you hold any public position?

Answer. I am a member of the present house of delegates of Virginia.

Question. Is that the only public position you have held?

Answer. I held the office of reporter to the court of appeals since January, 1844.

Question. I speak of two classes of people in Virginia for the sake of convenience, not with a view of offending anybody. I speak of secessionists and Union men. By secessionists I mean those who have directly or indirectly favored the rebellion; and by Union men I mean those who opposed the rebellion; and by the rebellion I mean the war which has taken place between the two sections of the country. What is the general feeling among the secessionists of Virginia towards the government of the United, States so far as your observation extends?

Answer. So far as I know, the sentiment is universal that the war has decided the question of secession entirely, that it is no longer an open question, and that we are all prepared to abide by the Union and live under it.

Question. You mean to be understood as saying that they suppose that the sword has settled the abstract right of secession?

Answer. Yes; we consider that we put it to the arbitrament of the sword, and have lost.

Question. What proportion of the legislature of Virginia are original secessionists, having in view the definition I gave?

Answer. I would suppose that there are few members of the legislature who are less able to judge of that matter than myself, for my acquaintance as a member is very limited; but I should suppose, from the general sentiments of the people of Virginia, that while probably a very large proportion of those who are now members of the legislature were not in favor of secession or a dissolution of the Union originally, yet nearly all of them went with their State when it went out. They went heartily with it.

Question. How have the results of the war affected the feelings of Virginians generally? What is the sentiment left in their hearts in regard to satisfaction or dissatisfaction with the government of the United States—love or hatred, respect or contempt?

Answer. I cannot undertake to say generally; my intercourse is very limited. I would rather suppose, however, that while the feeling against the government was originally very strong, that feeling has been very much modified; it is nothing like as strong as it was, and is gradually declining.

Question. You think that the feeling is gradually changing from dislike to respect?

Answer. Yes, I think so.

Question. Have you any reason to suppose that there are persons in Virginia who still entertain projects of a dissolution of the Union?

Answer. None whatever. I do not believe that there is an intelligent man in the State who does.

Question. In case of a war between our country and any foreign power, such as England or France, one that should put the government to the exercise of all its powers in order to secure its safety, and in case it should become apparent that there was a chance for secessionism to become a success hereafter, would you anticipate that any considerable portion of the people of Virginia would join the enemy?

Answer. No, sir.

Question. Would there be many who would be likely to do so?

Answer. No, sir; I do not think there would be. You might find some boys who would do so. I think that the people have made up their minds to become a part of this Union and to perform every duty connected with that relation. I speak with confidence on that subject, for while I was not an original secessionist, I am certain that nobody ever suffered more at its failure than I did, and I know what my own sentiments are, and judge other people by myself.

Question. What has been, in your judgment, the effect, in the main, of President Johnson's liberality in bestowing pardons and amnesties on rebels?

Answer. I think it has been very favorable; I think President Johnson has commended himself very heartily. There is a very strong feeling of gratitude towards President Johnson.

Question. Has that liberality in your judgment, increased or diminished the respect of these same persons towards the government of the United States?

Answer. It has increased it.

Question. Is that increase of respect towards the government, or is it especially towards President Johnson.

Answer. It is to Mr. Johnson, as the representative of the government.

Question. Are you aware of the nature of the constitutional amendment now pending in the Senate of the United States in reference to the basis of representation?

Answer. Yes, sir.

Question. You know its effect?

Answer. Yes.

Question. It places the basis of representation upon numbers, including all classes and all races, but at the same time declares that in case any State shall exclude from the right of suffrage any portion of its population on account of race or color, the whole of the people of that race or color shall be excluded from the count, thus leaving the entire option with the States whether they shall exclude or include persons of color in the right of suffrage. I want to ascertain your opinion on that subject, whether you think the people of Virginia are likely ever to consent to let negroes vote?

Answer. I should say not, sir, under no circumstances.

Question. Do you not think that the interests of the States would finally so operate as to induce them to take off the unkind proscription of the black race?

Answer. I do not think so. I would like to explain that. I, perhaps, ought not to undertake to express an opinion for the people of Virginia. My intercourse for years has been very limited. I have been confined very closely to my own duties as a lawyer, and I have mingled very little with the people. Perhaps I speak rather from my own sentiment and opinion. My own opinion about that is, that the very worst thing that can occur to the negro, (and I believe that will be the sense of the people,) the very worst consequence to the negro, will be the attempt to give him political power; and I believe that really the desire to preserve the negro himself, to take care of him, and to prevent the consequences which will arise to him from such an effort would, of itself, preclude his admission to political rights.

Question. What, in your judgment, would be the consequences of such an enfranchisement: would it produce scenes of violence between the two races?

Answer. I believe it would. I have very great apprehension that an attempt of that sort would lead to their extermination, not immediately, but to their gradual extinction. It would set up really an antagonistic interest, which would probably be used as a power, because I have no doubt that the negro vote would be under the influence of white people. You are to recollect that this is not simply a prejudice between the white and black races. It has grown to be a part of our nature to look upon them as an inferior; just as much part of our nature as it is a part of the nature of other races to have enmity to each other; for instance, between the Saxon Irish and the Celtic Irish, or between the English and the French. You must change that nature, and it takes a long time to do it. I believe that if you place the negro on a footing of perfect equality with the white, it would actually increase the power of the white race, which would control the negro vote; yet it seems to me that nothing can reconcile the white people to that short of equal political power, and I fear, therefore, very much the consequences of any attempt of that sort upon the black race in Virginia.

Question. Would not that prejudice become modified a great deal in case the blacks should be educated and rendered more intelligent than they are now?

Answer. You would have to change their skin before you can do it. I beg leave to say that, so far from there being any unkind feeling to the negro, I believe that there is, on the part of the white race, towards the negro, no feeling but that of kindness, sympathy, and pity, and that there is every disposition to ameliorate their condition and improve it as much as possible; but it is that difference which has existed so long in their obvious distinction of color and condition——

Question But suppose the condition of the negro should change?

Answer. The condition is annexed to the color. We are accustomed to see the color in the condition.

Question. But the condition may be changed by education and enlightenment?

Answer. You are to recollect, as to that, that they are a people who now have no property, who are not accustomed, from their former condition, to any sort of providence for themselves.; that they are not accustomed to take care of themselves; that they are a people who have always depended upon others; and, therefore, unless there is some power or person who is to give them wealth and to educate them, you can never expect that they will be in a condition to rise. They cannot educate themselves; they are not disposed to educate themselves. They live in the very lowest condition of life. They are not disposed to work if they can help it, as nobody else is, I suppose; so that I see no help or expectation that

by their own exertions they are going to acquire that amount of property which will enable them to educate themselves. If they rise, it will be by the effort of the white race, among whom they live, to raise them.

Question. Is there a general repugnance on the part of whites to the acquisition and enjoyment of property by the blacks?

Answer. I do not know. I do not think there is. Far from it. We would be very glad to see them all doing well and improving their condition.

Question. Do you find a similar repugnance to the acquisition of knowledge by blacks?

Answer. No, sir; far from it; on the contrary, we are trying, so far as we can, to educate them; but we are too poor ourselves to do much in educating other people, and they are certainly too poor to educate themselves.

Question. You would, then, anticipate a struggle of races in case the right of suffrage saw given to the blacks?

Answer. Yes, sir; I think so.

Question. You would not anticipate it in case the blacks should vote in the interest of the white race?

Answer. As I said before, I believe that if the blacks are left to themselves, if all foreign influence were taken away, the whites would control their vote. It is not in that the difficulty lies, but it is in the repugnance which the white race would feel to that sort of political equality. It is the same sort of repugnance which a man feels to a snake. He does not feel any animosity to the snake, but there is a natural shrinking from it; that is my feeling. While I think I have as much sympathy for the black race, and feel as much interest in them as anybody else, while I can treat them kindly and familiarly, still the idea of equality is one which has the same sort of shrinking for me, and is as much a part of my nature, as was the antagonism between Saxon and Celt in Ireland.

Question. You are aware that that state of feeling does not exist in Ireland, England, or Scotland towards the blacks?

Answer. No; because they never had them; because they never saw them in their constant condition. So that difference of alienation between Saxon and Celt does not exist here, but it exists in Ireland. It is where that has been the feeling operating for so long that it has become a part of our nature. It is not a simple prejudice, but it becomes part of the nature of the man, because a prejudice may be removed very soon.

Question. You have not much reason to expect that the legislature of Virginia will adopt this constitutional amendment in case it shall pass both houses of Congress?

Answer. I cannot speak for others, but for myself I say certainly not. No political power would ever induce me to vote for it. That form is much more objectionable than even a proposition to make them voters. It is giving you all the advantages of numbers, while you are taking that from us which, according to the original constitution, we had—three-fifths of the slave population—and no political power will force me to consent to that.

Question. It will be left to yourselves to make up the number if you see fit.

Answer. But you leave us to do what you know we will not do, and then you deprive us of power. There would be more reason in an amendment basing representation upon voters.

Question. Have you any idea that the people of Virginia can elect either a legislature or convention that will impose restrictions on the right of suffrage among the whites, such as a property qualification, or the qualification of reading or writing?

Answer. I do not think so. I think these things never go backward, and I do not think there ever can be any such restrictions. However, perhaps I am as little competent to judge of these things as any intelligent man in Virginia.

Question. How are people from the north received in communities in Virginia? Suppose a northern man known to be an out-and-out Union man, who has taken part in the war against the confederacy, should go in your midst to settle and purchase property, and become a permanent resident: how would he be received?

Answer. That would depend very much upon the man himself. I think that any respectable man who would come there to purchase property and settle, would be treated very well and be received very well; still, of course, we would not look upon him as we look upon each other. We do not look upon any foreigner coming from anywhere as we do upon our own people. I would not mislead you in supposing that there is not a feeling existing——

Question. A prejudice against northern people?

Answer. There always was before the war; but still, when a man showed that he was a worthy, respectable man, he was always treated as such, and would be treated as such still. The fact is, we would like to have as many upright, industrious northern men among us as we can get, and of course we would treat them well.

Question. Do Unionists, who are parties in the civil courts of Virginia, stand as good a chance for justice as those who have been secessionists and sided with the rebellion?

Answer. Yes, sir. I do not believe there is any court in Virginia where secessionism prevails. I have heard some complaints of courts down in Alexandria, while the Alexandria government existed, but in those courts which have been lately organized where we were all secessionists, I have no idea that the question ever enters into the mind of a judge or court whether a man took one side or the other in the war.

Question. Would it not be likely to enter into the minds of the jury?

Answer. No, sir, I do not believe it would.

Question. Do you believe that a jury could be impanelled in Virginia, in the ordinary way recognized by your laws, that would convict Jefferson Davis or any other leader of the rebellion of treason?

Answer. I do not know. I should doubt it very much; not because they would not convict any man whom they believed guilty, but because the question of treason in this rebellion is, as it seems to me, a question which is to be decided by our opinions as to what was constitutional law, in the nature of this government, at the time. While we recognize the fact that the failure of the rebellion has settled the question of secession, we are not at all disposed to change the opinions which we formerly held as to what was the doctrine on the subject; and therefore a man who believed in secession before, and in the right of a State to withdraw from the Union, if he carried out his principles and acted on them, would say that up to the time that that matter was settled and decided by the result of the war, the man who acted on those principles was not guilty of treason. I believe that if any man should commit treason now, after the matter is settled, he could be convicted by a jury in Virginia.

Question. Then your idea is, that the ordinance of secession in your State would or should stand as a justification of the acts of war committed against the United States?

Answer. With those who believed in the doctrine of secession.

Question. So that if you had a jury impanelled for the trial of what we would call a traitor, a jury who believed in that doctrine would not be likely to convict him?

Answer. No, I think not.

Question. Is not the number of that class of persons very great in Virginia?

Answer. I suppose so.

Question. So that probably it would be very difficult to find a jury that would convict a man of treason?

Answer. That would depend upon the judge who presided and the instructions he gave.

Question. Suppose that Chief Justice Chase undertook the trial of Jefferson Davis in Richmond, and instructed the jury that the Virginia ordinance of secession was no justification for acts of war against the government of the United States, would the jury follow his instructions?

Answer. That I cannot say. It would depend upon the men who were on the jury.

Question. Would you be likely to find twelve men who would follow out such instructions?

Answer. Yes; you might get twelve men who would convict him, whether you gave such instructions or not; but I speak of the mass of the people.

Question. I do not mean by packing the jury, but by taking up the jury in the ordinary way.

Answer. You would not.

Question. Do you not draw your jurors by lot in Virginia?

Answer. Not in criminal cases. Twenty-four men are selected, and out of that twenty-four the prisoner has a peremptory challenge of eight, leaving sixteen, and out of the sixteen twelve are drawn by lot.

Question. Do you think of anything else which you wish to say on the subject-matter to which I have called your attention?

Answer. Nothing in particular, I believe. I have expressed my opinion as to what the judgment and sentiments of the people of Virginia are. In Richmond there are very few original secessionists. I think the sentiment in Richmond was against it. I think it very probable that you can find men there who do not consider that the ordinance of secession was a valid ordinance at all. There are a great many of them. But there are others who consider that the ordinance of secession was a power which the State had a right to exercise. It seems to me that a jury taken out of the latter class would not be very apt to convict a man of treason for having taken up arms against the government. But there is a very large number of people who do not concur in the idea that a State had a right to secede, and a jury taken from this class would be governed by the judgment of the court as to whether that was a sufficient justification or not.

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WASHINGTON, *February* 10, 1866.

E. F. Keen sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. At Danville, Virginia.

Question. What is your official position?

Answer. I am a senator in the State senate from the counties of Halifax and Pittsylvania.

Question. Are you a native of Virginia?

Answer. Yes, I was born and raised in the State.

Question. Did the war extend itself into your senatorial district?

Answer. To some extent; less, perhaps, than in any other portion of the State.

Question. What is the general feeling, at present, of the secessionists in your senatorial district towards the government of the United States? Is it friendly or unfriendly?

Answer. I scarcely know how to answer that question of secessionists, for there are none now.

Question. I mean those who have favored the cause of secession?

Answer. So far as my observation extends, they seem to be more disposed to try the United States government than those who were originally Union men. I believe more of them have asked pardon and have obtained it, and their expressions of loyalty to the government are more frequent and more common than from the original Union men.

Question. Have you taken any part in the war against the United States?

Answer. Yes, sir. I was an original Union man and fought secession as long, perhaps, as he who fought longest in Virginia. After Virginia seceded I entered the army of the confederate States and was colonel for fifteen or eighteen months. I was State's senator in the government of Virginia during a portion of the war, after I came out of the army. I was, at the time of the evacuation of Richmond, a member of the State senate.

Question. Were you in Richmond at that time?

Answer. Yes; I was in Richmond when it was evacuated.

Question. What effect has the abolition of slavery produced on the minds of the masses of the people in your district? Are they well pleased with it, or displeased?

Answer. As a matter of course, our people were not pleased with it. We had in the State of Virginia some 496,000 slaves, in which we had, as we had always been taught, a vast amount of property. The sudden destruction of that property could not be very pleasant in the minds of our people.

Question. Has it not left a deep feeling of disloyalty towards the government of the United States?

Answer. I think not.

Question. Are the once owners of that species of property looking forward to the possible payment of the value of it to them by the United States?

Answer. I cannot say that they are looking forward to it with any confident expectation. They would be very glad to have it. I am not apprised that there is any party or any respectable body of men that are agitating any such question.

Question. How do the secessionists feel in regard to the payment of the federal debt contracted in the prosecution of the war?

Answer. I believe there is a general disposition on the part of the people of Virginia to sustain the credit of the government in every respect.

Question. Suppose the question was left to your constituents whether or not they would contribute their proper share to the payment of that debt, and that they were to decide that question at the polls, what way would they vote?

Answer. I believe that that would depend greatly upon the policy pursued by the government, since we have surrendered the question.

Question. What line of policy would be most likely to reconcile them to the payment of that debt?

Answer. That line of policy which would admit us as equal participants in a government which we had tried to break and failed, and to which we had now expressed ourselves as loyal.

Question. You think that if Virginia was admitted by her senators and representatives in Congress at once, there would be no great grumbling or complaint against paying the federal debt?

Answer. I think not. I think it would do more to allay the little irritable feeling that exists in the State than perhaps any other one act.

Question. How do they feel in regard to the payment of the confederate debt?

Answer. I think that no sane man expects it to be paid.

Question. What is that kind of security worth now in the market, *ouvert*?

Answer. There is no sale for it, no market, no quotation.

Question. Can you state at what time these securities fall due according to their face?

Answer. No, sir, I cannot; I believe six and twelve months after the ratification of the treaty of peace between the United States and the Confederate States.

Question. What is the general feeling of the people of your district toward the freedmen—is it kind, or otherwise?

Answer. I think there is a general feeling of kindness naturally from our people to the freedmen. I think there is no enmity towards them. They have, for the most part, conducted themselves very well during the war. Nobody with us looks upon them as having been responsible for their condition; and, wherever they seem disposed to behave themselves well, there is a general feeling of encouragement towards them.

Question. Is there a feeling of willingness that they should be educated in some degree?

Answer. Yes, sir; I think that all rational minds there conclude that that must necessarily come. No rational mind, however, concludes that it can be done in a day, or a week, or a month, or a year, or in any very short period. The masses of the people in Virginia are not well educated themselves. We have no system of free schools, and have never had. The

expectation that this large colored population, turned loose upon us with a wild idea of freedom, is to be suddenly educated (and the idea is rather general) is not so repugnant to the feelings of the people as it seems to them absurd and ridiculous.

Question. Is there not a feeling of dislike on the part of secessionists in your district toward northern men?

Answer. None whatever, I believe. When northern gentlemen come there and demean themselves as gentlemen, no matter what their official orders are, or how repugnant some of those orders may be, they are treated as gentlemen, without the first unkind feeling towards them.

Question. Are you aware of any scenes of violence between Unionists and secessionists in your district since the close of the war?

Answer. None whatever in my district.

Question. Does anything occur to you, besides what you have stated, which you wish to state?

Answer. I do not know of anything special.

Question. Are you aware of any combinations existing in Virginia, or elsewhere, having in view the ultimate renewal of the war?

Answer. I am not aware of any, and I believe that none exists in the commonwealth or elsewhere. I have been recently, for four months, in Georgia and South Carolina, and I neither saw nor heard of anything of the kind, nor do I believe that any such thing exists in the southern States.

Question. You think there is nothing of the kind in contemplation?

Answer. I think not, sir.

Question. You found them generally disposed to submit to Uncle Sam?

Answer. I think that the further south I have gone, the more disposed they have been to do it.

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WASHINGTON, *January* 29, 1866.

Rev. James Sinclair sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Lumberton, Robeson county, North Carolina.

Question. About how long have you resided there?

Answer. I have been in that county about nine years.

Question. Are you a native of North Carolina?

Answer. No, sir; I am a native of Scotland, but a naturalized citizen of the United States.

Question. What is your profession?

Answer. I am a Presbyterian minister of the Gospel.

Question. How long have you been a minister of the Gospel?

Answer. Some ten or eleven years. I was educated in Pennsylvania.

Question. And as such minister you have been settled in North Carolina?

Answer. Yes, sir.

Question. Where were you at the breaking out of the rebellion?

Answer. I was in Robeson county, in the State of North Carolina.

Question. Attending to your clerical duties there?

Answer. Yes, sir.

Question. Have you ever willingly done any act to promote the cause of the rebellion?

Answer. Not willingly.

Question. If you have ever done any such act, has it not been under constraint, or fear, or duress?

Answer. It has; I can show that from papers that I have with me.

Question. You have never been a friend of the rebellion?

Answer. No, sir; I was a Douglas democrat, and voted for Mr. Douglas in 1860.

Question. Have you a family?

Answer. Yes, sir; I have a wife and six children.

Question. All residing in North Carolina?

Answer. Yes, sir, except my oldest son. I married the second time about five years ago. My son by my first marriage is now a clerk in Philadelphia.

Question. Have you ever been a slaveholder?

Answer. Yes, sir.

Question. How is it with your wife in that respect?

Answer. She was a slaveholder when we married.

Question. What position have you occupied during the war, or any period of the war, in North Carolina or elsewhere?

Answer. At one time I was considered to have some influence, and I was pressed pretty

hard by the authorities, and a commission as colonel in the rebel service was given me at the same time that the late Hon. Lawrence O'B. Branch received a similar commission. I held that commission from the 8th of November, 1861, until the 23d of April, 1862. I then left the service, and was proscribed because I would not go into the war.

Question. Why did you accept the commission?

Answer. It would have been impossible for me to have lived in the country if I had not done so; my life had already been threatened. In the fall of 1860 I preached a sermon to my people in regard to the then condition of affairs, and warned them to beware of the men and measures of the neighboring State. My church was on the line between North Carolina and South Carolina, and some of my church were inhabitants of South Carolina. For that sermon some men in South Carolina proposed to come up and hang me. That sermon made a great noise in the church, and I lost my church in consequence of what was called my abolition sermon. After that I was without any means of support, and remained at home with my wife. She is highly connected, and has a great many friends among the more influential people there. Mr. Queen, formerly a member of the United States Congress, was her uncle. He opposed my leaving the country, saying that I would disgrace them by so doing. It was urged that in order to clear myself with the people there I should serve in the rebel army, and the point was in what position. I did so for my own protection and for the protection of my family. While I held that commission General Burnside came to North Carolina on his expedition. After his troops landed I was in the advance, but fell back to our intrenchments without exchanging shots with his forces. Two distinct assaults were made upon our lines, which were repulsed. After those two assaults General Reno, to the best of my recollection, of the Union army, came up with his cloak on, and coming down from the extreme left he rode right in front of my command. My men at once pulled up to their guns to shoot him. I directed them at once to bring their guns to an order and to await orders. I thereby saved the life of General Reno, as I have no doubt General Burnside will testify if asked. I was trying to capture him, and would not allow him to be shot because he came up so bravely. Shortly afterwards we were routed, and retired to Kingston. I was then charged by the Richmond Examiner, and several other papers in the south, with being a traitor or a coward to their cause. They said that there was something wrong about my conduct there; that I certainly must have been with Burnside the night before, and that I had been bought with Yankee gold. I immediately left their service, and have not been in it since.

Question. Where did you then go?

Answer. I immediately went home and remained there.

Question. Have you ever held any position in North Carolina under the government of the United States?

Answer. I have since the rebellion.

Question. What position?

Answer. That of agent of the Freedmen's Bureau.

Question. When were you appointed agent of the Freedmen's Bureau?

Answer. On the 11th of August, 1865.

Question. How long did you hold that position?

Answer. Until the 21st of October last.

Question. You were then relieved as agent?

Answer. Yes, sir.

Question. Were there any charges or accusations against you?

Answer. On the contrary, my whole course as such agent has been approved.

Question. Have you been remaining at your home since then?

Answer. Yes, sir.

Question. Are you acquainted with Governor Holden, of North Carolina?

Answer. Yes, sir, personally.

Question. Have you ever received from him a letter introducing you to any person?

Answer. Yes, sir; I received this letter:

"RALEIGH, *January* 20, 1866.

"MY DEAR SIR: Allow me to introduce Rev. James Sinclair, of the Old School Presbyterian church north, who is connected in this State with the Freedmen's Bureau. Any attention you may show Mr. Sinclair will be appreciated by

"Your friend,

"W. W. HOLDEN.

"Dr. R. J. POWELL."

Question. Are you acquainted with Mr. A. T. Mallette, of North Carolina?

Answer. Yes, sir.

Question. What position does he hold at Wilmington, North Carolina, if any?

Answer. He is a surgeon by profession, and I think was one of the chief surgeons in the rebel Joe Johnston's army.

Question. Have you a letter from him?

Answer. Yes, sir; here it is:

"WILMINGTON, N. C., *January* 18, 1866.

"DEAR SIR: I take the liberty of introducing to you, through this note, the Rev. Mr. Sinclair, of this State. Mr. Sinclair is a gentleman of standing and influence in the south. He will tell you how I am getting along.

"Very respectfully, yours,

"A. T. MALLETTE.

"Mr. E. S. HUTCHINSON."

Question. What position does Charles J. Wickersham hold in North Carolina?

Answer. He is a brevet major and assistant adjutant general on the staff of Major General O. O. Howard, and superintendent of freedmen for the district of Wilmington. I have a letter from him, of which I will read an extract:

"Mr. Sinclair acted for some time as agent of this bureau, thereby incurring the ill will of the majority of the secession party; and his active and practical sympathy for the freedmen will probably affect his influence among the whites, although he has the unbounded confidence of the freedmen."

Question. What is generally the state of feeling among the white people of North Carolina towards the government of the United States?

Answer. That is a difficult question to answer, but I will answer it as far as my own knowledge goes. In my opinion, there is generally among the white people not much love for the government. Though they are willing, and I believe determined, to acquiesce in what is inevitable, yet, so far as love and affection for the government is concerned, I do not believe that they have any of it at all, outside of their personal respect and regard for President Johnson.

Question. How do they feel towards the mass of the northern people—that is, the people of what were known formerly as the free States?

Answer. They feel in this way: that they have been ruined by them. You can imagine the feelings of a person towards one whom he regards as having ruined him. They regard the northern people as having destroyed their property or taken it from them, and brought all the calamities of this war upon them.

Question. How do they feel in regard to what is called the right of secession?

Answer. They think that it was right under the Constitution as it was; that there was no wrong in it. They are willing now to accept the decision of the question that has been made by the sword, but they are not by any means converted from their old opinion that they had a right to secede. It is true that there have always been Union men in our State, but not Union men without slavery, except perhaps among the Quakers. Slavery was the central idea even of the Unionists. The only difference between them and the others upon that question was, that they desired to have that institution under the ægis of the Constitution, and protected by it. The secessionists wanted to get away from the north altogether. When the secessionists precipitated our State into rebellion, the Unionists and secessionists went together, because the great object with both was the preservation of slavery by the preservation of State sovereignty. There was another class of Unionists who did not care anything at all about slavery, but they were driven by the other whites into the rebellion for the purpose of preserving slavery. The poor whites are to-day very much opposed to conferring upon the negro the right of suffrage; as much so as the other classes of the whites. They believe it is the intention of government to give the negro rights at their expense. They cannot see it in any other light than that as the negro is elevated they must proportionately go down. While they are glad that slavery is done away with, they are as bitterly opposed to conferring the right of suffrage on the negro as the most prominent secessionists; but it is for the reason I have stated, that they think rights conferred on the negro must necessarily be taken from them, particularly the ballot, which was the only bulwark guarding their superiority to the negro race.

Question. In your judgment, what proportion of the white people of North Carolina are really, and truly, and cordially attached to the government of the United States?

Answer. Very few, sir; very few.

Question. Judging from what you have observed of the feelings of the people of that State, what would be their course in case of a war between the United States and a foreign government?

Answer. I can only tell you what I have heard young men say there; perhaps it was mere bravado. I have heard them say that they wished to the Lord the United States would get into a war with France or England; they would know where they would be. I asked this question of some of them: If Robert E. Lee was restored to his old position in the army of the United States, and he should call on you to join him to fight for the United States and against a foreign enemy, what would you do? They replied, "Wherever old Bob would go we would go with him."

Question. Have you heard such remarks since the war is over, as that they wished the United States would get into a war with England and France?

Answer. Oh, yes, sir; such remarks are very common. I have heard men say, "May my right hand wither and my tongue cleave to the roof of my mouth if I ever lift my arm in favor of the United States."

Question. Did you ever hear such sentiments rebuked by bystanders?

Answer. No, sir; it would be very dangerous to do so.

Question. In your judgment, would it be the inclination of the mass of the people in North Carolina, in case of a foreign war, to join the enemies of the United States; would there be danger of that, do you think?

Answer. The officers who have been in the rebellion, and are of course disappointed at the result, might take service against the United States. But I think the mass of the people of North Carolina, the bone and sinew of the State, the quiet, well-behaved farmers, could not be got to do that thing.

Question. Suppose all pressure and constraint on the part of the government of the United States should be withdrawn from North Carolina, in such an event would or not the entire State go over to the enemy?

Answer. I cannot answer that question. I would not like to express an opinion on that subject. I know there is a hostile feeling of the most positive character, which manifests itself against all who were not true to the Confederate States up to the time of the surrender of General Johnston. There is a hostile feeling of a decided character against that kind of people; I mean people who had been disaffected to the confederate government. It is a feeling that will not allow a man to say anything, no matter what he may hear said against this government. It is as much as a man's life is worth to say any such thing.

Question. Under the present laws, and with the present courts in North Carolina, how much security is there for the commercial men of the north in the transaction of their business?

Answer. I reckon they would have no security at all just now, and as things are at present. At present there is in force a stay law that has been passed at the commencement of the rebellion. Still a northern man would be secure in his property in North Carolina.

Question. Take the case of a northern man who is a suitor before the courts for his rights, with a case that is to be tried before a jury; would he stand a fair chance against his opponent should his opponent be a rebel?

Answer. No chance at all for a citizen of the State, in my opinion, if he is obnoxious to the people politically. I think he would in a matter of mere business, where there was no political matter involved; that is, if he has not made himself very obnoxious to the people.

Question. In your opinion, would it be practicable in North Carolina to secure the conviction for treason of any of the leading rebels who have participated actively in the rebellion?

Answer. I do not believe it would be possible.

Question. Have you any idea that a jury of twelve men could be found in North Carolina who would convict a leading traitor of his crime?

Answer. I do not believe you could get twelve men in North Carolina to do it, outside of the Quakers and northern men there.

Question. I take it you must have mingled very freely with the people of North Carolina.

Answer. My profession has been such that I have had many opportunities to become acquainted with the people there. I have been with members of the legislature, and I have discussed the condition of affairs with the leading men of the State; I have gone through my county explaining to black and white the nature and object of the Freedmen's Bureau, and trying to reconcile both parties to it. I have also been prominent among them as a clergyman; and then in the time of war I was forced to be prominent from circumstances. This I do not say from any egotism; but my commission as colonel of a regiment was issued to me nearly at the same time a similar commission was given to Hon. L. O'B. Branch. I am personally acquainted with ex-Governor Vance and most of the leading men of the State.

Question. Is the Freedmen's Bureau acceptable to the great mass of the white people in North Carolina?

Answer. No, sir; I do not think it is; I think the most of the whites wish the bureau to be taken away.

Question. Why do they wish that?

Answer. They think that they can manage the negro for themselves: that they understand him better than northern men do. They say, "Let us understand what you want us to do with the negro—what you desire of us; lay down your conditions for our re-admission into the Union, and then we will know what we have to do, and if you will do that we will enact laws for the government of these negroes. They have lived among us, and they are all with us, and we can manage them better than you can." They think it is interfering with the rights of the State for a bureau, the agent and representative of the federal government, to overslaugh the State entirely, and interfere with the regulations and administration of justice before their courts.

Question. Is there generally a willingness on the part of the whites to allow the freedmen to enjoy the right of acquiring land and personal property?

Answer. I think they are very willing to let them do that, for this reason: to get rid of some portion of the taxes imposed upon their property by the government. For instance, a white man will agree to sell a negro some of his land on condition of his paying so much a year on it, promising to give him a deed of it when the whole payment is made, taking his note in the mean time. This relieves that much of the land from taxes to be paid by the

white man. All I am afraid of is, that the negro is too eager to go into this thing; that he will ruin himself, get himself into debt to the white man, and be forever bound to him for the debt and never get the land. I have often warned them to be careful what they did about these things.

Question. There is no repugnance on the part of the whites to the negro owning land and personal property?

Answer. I think not.

Question. Have they any objection to the legal establishment of the domestic relations among the blacks, such as the relation of husband and wife, of parent and child, and the securing by law to the negro the rights of those relations?

Answer. That is a matter of ridicule with the whites. They do not believe the negroes will ever respect those relations more than the brutes. I suppose I have married more than two hundred couples of negroes since the war, but the whites laugh at the very idea of the thing. Under the old laws a slave could not marry a free woman of color; it was made a penal offence in North Carolina for any one to perform such a marriage. But there was in my own family a slave who desired to marry a free woman of color, and I did what I conceived to be my duty, and married them, and I was presented to the grand jury for doing so, but the prosecuting attorney threw out the case and would not try it. In former times the officiating clergyman marrying slaves could not use the usual formula: "Whom God has joined together let no man put asunder;" you could not say, "According to the ordinance of God I pronounce you man and wife; you are no longer two but one." It was not legal for you to do so.

Question. What, in general, has been the treatment of the blacks by the whites since the close of hostilities?

Answer. It has not generally been of the kindest character, I must say that; I am compelled to say that.

Question. Have you witnessed any instances of cruelty and ill treatment of the blacks on the part of the whites?

Answer. I have.

Question. State one or two instances.

Answer. In relation to the supply of food, here is a piece of meat (the witness here produced and exhibited a piece of bacon) which was a man's allowance for an entire week. I had it weighed in my office when the skin was on it, and it weighed just four ounces. The case was brought to my notice, and I made his employer treat him better; but the better treatment was not continued. This was the case of a wealthy man who owned a hundred negroes.

Question. Was it in consequence of his own poverty that he put his laborers on that short allowance?

Answer. He said that it was; but the negroes pointed out to me that he had plenty of meat and plenty of cattle to kill for food.

Question. What, besides that meat, was allowed for a week's supply?

Answer. A half a peck of corn meal; that was all.

Question. Are you aware of any instance of personal ill treatment towards the blacks by the whites?

Answer. Yes, sir.

Question. Give some instances that have occurred since the war.

Answer. I knew a young woman, between nineteen and twenty years of age, a fine-looking girl, who was made by her former master to lie down flat on her face, while he beat her across her buttocks and over her private parts, he having first pulled up her clothes, leaving her person bare.

Question. What was the provocation, if any?

Answer. Something in regard to some work, which is generally the provocation.

Question. Was there no law in North Carolina at that time to punish such an outrage?

Answer. No, sir; only the regulations of the Freedmen's Bureau; we took cognizance of the case. In old times that was quite allowable; it is what was called "paddling."

Question. Did you deal with the master?

Answer. I immediately sent a letter to him to come to my office, but he did not come, and I have never seen him in regard to the matter since. I had no soldiers to enforce compliance, and I was obliged to let the matter drop.

Question. Have you any reason to suppose that such instances of cruelty are frequent in North Carolina at this time—instances of whipping and striking?

Answer. I think they are; it was only a few days before I left that a woman came there with her head all bandaged up, having been cut and bruised by her employer. They think nothing of striking them.

Question. And the negro has practically no redress?

Answer. Only what he can get from the Freedmen's Bureau.

Question. Can you say anything further in regard to the political condition of North Carolina—the feeling of the people towards the government of the United States?

Answer. I for one would not wish to be left there in the hands of those men; I could not live there just now. But perhaps my case is an isolated one from the position I was com

pelled to take in that State. I was persecuted, arrested, and they tried to get me into their service; they tried everything to accomplish their purpose, and of course I have rendered myself still more obnoxious by accepting an appointment under the Freedmen's Bureau. As for myself I would not be allowed to remain there. I do not want to be handed over to these people. I know it is utterly impossible for any man who was not true to the Confederate States up to the last moment of the existence of the confederacy, to expect any favor of these people as the State is constituted at present.

Question. Suppose the military pressure of the government of the United States should be withdrawn from North Carolina, would northern men and true Unionists be safe in that State?

Answer. A northern man going there would perhaps present nothing obnoxious to the people of the State. But men who were born there, who have been true to the Union, and who have fought against the rebellion, are worse off than northern men. And Governor Holden will never get any place from the people of North Carolina, not even a constable's place.

Question. Why not?

Answer. Because he identified himself with the Union movement all along after the first year of the rebellion. He has been a marked man; his printing office has been gutted, and his life has been threatened by the soldiers of the rebellion. He is killed there politically, and never will get anything from the people of North Carolina, as the right of suffrage exists there at present. I am afraid he would not get even the support of the negro, if they should be allowed to vote, because he did not stand right up for them as he should have done. In my opinion, he would have been a stronger man than ever if he had.

Question. Is it your opinion that the feelings of the great mass of the white people of North Carolina are unfriendly to the government of the United States?

Answer. Yes, sir, it is; they have no love for it. If you mean by loyalty, acquiescence in what has been accomplished, then they are all loyal; if you mean, on the other hand, that love and affection which a child has for its parent even after he brings the rod of correction upon him, then they have not that feeling. It may come in the course of time.

Question. Is it practicable, by any measure to be adopted by Congress, to secure the existence of that love and loyalty to the government of the United States on the part of the white people of North Carolina?

Answer. That is really a question which I am not prepared to answer. It is utterly impossible for me to answer the question, for the reason that I have not seen that appreciation of the course already adopted by the President and the government, in regard to those who have sinned against the government, which I think should have been shown by them. I will not say, at the same time, that it is not possible to pursue such a course as will make them truly loyal. Yet I cannot say that to pursue any given course will do so at the present time, for the course already pursued has not been responded to as I hoped and expected.

Question. In your judgment what effect has been produced by the liberality of the President in granting pardons and amnesties to rebels in that State—what effect upon the public mind?

Answer. On my oath I am bound to reply exactly as I believe; that is, that if President Johnson is ever a candidate for re-election, he will be supported by the southern States, particularly by North Carolina; but that his liberality to them has drawn them one whit closer to the government than before, I do not believe. It has drawn them to President Johnson personally, and to the democratic party, I suppose.

Question. Has that clemency had any appreciable effect in recovering the real love and affection of that people for the government?

Answer. No, sir; not for the government, considered apart from the person of the Executive.

Question. Has it had the contrary effect?

Answer. I am not prepared to answer that question, from the fact that they regard President Johnson as having done all this because he was a southern man, and not because he was an officer of the government. They think that while he stands by them all the time there is no danger; but they do not feel under any obligation to the government, except to him personally. That is the feeling, as far as I am conversant with matters and things in my State.

Question. And you derive this impression from daily conversation with the people?

Answer. Yes, sir; they feel perfectly secure. They say, "Johnson will make it all right."

Question. Were you ever arrested by the rebel military authorities during the war?

Answer. Yes, sir.

Question. By whose order?

Answer. By the order of Major General Whiting, commandant of the department of North Carolina, under orders from Richmond, as I understand. The following is a copy of the order:

"Lieutenant CHARLES J. WILLIAMS,
"*Commanding detachment at Fayetteville.*

"LIEUTENANT: The major general commanding directs that you immediately proceed to Lumberton, Robeson county, and arrest one James Sinclair, claiming to be a British sub-

ject, and being an enemy to our institutions and government; and when so arrested, you will forward him to these headquarters.

"By command of Major General Whiting.

"T. BROWN VENABLE,
"*Major and Assistant Adjutant General.*"

Question. Were you taken into custody under that order?

Answer. Yes, sir, and carried off about daylight in the morning from my home. It caused a death in my family by the shock it gave to my wife. I was not allowed even to bid her good-bye.

Question. How were you liberated from this arrest?

Answer. By the interposition of a writ of *habeas corpus*, when they found they could not take me out of the State without a trial.

Question. When was that?

Answer. On the 16th of December, 1863.

Question. What was the name of the judge discharging you?

Answer. Mr. R. S. French.

Question. Have you a copy of the affidavit upon which, as you understand, the order for your arrest was issued?

Answer. Yes, sir, it is as follows:

"STATE OF NORTH CAROLINA, *Robeson county:*

"Personally appeared before me, John A. Roland, clerk of the court of pleas and quarter sessions for the county of Robeson, Condary Godwin, who, having been duly sworn upon the Holy Evangelists of Almighty God, deposes and says: That on the 21st of May, 1863, or thereabouts, in the city of Raleigh, he heard James Sinclair say that he had been badly treated by the southern confederacy; that he could get on to Nassau on the pretence of seeing to land belonging to his children in his old country, and from Nassau he could get to New York; that he would explain to them the treatment he had received in the southern confederacy, and meet friends enough to get the command of a fleet, a brigade, or at least a regiment, when he would return and show some of his particular friends how it was to be ground down; that he knew all the paths and by-roads of this country. He repeated several times that he would do this before he would ever go into the service. He was then a conscript.

"Sworn to and subscribed before me, the 24th day of November, 1863.

"JOHN A. ROLAND, *Clerk.*
"C. GODWIN."

Question. And you suppose you were arrested on that affidavit?

Answer. Yes, sir, and upon another affidavit of the same character, which I have not with me; because neither Davis nor Seddon would let me go out of the country. For, certainly, if I had been let loose I could have contributed to the capture of North Carolina the sooner by a year than it was accomplished. And it would have been better for her if it had been done.

Question. What is the feeling of North Carolina in regard to the payment of the confederate debt?

Answer. There are a great many interested in it. Many of the orphans and the widows have put their all in those funds, and there is no doubt they would like to see that debt paid. But there are just about as many persons who are afraid to see it paid as there are of persons who want to see it paid.

Question. Would the people of the State have any real objection to the total repudiation of the rebel debt?

Answer. I do not think they would.

Question. What, on the other hand, is the feeling of the people there in regard to the payment of the national debt, contracted for the prosecution of the war?

Answer. Just like everything else connected with the overthrow of the confederacy—it is an accomplished fact and they have to submit.

Question. Will they willingly pay their share of the debt?

Answer. It will be just like this: when I send my child to get a switch with which I may correct him, he hates it very much; but he will go and get it. The people know they must pay it, and they submit; but they have no love at all for it.

Question. I suppose they have no objection to receiving and using the federal currency?

Answer. Not now; but it has only been of late that they have become willing to take it. In the interior of the State the people at first would not take greenbacks; they wanted gold and silver, because they said they were tired of seeing paper money. But that feeling is changing now—has changed.

Question. What can you say in regard to the destruction and loss of property in North Carolina during the rebellion?

Answer. There has been a great deal of property destroyed there.

Question. Have property-holders been very generally impoverished by the war?

Answer. Yes, sir; very much.

Question. What kind of personal property generally and chiefly has been destroyed?

Answer. Well, sir, a great many horses were taken by the confederate authorities; and then what the confederate authorities left General Sherman took pretty much when he came along. Indeed, the county was impoverished to a very considerable extent before the Union forces came. The government at Richmond sent down its authorized agents, who entered our smoke-houses, and, after allowing so many pounds each of meat for a man and his wife, and so much for the grown servants, allowing nothing for children, either white or black, they would take all the rest; and then, when the confederates evacuated the State, a great deal of cotton belonging to private individuals was destroyed by the army. When General Sherman came along his troops took what the confederates left, leaving nothing scarcely to support life.

Question. Have many dwelling-houses been destroyed?

Answer. Some have been, but not a great many. A great deal of the fencing has been destroyed; and the fact that there were no workmen to repair those fences, to protect the farms, rendered the poverty still deeper, because crops could not be made to advantage under the circumstances.

Question. What is the confederate currency worth there now?

Answer. Nothing.

Question. Not a rush?

Answer. No, sir.

Question. Is it used as currency any way?

Answer. Never. I can send you $5,000 of it, if you want it. It is worth nothing at all, and never expected to be.

Question. If it were practicable for the people of North Carolina to decide the question for themselves of repudiating the national debt contracted in the prosecution of this war, would they, or not, do so?

Answer. I believe they would repudiate it.

Question. In case a project should be started by any political party in the United States to repudiate and set aside that debt, and it should become a political issue, to be decided by the election of members to Congress, on which side of that question would the people of North Carolina be?

Answer. Well, sir, the people of North Carolina pride themselves on a high sense of honor. I think that they would consider themselves in honor bound to pay that debt; that is, if they once agree to do it. Still, I have no doubt there would be a majority in favor of not paying the debt should that ever become a political question. There would be a strong minority in favor of paying it, because, whatever the State of North Carolina promises she will perform, if she can. You will find that the character of the commercial man of North Carolina stands high with the merchants of the north. But she will never go one whit beyond what you compel her to do in regard to the negro. I believe, as things are at present in the State—I mean with the present state of feeling—I am convinced that North Carolina would certainly throw her whole weight with the party that would seek repudiation.

Question. Have you anything further to say in addition to the statement you have already made?

Answer. I would like to state, in regard to the action of my presbytery in saving me from the confederate conscription when the confederates tried to show that I was not a clergyman, I had asked leave to enter into secular business because I wanted nothing to do with the war. The presbytery gave me the following to protect me from being put into the ranks:

[Extract.]

"*Resolved*, That the Rev. James Sinclair, being conscripted by the Confederate States, is in regular standing in this Fayetteville Presbytery."

Then follows this certificate:

"A true extract from the minutes of the Presbytery of Fayetteville, at their session held at Pike church, New Hanover county, N. C., October 9, 1863.

"J. P. McPHERSON, *Stated Clerk*."

I took occasion last summer to write for a religious paper published at Pittsburg, taking the ground that nothing would protect and secure the true freedom of the negro, unless you give him the protection of the ballot. I took the ground, also, that slavery was cruel and relentless as the grave; that it never forgave and never forgot; and, that it sought always to subject to its powers and influence the minds and bodies of its victims; and that I had been persecuted by the church during the war. The presbytery instituted proceedings against me after I left there, on the ground that I did not leave regularly. They refused to dismiss me to the church north, because they did not recognize it, and forced me to go away without papers, and I suppose they will now proceed against me in an ecclesiastical way and depose me from the ministry, in order to incapacitate me from marrying, legally, according to the laws of North Carolina, those who may desire me to perform that ceremony for them; I have reference especially to the freedmen. Those very preachers are the most bitter secessionists we have in the country. If I have ever heard a presbyterian clergyman, since the close of the

war, pray for his excellency the President of the United States, I do not now recollect it. I believe they pray, so to speak, in a general way for "all in power and authority," but not particularly for "his excellency the President of the United States and both houses of Congress." There is nothing of that so far as I have heard. I speak particularly of the Presbyterians; I know nothing of the other churches. My church—the one now under my charge—consists of 97 members.

Question. Are they whites or blacks?

Answer. All blacks. I have 97 members in full communion, and there are some 300 or 400 more who adhere to the church, but are not in full communion with it. The presbytery may try to stop me in the exercise of my duties in marrying my people. The license to marry, under the laws of the State, runs in this way: "To any regularly ordained minister of the Gospel or justice of the peace." Now they may come in under their ecclesiastical laws and attempt to destroy my right, as a clergyman, to act under the above license.

Question. What proportion of your church members are able to read?

Answer. A large number of them. I have 26 in a Bible class that are able to read the Bible. Three of my elders, who are blacks, are able to read. There are old men who never knew what a letter was when I opened my Sabbath school, who are now spelling words of two or three syllables. I have had no teacher from the north. I have offered to board the teacher and get a school-house, but I have not been able to get one up to this time. We want teachers immediately. If we could get teachers to go into the interior portions of the State it would keep the negroes from coming into the towns for education. The negro dreams of it at night; his constant thirst is for education for his child; and he goes to towns and military posts for that purpose. I would rather give the negro education than the ballot, if he is to have but one. But if you are to hand us over to the wishes and powers and charities of a certain class of people, the Lord be merciful to us; I shall leave and go to the north.

Question. Suppose the negroes of North Carolina should be allowed to vote, how would the whites regard that?

Answer. I do not suppose there are 20 men in North Carolina who would not be opposed to it.

Question. What is your opinion of the general political effect in the State of allowing the negroes to vote? I do not mean all of them, but a portion of them—those the most fit for it. Would it tend to give strength to the government?

Answer. Of course it would; there is no doubt about that.

Question. Would it tend to give prosperity and stability to the affairs of the State?

Answer. It is my opinion that it would. I am an advocate of impartial suffrage; to make no distinction on account of race or color.

Question. Would there be any liability on the part of the blacks to be led away to vote for secessionists or secession leaders?

Answer. There would be no danger, for this reason; next to the Lord Jesus Christ, and with many negroes I am afraid a little higher, stands the name of President Lincoln. They are well aware of the existence and position of Sumner and such men. If candidates were put up to-morrow there for Congress, or for any other office, the negro would not go to his old master to inquire about them, but they would come to me, or to you, or some northern man upon whom they could depend.

Question. Suppose his old master should go to him and ask him to vote?

Answer. They would laugh at him. Long before the war they had got so they would not believe a word their masters said on some things. The reason the Presbyterian ministers are so down upon me is, that not one of the negroes who formerly attended their churches will go to them now. But they will go and hear me, or any northern minister, and they would come to us and ask us about their papers, or anything else that they desired to understand. Any northern man in whom they have confidence can control them. If you confer universal suffrage upon them, I would like to have it that they should give their votes *viva voce*, in order that there might be no danger of changing their tickets by dishonest persons.

Question. Would not their votes in such case be influenced by fear of their masters?

Answer. Not at all.

Question. Would they have resolution enough to go against their old master's wishes?

Answer. Yes, sir; their old masters have not one particle of influence over them now; that is all gone. I have here a paper showing the position of my church in North Carolina, in 1864, in regard to the simple question of legalizing in a *quasi* manner the marriage relation among the negroes, and allowing them the privilege of reading the Bible.

Question. This was during the rebellion?

Answer. Yes, sir; one year prior to the breaking up of the rebellion. This is the paper: "Whereas an address was presented to the last general assembly on the subject of slavery, and the duties growing out of the relation, which address was committed to the committee to report to the general assembly with instructions that the report to be submitted be printed in advance of the meeting of the said assembly for the use of the members;

"And whereas said address has been presented to the churches through the Southern Presbyterian Review as the forthcoming report of said committee: Therefore,

"*Resolved*, That this presbytery do and cannot approve of the deliverance made in said address, and hereby instruct their commissioners to oppose the adoption of said address or any other document looking to or contemplating any radical change in the laws, civil or ecclesiastical, which at present regulate our domestic institutions."

That was adopted on April 1, 1864.

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WASHINGTON, *January* 30, 1866.

Lieutenant George O. Sanderson sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Boston, Massachusetts.

Question. Are you a citizen of Massachusetts?

Answer. Yes, sir; a native of Vermont.

Question. Have you been engaged in the civil war?

Answer. Yes, sir.

Question. In what capacity?

Answer. First as sergeant; last as lieutenant.

Question. Where did you serve?

Answer. In North Carolina.

Question. Exclusively?

Answer. Entirely; I was, however, a few days in Virginia in front of Petersburg.

Question. Since the close of hostilities, what has been your occupation?

Answer. I have been travelling around North Carolina, looking for a place to settle.

Question. How much of your time have you spent in North Carolina since the beginning of the war?

Answer. A little over three years, up to November, 1865.

Question. Where have you chiefly stopped?

Answer. At Newbern, Roanoke island, Wilmington, and Raleigh.

Question. Have you during that time mingled much with the people of North Carolina so as to become acquainted with their feelings towards the government of the United States?

Answer. I have considerably. For nearly two years I acted as superintendent of the contraband colony of Roanoke island, in North Carolina.

Question. What is the state of feeling among the whites of North Carolina towards the government of the United States?

Answer. The ruling feeling of four-fifths or three-fourths of the whites is against it as much as ever—the real bottom feeling of their souls.

Question. By the expression "against it" do you mean to be understood as saying that they are unfriendly towards it, or discontented towards it?

Answer. They are so, and I think they would throw every obstacle in the way of carrying out its laws, if they could, without rendering themselves liable to punishment.

Question. In what class of society there do you find this unfriendly feeling most prevalent?

Answer. It is among the land owners, the country people, as we should term them.

Question. What leading reason do they give for this feeling, if they give any?

Answer. They give no definite reasons for it—at least they have not to me, further than the taking away of their property, meaning their slaves, and a disposition, as they think, to oppress them in that manner and render them poor, as they say.

Question. Have you noticed since the close of hostilities any particular demonstration of that feeling on the part of the people; if so, where, and what was it?

Answer. The particular demonstrations that I have noticed were a refusal to recognize the condition of the former slaves as freedmen, and a disposition to oppress them by combining and stating to them that they intended, as soon as the power was in their hands again, as soon as they were readmitted, and the military force was withdrawn from their borders, to put the wages of the freedmen down to thirty-seven and a half cents a day, and to make it worse for them, as they expressed it, than before they were freed; that is, to make their freedom of no avail to them.

Question. Have you heard expressions of that kind from the planters?

Answer. I have repeatedly. I was told by several planters that they had decided, and it was an understood thing among them, that the moment the military force was withdrawn and they had the power again, that they would not pay any of the freed slaves over thirty-seven and a half cents a day. They said to me, "You wish to come down here and buy a place and settle. You have great popularity among these people; they recognize you as their friend, and your popularity is equal in value to you to a hundred slaves, if you owned them. You can hire any quantity of them, and as soon as we get the power we will put the price down, so that it will cost you less than if you boarded and kept them as your property. So they will be of more value to you than they were before."

Question. What do the lower and poorer class of white people there say on the subject?

Answer. The confederate soldiers, in fact all of the poorer classes that were not Union all through the war, seem to feel bitter towards the free class on account of their being raised to an equality with them. They say that they will drive them out of the country; they will not have them there—they will not live side by side with them.

Question. Where do they propose to drive them to?

Answer. They say they will send them to hell; that is the expression they use.

Question. According to your observation, what is the extent of this dislike and hostility on the part of the poorer class of whites towards the freedmen?

Answer. In the section which I have visited particularly, and made myself acquainted with this matter, as I naturally wished to, before casting my lot in with them, I should say that about one-half of the poorer class held this sentiment towards the freed people.

Question. Do you think that that feeling is increasing or decreasing among that class?

Answer. It is showing itself more and more publicly since the hopes of getting back into the Union and getting the control of that matter into their own hands. I do not know that they have that feeling any more than they had before, but its demonstration is more apparent.

Question. Suppose the military force should be withdrawn entirely from North Carolina, and the community there should regard their former slaves as now emancipated, what, according to your judgment, would be the general treatment of these people on the part of the State, as evidenced by its laws towards the freedmen?

Answer. There would, in my judgment, be no hope of the freedmen's exercising any of his rights. He would have no chance in a court; he would have no chance anywhere. His condition would be, in my opinion, worse than it was before, from the fact that before, his master was obliged to take care of his health and to provide him food and raiment, and now he would not be obliged to do that; consequently the physicians would not attend a case of sickness among the freed people without the cash in hand; and as they could not pay, they would suffer for lack of attention, and the mortality would be increased to a frightful extent. He would not be allowed to testify in court; he could not enforce contracts if he made them, and no jury that could be impanelled would give a verdict in his favor. His condition would be deplorable, in my opinion.

Question. Do you suppose that the voice of the people of the State as expressed in their legislature would extend to the freed negro the right to hold real estate and enjoy it, as well as personal property, and to testify as a witness in court?

Answer. They would not; I am very confident that they would not be permitted to enjoy either one of those privileges, holding real estate or testifying in court.

Question. Would they preclude the negro from his marital rights as a husband and a father?

Answer. They would not respect those rights. I do not know that they would be able to pass any law to prevent the exercise of them, but if a white man saw fit to invade those rights no redress could be had by the freedman.

Question. State whether the former free negroes of North Carolina have among themselves much property, real or personal.

Answer. I know of some few instances where former free negroes have property of their own, real and personal, but not to any great extent. For the most part they were in fully as bad a condition as the slave; they had but very few rights allowed them.

Question. But they could hold property in North Carolina?

Answer. They could hold property. I have heard those that were free before the war, express the sentiment that they were not so well off—had not so good a chance as the slaves. They said, in case of any collision betwixt the free negro and the slave the white man always protected his property, and always visited, whether wrong or not, his vengeance on the free man. It was to prevent the free men from injuring their property as we would prevent a man from injuring our horse. The chance of justice in that matter was against them. The whites were all against them and in favor of their own property and they felt that they did not stand in so good a position in that respect as the slaves did before the war.

Question. What can you say of the general intelligence of the black race of North Carolina?

Answer. Well, it is at a very low standard; but considering the circumstances under which they have existed for the last two hundred years, they compare very favorably with the whites. I really think that the energy and industry of the black race is greater than that of the so-called poor whites. The blacks have a hope of bettering their condition, an incentive to work up from it, which the low whites seem to have lost. I have found them more willing to work, more willing to save, and to attempt to get ahead

Question. Can many of the blacks read and write?

Answer. Not many; a few.

Question. What is their disposition in regard to schools and education?

Answer. They are very anxious to learn, and where they have been able to have these privileges they have learned very readily. I think they compare favorably with the whites in that respect; and they have an exceeding anxiety to get their children to school. They will sacrifice and do almost anything for that purpose, and even to learn themselves, and the children are willing and anxious to go to school.

Question. What can you say in regard to the religious feeling of the blacks?

Answer. They seem to have a religious feeling, but it is all emotional; it does not govern their every-day life. They do not carry out their religious feelings into their every-day practice. They seem to have an instinctive, emotional religious feeling, which prompts them at certain times to manifest, in their way, acts of devotion or worship; but they do not seem to get the idea that this feeling which they manifest should be carried into their every-day action, because I have seen them go right from their churches, where they have been manifesting apparently the deepest religious feeling, and commit theft on the way home. They do not seem to connect the two very well.

Question. Do they pilfer a great deal?

Answer. Yes, they do; but it is no more than could be expected from their training and education. I do not think, actually, that they do it so much as should be expected from the circumstances in which they have been placed. I do not think that innately they have any such disposition more than any other class.

Question. Does this proclivity to pilfer arise from a malicious temper on their part—an inclination to do wrong to the neighbor—or does it rather arise from their ignorance and the long habits of slavery which exist among them and the total absence of the right of property?

Answer. There does not seem to be any malicious disposition, any mischievous or malicious wish to destroy a man's property when it would not do them any good. When they pilfer, it is something that they see and covet and wish for their own use, mostly eatables and wearing apparel. But to go and destroy a man's crops, out of malice or mischief, I never knew an instance, and I have had some 3,500 of them in my charge for eighteen months.

Question. How do the negroes there feel towards the government of the United States themselves?

Answer. They are thoroughly loyal.

Question. Did you ever see a negro who was a rebel at heart, thoroughly attached to the cause of the rebellion?

Answer. I never knew an instance, nor heard of one.

Question. What amount of intelligence did you find among the negroes in North Carolina respecting the causes of this civil war and its objects?

Answer. They seemed to have an understanding that it was a war for their liberation: that the cause of the war was their being in slavery, and that the aim and result would be their freedom. Further than that they did not seem to have any idea of it.

Question. How extensive was this feeling of theirs? Was it a general feeling among all classes of negroes?

Answer. It was.

Question. Did you become aware of the existence of any secret association or societies among the negroes, having in view the giving of aid and comfort to the Union cause during the war?

Answer. I was not aware of any organized society. There did not seem to be any organized society there. There did not seem to be any need of any; wherever a negro was found he was sure to be a friend.

Question. How did they get this information—this conjecture that the war was carried on to liberate them?

Answer. That was a wonder to me, and is to this day. It seemed to pass, as intelligence will, in the strangest manner, from one to another quickly. I do not know how. If there was any preconcert among them I was not aware of it. I do not think there was. But it was a thing that interested them very much, and if one met another in the neighborhood he was sure to communicate it, and so it passed from one to another with unaccountable speed. I heard one of the negroes say that he was planting in the field, and he heard a gun from a gunboat. Said his master, who stood beside him, "Sam, what's that?" "Don't know, masser, don't know." As soon as his master turned around the negro said to himself, "Bless de Lord, 'tis the Linkum gunboat." He seemed to have an idea that that sound was the signal of freedom to him, but he did not dare, as he said, to let his master know that he knew what it was. Still, all the time he felt that if he could get where that gun was fired he was a free man; but he did not give any particular reason why or how he got the idea, and I do not know that I asked him.

Question. What can you say of the disposition of the white people in that State towards the freedmen who are out of employment as vagrants, making vagrancy penal?

Answer. I think it is their intention to do so; to pass laws, as soon as they have the control in their hands, or re-enact or put in force their old laws, not allowing a contraband to stay in any section over such a length of time without work; if he does, to seize him and sell him. In fac, tthat is done now in the county of Gates, North Carolina. The county police, organized under orders from headquarters, did enforce that law on a person who had employment in Portsmouth and was earning her own living, who went out to get her own children. She was seized before she had been there two days; her children refused to her, and under the vagrant act she was set to work on the old plantation without pay, simply for her board and clothes, as a slave. I found also at the same place a whole plantation of forty or fifty hands that the owner said were not free, maintaining the point that they were not, and refusing to let them go. And the county police did not act in the matter; they let him maintain his position.

Question. Have you conversed much with leading, intelligent citizens of North Carolina on this subject of vagrancy?

Answer. Not much. I do not know exactly what you mean by leading, intelligent men.

Question. I will develop the idea. The slaves becoming free are, of course, left entirely destitute of property, real or personal, destitute of house and home, and of all the implements of agriculture. Now, what do leading, intelligent men in that State say in reference to the people thus situated? Would they treat them as vagrants, and punish them for being out of employment and destitute of the means of gaining a livelihood in the midst of that community? What sort of reply would they make to such a suggestion?

Answer. They would say that every one of those persons not employed earning his own living would be treated as a vagrant; that every person that is not at work, or has not some fixed means of earning his living, remaining in a place five days without such employment, would be treated as a vagrant.

Question. Is that feeling generally entertained by the planters towards the black men?

Answer. It is wherever I have been. I speak of the planters; it is not so much so around the cities I find.

Question. Do the planters see no injustice, no cruelty in thus treating the freedmen, who are destitute of all property, all means of livelihood, and of home?

Answer. They do not express any such feeling; they do not seem to entertain it.

Question. Would they, under these circumstances, generally, receive the freedmen into their employment upon any other terms than their own—such as they themselves should prescribe to the negro?

Answer. They would not unless there is some power which compels them.

Question. If there were no such power, what would be the result in regard to the colored race?

Answer. Able-bodied men and women would obtain employment; those who were not able to earn their own living would be left to live in the best way they could. I will tell you an instance which illustrates that precisely. I was sent down to Sampson county to organize the police force. While there a contraband piloted me around to where about fifteen of our captured soldiers were taken out and shot, and were unburied—their bones being above the ground. We went out to bury them, and this contraband was there. When we came back he plead to come with us. He said he was known to have come around with me to the place, and he would not live three days after the soldiers left. I said our orders were strict not to let one of them follow, but, under the circumstances, said I, "You can follow, but do not come into Goldsboro' with the troops; come in behind." He wanted to get his old mother, a woman of eighty-five years, away. I did not dare to take her on the government teams, as it was against orders, and I told him I could not. The owner said if he left he should turn her out of doors. I told him it would be unjust, as she had worked for him all her life, and he had had all her service. "But," said he, "I am not obliged to keep her!" And he actually did turn her out of doors, and she followed us for five miles, and then had to sit down on the road and we had to leave her. Her son did not dare go back for fear of his life. He would have been killed, quite probably, for just piloting us around to the place where the bones of our murdered soldiers lay.

Question. This was after the close of hostilities?

Answer. Yes, sir; some time between the 10th and 20th of May, 1865, and when they were organizing a police force near Goldsboro'. Perhaps you can get an idea of the disposition manifested by this instance which I will relate: One of the leading men of the town—I think he was county judge, or had some connexion with the courts—came to my quarters one morning and said: "Lieutenant, what am I to stand from these freed people? I suppose you call them free. What insults am I obliged to suffer? I am in a perfect fever." I told him I saw he was, and asked him what he complained of? If there was anything wrong I would right it. "Well," said he, "one of these infernal niggers came along as I sat on my piazza this morning and bowed to me, and said good morning—one of your soldiers!" Said I, "If my soldiers don't do anything worse than politely bowing to you as they pass, I shall not punish them; you will have to submit." This man said that his people were never allowed to speak to him unless they were first spoken to, and he never was obliged to submit to the indignity of a black man coming along and speaking to him first.

Question. Do you think of any other instances?

Answer. Well, there are hundreds. I do not recollect particularly.

Question. State, in general terms, what are the feelings of the whites towards the blacks—whether they easily take offence.

Answer. Oh, they never permit any approach to equality on the part of the blacks—not even now. They consider them an inferior race, and they will not allow anything like equality. Another instance: While down in Hyde, Washington county—I was sent down there to arrest a man who had kidnapped a free man from the government employ and sold him over the line as a slave—stopping at the house of the captain of police for that county, I halted my detachment in the road, and went up to the house to speak to the captain about this matter and get his assistance. It was a very hot day; my men had marched a great dis-

tance, and a couple of them went up to the back stoop of the house to a wooden pail which sat there, with a wooden dipper in it, and took the dipper and drank some water. All at once I saw a rush from the house; the captain's wife or daughter seized the pail and threw it, dipper and all, into the street, and said: "Lieutenant, do you allow anything like that?—allow your men to come here and drink out of our water-pail?" Said I, "The men are very tired and thirsty, and they need some water." Well, she said she never used a pail that a colored man used; she wanted me to understand that she was not reduced so low as that, and wanted me to order the men out of the yard. I told the men to go back to the lines. I did not want to have any trouble with them, but the matter was taken up, and it was considered a very gross outrage that I had permitted my men to do. The wooden bucket was not in the house, but simply in a back stoop.

Question. Did not your conscience prick you for ordering the men back to the lines?

Answer. Yes, sir; I was very much vexed, and I had to come pretty near shooting one of my men to make them submit to the discipline. And I was mad enough to have turned the pistol muzzle the other way. Still, I was placed in a position where I must get along as easy as I could, as I was under strict orders. The men were very much incensed at it, and almost rebelled, but I ordered them back. They wanted to go through the house, but the war was over, and this man was captain of the police of that county.

Question. The forces under your command were colored?

Answer. Yes, sir; belonged to the first colored regiment of the District of Columbia.

Question. Do you think of any other instance?

Answer Well, perhaps not so marked as this, but any quantity of that disposition manifested a spirit of refusing them anything like equality or common-sense rights either.

Question. Is there any other statement which you wish to make?

Answer. Well, I do wish to state that the bureau in the State of North Carolina is a farce, unless better supported by the military power or some other. I will state why. At Elizabeth City, some time after Christmas, a party of white citizens attacked the house of a colored man, beat him very badly, fired at his wife, the ball passing through her dress at her waist, and broke their things all to pieces. They nearly killed the man, and fired a shot intending to kill the woman. There was a party of military out there from a Michigan regiment, and they asked the bureau agent to order these men's arrest—the negroes said they could swear to them—and he told the officer that had charge of the military that he did not dare to order their arrest; his life, he said, would not be worth having, as the military were going away in a day or two, and he would be left there alone. For that reason the lieutenant commanding the troops said he did not arrest the parties although they were known and could be identified. The lieutenant was willing to arrest them and bring them down for trial.

Question. Do you remember the name of the lieutenant?

Answer. I do not; he belonged to the 14th North Carolina colored. I had this from the lieutenant commanding the troops. I do not know as I ought to state this under oath.

Question. Anything else?

Answer. In other instances they admitted that they did not dare to interfere against whites in favor of the blacks, for fear of violence on the part of the whites.

Question. Did you make any purchases of land in North Carolina?

Answer. Only a couple of hundred acres, which I have left—entirely given it up as a lost purchase.

Question. Why?

Answer. From the fact that I had become obnoxious to the white inhabitants for the rigidity with which I enforced the regulations in regard to the contrabands. They stated to me that they would not have me around there. I was not frightened out of it, but it was not very valuable land, and I did not choose to go down there and take the risk of it.

Question. Would it be safe, in your opinion, for emigrants from the north to go down and attempt to settle in North Carolina?

Answer. They might not be personally injured, but I have heard there repeatedly that any northern man coming down there to settle, his cattle would be poisoned, his hogs killed, and any improvements he made destroyed. An instance of this kind occurred in this same Sampson county. There were some fifteen or twenty guerillas hanging about after the war closed. They were Arkansas men. They were stealing horses and cattle, and committing ravages on the white Union inhabitants. I took my troops and hunted them out of the district. I had infantry, and they were mounted, but I ambushed the bridges and drove them out. We captured two of the men and got several of their horses. Whilst doing this I called at a very rich planter's house—a widow, who had several nieces. In the course of the conversation I asked them, in a joking way, how they would like to have a northern man come down and marry the widow and carry on the plantation. They all spoke up at once that no northern man would ever be permitted to come down there; his life would not be worth a cent that ever undertook to settle in that section. Of course, all do not have these views, but there are enough who do hold them to render it very unsafe for northern settlers there.

Question. Suppose a settler should go down and shoot a few of them by way of returning the compliment?

Answer. Then ensues civil war again.

Question. Would they rush to arms in such a case?

Answer. They might not openly, but it would be a guerilla fight, a bush fight. And I am satisfied it will be if the States come back. The war will only be carried on in another form. If once in the House and Senate they get anything like a majority, they will carry the war home, and will be as aggressive as ever on northern interests; will do anything to get the preponderance and keep it. That is the disposition which they openly admit to me. If northern men come down and settle, they will destroy their cattle and injure them, or even take their lives. In a great many instances they are willing enough now to get northern men among them and get their money for the land; but the moment they get the power they will drive them out by this system. I believe so—so much so, that I decline to go down there myself. I have been on foot hundreds of miles in the State, travelling around and stopping at houses, investigating this matter for my own benefit.

Question. How extensive do you find this robbing feeling? Does it pervade the State?

Answer. All sections of the State that I have been in. They say in the western part of the State among the mountains there is more Union feeling.

Question. Is this disposition to violence countenanced by the better class?

Answer. Encouraged by the large planters. I have had arguments like this with them: In endeavoring to buy land where I found a man with seven or eight hundred acres, I would say to him, "Why don't you sell to some northern man, or some Englishman, Swede or German, a hundred acres of this land, and let him own it; then he will go to work and improve it, plant trees, build him a little nicer house, and that will make the next hundred acres worth more, because the purchaser of the adjoining hundred acres prefers to have such a neighbor." But no, they say, "We won't sell this land; we don't want to part with the fee; we want to get tenants on it." And they argue that England's great prosperity has been caused by tenantry. That is what they want to get these Germans, Swedes and Swiss, so as to supersede black labor. They want to drive off the blacks from their farms, and have a tenantry like the English. Hence, they refuse to sell a foot. There are lands offered for sale, but they are not worth owning. In most instances, I would not take them as a gift. The best land is held closer than in any place on earth that ever I tread on. Hyde county contains some of the best corn land, but you can't get a foot of anything but swamp land there.

Question. What price do they put on it?

Answer. They pretend to call their best land worth one hundred dollars an acre, if cultivated: uncultivated, twenty five dollars. Washington and Pasquotank counties contain good lands.

Question. Do you think of anything else?

Answer. There is one other thing: In the appointments for this bureau they do not select right men. I stopped at Norfolk, Virginia. By accident I was at the same boarding house with the agent of the bureau. I was there two nights. Both nights he came home drunk.

Question. What was his name?

Answer. Arnold. He borrowed a dollar of me to go to a masked ball, and came home so drunk that he could not pay me before I came away.

Question. What post does he hold?

Answer. One of the agents of the bureau. I felt that they were disgracing the government.

Question. Didn't you report him at once to General Howard?

Answer. I have not been to General Howard's yet. I do not know where his quarters are.

Question. Do you find such habits prevailing among the agents of the bureau?

Answer. The other agent at Roanoke island I have seen so drunk that he did not know where he was.

Question. What is his name?

Answer. Gosling—captain and assistant quartermaster.

Question. Do you think of anything else?

Answer. I cannot swear positively to the fact, but I have seen the rations at Roanoke island in the ration house, and I have seen part of them in the store, and I have seen the "U. S." on the barrel scraped off and marked over with some other name. I have seen flour the same way.

Question. Was this peculation committed by the agent of the bureau, or with his knowledge, consent, or connivance?

Answer. It was with the knowledge and connivance of every one connected with the post—captain, clerks, commissary, and merchants. They are all engaged in it at Roanoke island.

Question. These rations were intended for the freedmen?

Answer. Yes, sir; drawn by them. I have a letter now in my pocket which a contraband on the island asked me to take off the island and put in the post office somewhere else, as he cannot get one to General Howard through the military post office on the island. I took it. In that he states these facts—I suppose what he knows in regard to the rations being sold. And the contrabands on the island are actually suffering to day for want of food. I was in their houses. I have seen a woman who said she was two days without food within three weeks. She had a ration ticket, but could not get anything from the ration house. She was t work spinning at 11 o'clock at night by the fire-light to get something to eat. The whole

object seems to be at present out there to drive them back into the employ of their masters—at any rate, to get them off from the government as fast as they can. It is very laudable to do so as fast as they can support themselves, but I do not believe in making them suffer.

Question. I advise you to make these facts known at once to General Howard, in order that a remedy may be applied.

Answer. My only objection to that is, that it is rather an informal way of approaching him—although it might not be, as I am not in the service. In fact, it is impossible to get it to him where they are all concerned for themselves. I do not know what credit he would attach to my statements.

Question. Are you a man of education?

Answer. Nothing more than a common school education.

Question. What is your business? Are you engaged in Boston?

Answer. I am going home to Boston now.

Question. Are you in business there of any kind?

Answer. No, sir; I am seeking for employment in some way or other. I had thought of applying for employment in this bureau, but it has been so long that I have given up the idea.

Question. How old are you?

Answer. 39 years old.

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WASHINGTON, D. C., *February* 3, 1866.

Colonel E. Whittlesey sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. My residence is Brunswick, Maine. I am now assistant commissioner in the Freedmen's Bureau for North Carolina, with headquarters at Raleigh. My rank is colonel of the 46th United States colored troops.

Question. Where have you been on duty recently?

Answer. I have been on duty since about the 21st of June last at Raleigh, North Carolina.

Question. Have you mingled much among the rebel people of North Carolina since you have been there?

Answer. To some extent. I have met a good many of them at my office, and I have travelled to the principal points in the State, especially in the eastern part of the State.

Question. What is the state of feeling on their part towards the government of the United States generally?

Answer. Generally, I think, the feeling cannot be said to be kind or favorable towards the government; and yet a good many of the people are disposed to welcome back the old government over them.

Question. If they had another opportunity, would they not endeavor to throw it off?

Answer. I think they would want to be very certain of success before they would attempt it.

Question. Suppose they were morally certain of success?

Answer. If they were sure of success, I think the majority would endeavor to throw it off. Of course, that is only an opinion.

Question. What effect has President Johnson's liberal policy in granting pardons and amnesties to rebels had upon their hearts and feelings? Has it increased or diminished their respect for the government of the United States?

Answer. I do not think it has increased their respect for the government. It has increased their expectations, and therefore the check that has been put upon them by the refusal of Congress to receive their representatives has excited a great deal of bitterness. It would not have excited that feeling at first, I think. When hostilities ceased they expected nothing from the government. They felt they were entirely in the hands of the United States government, and they seemed ready to submit to whatever the government might be disposed to do with them; but, after receiving a great deal of liberality, they began to think that they had a right to receive everything and to demand more.

Question. How do they treat loyal persons who go to visit them from the loyal States?

Answer. I have not known of any being treated with violence. They treat them with a good deal of indifference. There is no social visiting at all between the two classes. They do not invite northern people to visit them.

Question. Since you have been at Raleigh have you been invited into respectable rebel families?

Answer. In two instances only during the six months that I have been there. The provisional governor (Governor Holden) has invited me to his house since he was superseded. I never was invited to his house while he was in office. I called upon him whenever there

was anything of importance to consult with him about in my department, at his office—never at his house.

Question. You are a man of education?

Answer. Yes, sir. I am a graduate of Yale College, and at the time the war broke out was a professor at Bowdoin College, Maine.

Question. Is that well known at Raleigh?

Answer. I think it must be. The first man who invited me to his house was Dr. Skinner, pastor of the Baptist church. He knew my literary and social position very well.

Question. How do they accept the emancipation of their slaves?

Answer. With a pretty good grace. They accept it as a necessity.

Question. Suppose they had the power over the negro that they once had, and there were no Union troops in that State, and no Freedmen's Bureau, what would they do with the blacks?

Answer. I think they would re-establish slavery just as it was before, if there was no fear of any evil consequences from the government or from the people of other States. If not that, they would enact laws which would make the blacks virtually slaves. I have no doubt of that.

Question. They would pass vagrant acts and treat them as vagabonds?

Answer. Yes.

Question. In case of war between the United States and France or England, what would be the inclination of the masses of the rebel community in North Carolina in reference to the government of the United States?

Answer. My impression is that the great mass of the people would sustain the government. They feel bitter towards France and England—more so than they do towards the United States.

Question. Would they furnish volunteers to defend the government in such a case, and to prosecute the war?

Answer. From all I have observed I think they would.

Question. Have you reason to believe that the purpose of southern independence is very generally entertained still among the leading rebel people of North Carolina?

Answer. No, sir. From all that I can see I think it is abandoned generally as a hopeless thing.

Question. What extent of true loyalty, as we understand it, exists in North Carolina?

Answer. Very little, as we understand it. There is a good deal of professed loyalty.

Question. How do they generally feel towards the black people?

Answer. I think a majority of the people are willing to treat them with justice—that is, they are willing to let them alone, to a certain extent; to let them take care of themselves. I should say that from three-fourths to four-fifths of the people were willing to treat the blacks with some degree of fairness, as far as they know how to do it.

Question. Would they freely consent that the negro should have the right of holding, owning, and using real estate?

Answer. Perhaps it would be overstating the matter to say that a majority would freely consent to that; but there is nothing in the old laws of North Carolina to prevent free negroes holding real estate, and, unless they change the legislation, there is nothing in the way of negroes obtaining possession of real estate.

Question. What can you say in relation to the negro's love of labor? Is he inclined to work for fair wages, or is he, generally, an idler and a shirk?

Answer. I think that there is no more industrious class of people anywhere than the negroes of North Carolina when they have proper inducements held out to them. The idleness that has been witnessed during the last season was due in a great measure to the disturbed state of the community and to the uncertainty in their minds (an uncertainty very well founded, too) whether they would receive any pay at all for their work. I have heard no complaints of idleness or shirking in places where I have known that they were receiving fair and prompt payment for their work.

Question. Are the whites generally willing to give them fair wages?

Answer. Yes, sir. I think they are, where they have the means. The great difficulty so far has been that they have not had money to pay them, and have been obliged to make some other arrangement, which left a settlement to be made for their work at some future time. Even for this year they are obliged to resort to some arrangement for a division of crops, which is a very unsatisfactory one always with free negroes. Where employers can pay cash by the month or by the week, they have no difficulty at all in getting laborers.

Question. Is there great poverty among the blacks? Does beggary prevail among them to any extent?

Answer. No, sir, not to a great extent. We have at certain places large communities of blacks who have been gathering during the entire war on the coast—places of refuge from the interior—where they came within our lines. At those points the men have enlisted in the army, and left a large number of women and children dependent upon the government for support. These principal points are Roanoke island and Newbern and vicinity. In all the rest of the State we have not more than five or six hundred who are receiving rations and support from the government.

Question. Do the whites appear to encourage or discourage education among the blacks?

Answer. Neither, to any great extent. They appear, generally, indifferent on the subject. I have often put the question to gentlemen who have come into my office, "What do you say about establishing a school on your farm?" The very general reply is, "We have not thought of such a thing. It is a matter that we never have taken into consideration—the education of the blacks." In some instances they say they have no objection to a school if a teacher can be found, and if such arrangement can be made as not to interrupt the work of the farm. There is some real opposition to it. A single fact will illustrate that: At Elizabeth City, during the early part of January, a party of white men burned down an old church that was being fitted up for the freedmen's school-house. That is the only instance of the burning of a building that was being prepared for a school-house that I know of in the State. But when I try to get buildings—to rent or purchase for that purpose with any funds that may be intrusted to me by the Freedman's Aid Societies—I find it very difficult to get possession of proper places for schools when it is known that the buildings are to be used for that purpose.

Question. Are the teachers of colored schools treated respectfully among them?

Answer. They are not very often insulted in any way, but they are entirely passed by, and looked upon with contempt: that is very certain.

Question. They are not received into respectable society?

Answer. Not at all. They are never invited into any one's house. I never have known yet an instance of it, unless it may be at Newbern, where there are a good many northern people; but I presume your question applies only to southern people. When the teachers first went to Raleigh I sent a gentleman all over town to try and find a boarding-place for them, and it was utterly impossible to find a place for them in a private family, although there were many private families anxious to get boarders, in order to get the means of support. When it was frankly stated to them that these were young ladies from the north, who were there for the purpose of teaching colored schools, they turned their backs upon them.

Question. How much capacity has the negro to acquire education?

Answer. I cannot see any difference, in that respect, between the black children and white children at the north.

Question. How extensive has been your observation on that subject?

Answer. I have visited very frequently the schools at Raleigh, where my headquarters are; and when I go to Newbern, as I do once in a month or two, I spend what time I can spare in looking through the schools. My observation has not been so extensive as I wish it had been, in order to answer the question intelligently. But I have been a school-teacher and school committee-man a good many years in Maine, and am capable of judging pretty quickly as to how a school is getting on. I have been gratified to see that they have been making such great progress in Newbern. The schools there have been established nearly three years, and of course they have made much further advances than in Raleigh or Wilmington—places that were only occupied by our troops last spring. In Newbern there are classes in the advanced rules of arithmetic, studying and reciting geography and grammar, working out problems on the black-board, drawing maps, and going through the various exercises of the school, just as they would in any good school in New England—seeming to understand what they are about.

Question. Do they appear to be indifferent to learning?

Answer. No, sir, quite the opposite; they are very eager to learn. I attributed that, at first, to the novelty of the thing—to their being permitted to do what had been always heretofore prohibited to them; but their zeal and interest hold out so well that I am constrained to believe that it is due to a higher motive than a mere love of novelty. The older people avail themselves of evening schools. Men, grayheaded and wearing spectacles, and women, go in and learn to read, paying for the privilege out of their scanty earnings. The evening schools are generally established upon that principle.

Question. How are they in regard to religion? Do the blacks appear to be a religious people?

Answer. Yes, sir; they are peculiarly so. They are an emotional people, as you know, and are very fond of getting together, singing their religious songs, and listening to addresses, either from men of their own race or others; it does not matter. But I can say that they are sadly in need of religious instruction; their ideas are very crude, indeed. But they are a people very easily influenced and trained, under proper religious instruction, I think.

Question. Have you any knowledge of their character as soldiers?

Answer. No, sir. I have never seen a regiment of colored soldiers in action. I have seen them on drill, and going through the various duties of military life, but never in battle.

Question. How do they demean themselves on drill?

Answer. Very well, indeed, sir; very well. I think it is easier to drill to perfection a regiment of negroes than a regiment of whites.

Question. Is there any disposition among the whites of North Carolina to get rid of the blacks?

Answer. I did hear a good deal said on that subject about four months ago; but lately, since they have begun to make their arrangements for the present year, I hear very little said on that subject. They are finding that there are none too many in the State to perform the labor of the State.

Question. There are not many blacks in North Carolina?

Answer. A very much larger number than people usually suppose. They number about 350,000.

Question. What proportion does that bear to the white population?

Answer. The white population is a little more than 600,000. The blacks are about one to two.

Question. What would be the effect of allowing the negro to vote in North Carolina; what effect would it produce upon the white people?

Answer. There is no disposition to allow him to vote there. That would be a very obnoxious measure to all the people.

Question. Would it be followed by scenes of violence and riot?

Answer. Yes, sir. I think if the negro should go to the polls and attempt to vote, without the presence of a military guard, there would be trouble and violence.

Question. How do the rebels with whom you are acquainted feel in respect to the payment of the national debt of the United States contracted for the prosecution of the war?

Answer. They are very cautious in expressing themselves on that subject. I do not think I ever heard one of them say that he was opposed to paying the national debt. I have heard them say "we shall be obliged to pay our share of the national debt," using language indicating that it was a very disagreeable thing to be obliged to pay for being whipped. But I never heard one say he was opposed to paying it.

Queston. How do they feel in regard to the payment of the confederate rebel debt, or of the State rebel debt, contracted for the prosecution of the rebellion?

Answer. I think the convention assembled there last October expressed the popular feeling on that subject when they declined to take action in relation to it. It was felt to be a kind of degrading compulsion when the President sent a despatch to the convention saying that action must be taken before the State could be received into the Union.

Question. And then the convention took that action?

Answer. Yes, sir; the convention yielded and repudiated the entire confederate debt. But it would not have taken that action except for the despatch of the President. In fact, the convention had laid the matter on the table and voted to adjourn.

Question. Did that despatch produce debate in the convention?

Answer. Yes, sir; it did, and some of the strongest men in the convention said that it was altogether beneath the dignity of such a body to yield to dictation of that kind.

Question Was there or was there not a disposition on the part of the convention to pay that rebel debt—the debt due from the State?

Answer. Yes, sir; I think there was a disposition manifested there to make provision for its payment, and I think that such provision would eventually have been made were it not for the despatch from the President.

Question. How do they feel in regard to the payment of the confederate debt—the debt of the Confederate States?

Answer. I think there would be but little opposition to the repudiation of that portion of the southern debt.

Question. Do you think of anything else that you wish to speak of on this examination?

Answer. As to the necessity of United States troops there. I do not know that you have asked me any question on that point directly. If the Freedmen's Bureau is to be continued, it will need the presence of a military force to give it any efficiency at all. In many places it would be unsafe for an officer of the bureau to attempt to discharge his duties without a military force somewhere in the State to which he could apply. A small force of three to four thousand men scattered over the State will be sufficient to preserve order, and to give security to the officers of the government acting either under the Freedmen's Bureau or the Treasury Department, or any other department of the government. The colored schools I am sure would not be allowed to go on in certain country districts without some force to appeal to. In the large towns, where there is more intelligence and a better class of people, I think the schools will gain the good will of the community, and be allowed to continue without any assistance. The freedmen themselves would be, I think, in great peril if there was not a United States force kept in the State—not that there would be any general attack upon them, or that the better class of people would countenance any outrages. There are enough of the bitter and worthless people, who positively hate the negroes, to do them great wrong, and the better classes would not interfere, I am satisfied, in a great many instances, to see these persons punished and justice done to the freedmen. I will give you one fact which is the foundation for that remark: In Pitt county, some two months ago, four young men, some of whom had been in the rebel service, riding armed through the country, came across a negro man on his road to Washington—a negro who had been in the service of the father of one of them as a slave. They seized him, beat him cruelly, and left him on the ground in such a state that he died before morning. They went on to the town of Washington, in Beaufort county; rode through the town; fired at a white citizen, with whom they had a falling out, missed him, but hit another citizen; attacked another negro, fired at him, and, in short, took possession of the town. There were no troops there. I had a lieutenant there, and he called upon the police to arrest these men. There has been a kind of semi-military police established in every county of the State under military orders. The

police declined to interfere, and the men went back to their own county. This officer wrote to the chief of police in that county, ordering him to arrest these men and bring them to Washington in order that he might send them to Newbern for trial. He brought down three of them, not under arrest, but by persuasion, and put them in jail in Washington. Before a military force had arrived from Newbern they broke jail and escaped. The military force returned to Newbern. The case was reported fully to me. I went to Newbern and applied to General Paine, in command there. He gave me a military escort of mounted men. I went into the country and tried to find these men. The citizens everywhere assured me that they had gone out of the county, and, in their opinion, had left the State. They could not be found, and I had to return without succeeding in arresting them. Within a week from that time they appeared at Greenville, the county seat, and voted at the State election without being challenged. The chief of police was there with his force, and made no attempt to arrest them. Within a week or two afterwards they appeared again at Greenville, and assisted in organizing the militia of the county. Still, no effort was made to arrest them. I again reported the fact that they were present to the military commanders, and requested that they might be arrested, or that the police be dealt with as they should be for failing to discharge their duty. When I came away the matter was still pending. A force was about being organized and a plan started for getting hold of these men. I state these facts to show that the citizens will not take any steps to arrest the murderers of negroes, and that you cannot trust even the police organized under military orders to do that work.

Question. The police are subject to State authority?

Answer. No, sir; this police is subject to the military authority of the United States. It was organized by an order from General Schofield, and armed.

Question. Are the members of the police citizens of North Carolina?

Answer. Yes, sir.

Question. Taken from the State militia?

Answer. Taken from the citizens generally. General Schofield issued an order and sent out an officer to select the men, and to organize a police in every county of the State for the purpose of preserving order and carrying out his own commands. But in many instances these policemen have been acting as the agents of magistrates of the county. They have taken negroes, tied them up by the thumbs, and whipped them unmercifully. I have been obliged to arrest them in several instances and bring them to trial for abusing negroes.

Question. That kind of persons have no respect for negroes at all?

Answer. None whatever. They did not think they were doing anything wrong at all. They thought they were executing the laws of the State, and that they were doing what they were required to do as policemen. It is very difficult for the people of the south to look upon the negro as a free man—as having rights such as white men have.

Question. It is a new thing to them?

Answer. Yes, sir; it is a new thing. But, as I have said, I think that about three-fourths of the intelligent property owners are disposed to try the experiment of free labor, and try it with a good deal of fairness. The great majority of the negroes of the State have made their arrangements for the present year, and have hired out and got their homes. It would be difficult for me now to get five hundred colored laborers in the State if I was applied to for them.

Question. Have the negroes generally correct ideas as to the elements of property; do they know what is meant by property?

Answer. Yes, sir.

Question. Do they distinguish conscientiously the principle of *meum* and *tuum*?

Answer. Yes, sir; so far as their relations to strangers, to northern men, and to neighbors is concerned; but they have an idea that they have a certain right to the property of their former masters, that they have earned it, and that if they can lay their hands on any of it, it is so much that belongs to them. I think that feeling is very general among them. They think that they have a right to the cattle and hogs that they have raised and taken care of, and the grain that they have raised.

Question. We have heard much said about the disposition of the negro to pilfer upon plantations; does that disposition arise from the state of things to which you have just referred?

Answer. I think it does, very generally. They know it is wrong to steal, and I do not think they steal often from northern men. I have had negro servants ever since the war has been going on, and everything that I have has been left open in their charge; and I am not aware of having lost anything. I am quite convinced, however, that these same servants would steal from their former masters if they got the chance.

Question. Are you able to speak of the condition of things out of North Carolina?

Answer. No, sir; not from personal observation.

Question. Are there any other facts or circumstances which you desire to relate here?

Answer. No, sir; I do not think of any. General Howard has had my reports covering the whole time that I have been there. As they have been printed, it cannot be contrary to orders to pass them over to you.

The reports handed in by witness were ordered to be annexed to his testimony, and are as follows:

*Summary report of North Carolina, Colonel E. Whittlesey, assistant commissioner.*

RALEIGH, N. C., *October* 15, 1865.

GENERAL: In presenting my first quarterly report of the operations of this bureau in North Carolina, which I have the honor to forward, I deem it proper to give a history of its

ORGANIZATION.

On the 22d of June I arrived at Raleigh with instructions from you to take the control of all subjects relating to "refugees, freedmen, and abandoned lands" within this State. I found these subjects in much confusion. Hundreds of white refugees and thousands of blacks were collected about this and other towns, occupying every hovel and shanty, living upon government rations, without employment and without comfort, many dying for want of proper food and medical supplies. A much larger number, both white and black, were crowding into the towns, and literally swarming about every depot of supplies to receive their rations. My first effort was to reduce this class of suffering and idle humanity to order, and to discover how large a proportion of these applicants were really deserving of help. The whites, excepting "loyal refugees," were referred to the military authorities. To investigate the condition of refugees and freedmen and minister to the wants of the destitute, I saw at once would require the services of a large number of efficient officers. As fast as suitable persons could be selected, application was made to the department and district commanders for their detail, in accordance with General Order No. 102, War Department, May 31, 1865. In many cases these applications were unsuccessful, because the officers asked for could not be spared. The difficulties and delays experienced in obtaining the help needed for a proper organization of my work will be seen from the fact that upon thirty-four written requests, in due form, only eleven officers have been detailed by the department and district commanders. With such assistance, however, as could be secured I proceeded to divide the State into four general districts, viz: eastern, western, southern, and central. To the eastern district I assigned as superintendent Captain Horace James, assistant quartermaster, who was already on the ground, and had for a long time been in charge of "contrabands," under the appointment of military commanders of the district. Over the central district Captain Beal, 9th Maine volunteers, was first appointed superintendent, but he was soon relieved by Lieutenant Colonel D. E. Clapp, 38th United States colored troops.

The western district was placed under the supervision of Major Smith, 17th Massachusetts volunteers, who was, however, soon relieved to be mustered out with his regiment, and the vacancy has not yet been filled.

The southern district remained without an officer until August 18, when Major Charles J. Wickersham, assistant adjutant general, was assigned as its superintendent.

The next step was the division of these four districts into sub-districts. My first intention was to make each county a sub-district; but the impossibility of obtaining so large a number of officers as this would require compelled me to embrace from two to eight counties in each sub-district. The arrangement now made is as follows: eastern district has eight sub-districts; central, nine sub-districts; western, six sub-districts; southern, four sub-districts.

For the twenty-seven sub-districts the whole number of assistant superintendents (inclusive of citizen agents) has been thirty-three. The largest number at any specific time has been twenty. The number on duty now is fifteen. Thus more than half of the State is still without an officer or representative of the bureau.

My organization has been three times almost broken up by the mustering out of regiments to which my officers belonged. The only permanent officers, and such only can be useful in this service, are those detailed by order of the Secretary of War. With this brief history of my efforts to organize the bureau, I proceed to state

THE DESIGN AND WORK PROPOSED.

In my circulars Nos. 1 and 2 (copies of which are herewith enclosed) the objects to be attained are fully stated. All officers of the bureau are instructed—

1. To aid the destitute, yet in such a way as not to encourage dependence.
2. To protect freedmen from injustice.
3. To assist freedmen in obtaining employment and fair wages for their labor.
4. To encourage education, intellectual and moral.

Under these four divisions the operations of the bureau can best be presented.

RELIEF AFFORDED.

It was evident at the outset that large numbers were drawing rations who might support themselves. The street in front of the post commissary's office was blocked up with vehicles of all the descriptions peculiar to North Carolina, and with people who had come from the country around, in some instances from a distance of sixty miles, for government rations. These were destitute whites, and were supplied by order of the department commander.

Our own headquarters, and every office of the bureau, was besieged from morning till night by freedmen, some coming many miles on foot, others in wagons and carts. The rations issued would scarcely last till they reached home, and in many instances they were sold before leaving the town, in exchange for luxuries. To correct these evils, orders were issued that no able-bodied man or woman should receive supplies, except such as were known to be industrious, and to be entirely destitute. Great care was needed to protect the bureau from imposition, and at the same time to relieve the really deserving. By constant inquiry and effort the throng of beggars was gradually removed. The homeless and helpless were gathered in camps, where shelter and food could be furnished, and the sick collected in hospitals, where they could receive proper care.

The statistical reports prepared by Captain Almy, commissary of subsistence, forwarded herewith, will show a steady and healthy decrease of the number of dependents from month to month.

July there were issued 215,285 rations, valued at $44,994 56; August there were issued 156,289 rations, valued at $32,664 40; September there were issued 137,350 rations, valued at $28,706 15.

Should no unforeseen trouble arise, the number will be still further reduced. But we have in our camps at Roanoke island and Newbern, many women and children, families of soldiers who have died in the service, and refugees from the interior during the war, for whom permanent provision must be made. Some of the women might earn their support as servants in northern families, if there were any organized agency for finding them employment, and means for transporting them north. Many children might be collected in orphan asylums, saved from death, and properly educated; and I earnestly recommend that the "soldiers' bounty fund" be expended in establishing such institutions. In this connexion may be properly reported the efforts made in behalf of the sick. At the organization of the bureau many white refugees were found in a wretched condition. These were placed as far as possible in hospitals. Some have died; others have recovered, and been sent back to their homes. But very few of this class now remain under our control. The reports prepared by Surgeon Hogan will show the condition of freedmen hospitals. In the early part of the summer much suffering and mortality occurred for want of medical attendance and supplies. This evil is now being remedied by the employment of surgeons by contract. One is on duty at Beaufort, another at Wilmington, and several others are expected soon.

The whole number of sick under care of the bureau has been 3,771 during the quarter ending September 30.

### PROTECTION.

Regarding this bureau as the appointed instrument for redeeming the solemn pledge of the nation, through its Chief Magistrate, to secure the rights of freedmen, I have made every effort to protect them from wrong. Suddenly set free, they were at first exhilarated by the air of liberty, and committed some excesses. To be sure of their freedom, many thought they must leave the old scenes of oppression and seek new homes. Others regarded the property accumulated by their labor as in part their own, and demanded a share of it. On the other hand, the former masters, suddenly stripped of their wealth, at first looked upon the freedmen with a mixture of hate and fear. In these circumstances some collisions were inevitable. The negroes were complained of as idle, insolent, and dishonest; while they complained that they were treated with more cruelty than when they were slaves. Some were tied up and whipped without trial; some were driven from their homes without pay for their labor, without clothing or means of support; others were forbidden to leave on pain of death, and a few were shot or otherwise murdered. All officers of the bureau were directed, in accordance with your circular No. 5, to investigate these difficulties between the two classes, to settle them by counsel and arbitration as far as possible, to punish light offences by fines or otherwise, and to report more serious cases of crime to the military authorities for trial. The exact number of cases heard and decided cannot be given; they have been so numerous that no complete record could be kept; one officer reported that he had heard and disposed of as many as 180 complaints in a single day. The method pursued may be best presented by citing a few cases and the action thereon. From the report of Captain James, for August, I quote the following:

"I forward to you, in his own language, a report of a case which occurred in Gates county, on the northern border of the State, far away from any influence of troops, and where the military power of the government had been little felt. No doubt it illustrates others in similar localities far from garrisons and northern influences. The report will repay perusal, and appears to have been managed with admirable tact on the part of Captain Hill. Reports had reached me of the way in which David Parker, of Gates county, treated his colored people, and I determined to ascertain for myself their truth. Accordingly, last Monday, August 20, accompanied by a guard of six men from this post, (Elizabeth City,) I proceeded to his residence, about forty miles distant. He is very wealthy. I ascertained, after due investigation, and after convincing his colored people that I was really their friend, that the worst reports in regard to him were true. He had twenty-three negroes on his farm, large and small. Of these fourteen were field-hands; they all bore unmistakable evidence of the way they had been worked; very much undersized, rarely exceeding, man or woman, 4 feet

6 inches—men and women of thirty and forty years of age looking like boys and girls. It has been his habit for years to work them from sunrise to sunset, and often long after, only stopping one hour for dinner—food always cooked for them to save time. He had, and has had for many years, an old colored man, one-eyed and worn out in the service, for an overseer or 'over-looker,' as he called himself. In addition, he has two sons at home, one of whom has made it a point to be with them all summer long—not so much to superintend as to drive. The old colored overseer always went behind the gang with a cane or whip, and woe betide the unlucky wretch who did not continually do his part; he had been brought up to work, and had not the least pity for any one who could not work as well as he.

"Mr. Parker told me that he had hired his people for the season: that directly after the surrender of General Lee he called them up and told them they were free; that he was better used to them than to others, and would prefer hiring them; that he would give them board and two suits of clothing to stay with him till the 1st day of January, 1866, and one Sunday suit at the end of that time; that they consented willingly—in fact, preferred to remain with him, &c. But from his people I learned that though he did call them up, as stated, yet when one of them demurred at the offer his son James flew at him and cuffed and kicked him; that after that they were all 'perfectly willing to stay;' they were watched night and day; that Bob, one of the men had been kept chained nights: that they were actually afraid to try to get away. There was no complaint of the food nor much of the clothing, but they were in constant terror of the whip. Only three days before my arrival, Bob had been stripped in the field and given fifty lashes for hitting Adam, the colored over-looker, while James Parker stood by with a gun, and told him to run if he wanted to, he had a gun there. About four weeks before, four of them who went to church and returned before sunset were treated to twenty-five lashes each. Some were beaten or whipped almost every day. Having ascertained these and other similar facts, I directed him to call them up and pay them from the first of May last up to the present time. I investigated each case, taking into consideration age, family, physical condition, &c., estimating their work from $8 down, and saw him pay them off then and there, allowing for clothing and medical bill. I then arrested him and his two sons, and brought them here, except Dr. Joseph Parker, whose sister is very sick, with all the colored people I thought necessary as witnesses, intending to send them to Newbern for trial. But on account of the want of immediate transportation I concluded to release them on their giving a bond in the sum of $2,000 to Colonel E. Whittlesey, assistant commissioner for the State of North Carolina, and to his successors in office, conditioned as follows:

"That whereas David Parker and James Parker have heretofore maltreated their colored people, and have enforced the compulsory system instead of the free labor system: Now, therefore, if they, each of them, shall hereafter well and kindly treat, and cause to be treated, the hired laborers under their or his charge, and shall adopt the free labor system in lieu of the compulsory system, then this bond to be void and of no effect; otherwise to remain in full force and effect, with good security."

Lieutenant Colonel Clapp, superintendent central district, reports three cases of cruel beating, which have been investigated, and the offenders turned over to the military authorities for trial; besides very many instances of defrauding freedmen of their wages.

From the reports of Major Wickersham, superintendent of southern district, I quote the following:

"August 25.—A. S. Miller, Bladen county, states that Henry Miller (colored) neglects to support his family. Action: required Henry Miller to use his wages for the support of his wife and children, who have no claims on their former master, and can look to no one else than the husband and father for support.

"27th.—Betsey Powell (colored) states that Mrs. Frank Powell, Columbus county, has driven her away without pay for her labor. Gave letter to Mrs. Powell directing her to pay Betsy for her labor since April 27, 1865.

"29th. Len Shiner (colored) states that he made an agreement with Mr. David Russell, of Robeson county, to work and gather his crop, for which he was to receive subsistence and one-third of the crop, when gathered. Mr. Russell has driven him off and refuses to pay. Wrote to Mr. Russell directing him to comply with terms of agreement, or furnish satisfactory reasons for not doing so. These are but examples of hundreds of complaints heard and acted upon by Major Wickersham and other officers in the southern district."

The following cases are taken from the report of Captain Barritt, assistant commissioner, at Charlotte:

"Morrison Miller charged with whipping girl Hannah (colored.) Found guilty. Action: ordered to pay said Hannah fifty bushels of corn towards supporting herself and children, two of said children being the offspring of Miller.

"Wm. Wallace charged with whipping Martha (colored.) Plead guilty. Action: fined said Wallace $15, with assurance that if the above offence was repeated, the fine would be doubled.

"Council Best attempts to defraud six families of their summer labor, by offering to sell at auction the crop on his leased plantation. Action: sent military force and stopped the sale until contract with laborers was complied with."

A hundred pages of similar reports might be copied, showing, on the one side, that many freedmen need the presence of some authority to enforce upon them their new duties; and on

the other, that so far from being true that "there is no county in which a freedman can be imposed upon," [speech of Judge Reed, constitutional convention,] there is no county in which he is not oftener wronged; and these wrongs increase just in proportion to their distance from United States authorities. There has been great improvement, during the quarter, in this respect. The efforts of the bureau to protect the freedmen have done much to restrain violence and injustice. Such efforts must be continued until civil government is fully restored, just laws enacted, or great suffering and serious disturbance will be the result.

### INDUSTRY.

Contrary to the fears and predictions of many, the great mass of colored people have remained quietly at work upon the plantations of their former masters during the entire summer. The crowds seen about the towns in the early part of the season had followed in the wake of the Union army, to escape from slavery. After hostilities ceased these refugees returned to their homes, so that but few vagrants can now be found. In truth, a much larger amount of vagrancy exists among the whites than among the blacks. It is the almost uniform report of officers of the bureau that freedmen are industrious.

The report is confirmed by the fact that out of a colored population of nearly 350,000 in the State, only about 5,000 are now receiving support from the government. Probably some others are receiving aid from kind-hearted men who have enjoyed the benefit of their services from childhood. To the general quiet and industry of this people there can be no doubt that the efforts of the bureau have contributed greatly. I have visited some of the larger towns, as Wilmington, Newbern, Goldsborough, and both by public addresses and private instructions counselled the freedmen to secure employment and maintain themselves. Captain James has made an extensive tour through the eastern district for the same purpose, and has exerted a most happy influence. Lieutenant Colonel Clapp has spent much of his time in visiting the county seats of the central district, and everywhere been listened to by all classes with deep interest. Other officers have done much good in this way. They have visited plantations, explained the difference between slave and free labor, the nature and the solemn obligation of contracts. The chief difficulty met with has been a want of confidence between the two parties. The employer, accustomed only to the system of compulsory labor, is slow to believe that he can secure fruitful services by the stimulus of wages. The laborer is unwilling to trust the promises of those for whom he has toiled all his days without pay; hence but few contracts for long periods have been effected. The bargains for the present year are generally vague, and their settlement as the crops are gathered in requires much labor. In a great majority of cases the land-owners seem disposed to do justly, and even generously; and when this year's work is done, and the proceeds divided, it is hoped that a large number of freedmen will enter into contracts for the coming year. They will, however, labor much more cheerfully for money, with prompt and frequent payments, than for a share of the crop, for which they must wait twelve months. A large farmer in Pitt county hires hands by the job, and states that he never saw negroes work so well. Another in Lenoir county pays monthly, and is satisfied so far with the experiment of free labor. Another obstacle to long contracts was found in the impression which had become prevalent to some degree, *i. e.*, that lands were to be given to freedmen by the government. To correct this false impression I published a circular, No. 3, and directed all officers of the bureau to make it as widely known as possible. From the statistical reports enclosed, it will be seen that during the quarter 257 written contracts for labor have been prepared and witnessed; that the average rate of wages, when paid in money, is from $8 to $10 per month; that 128 farms are under the control of the bureau and cultivated for the benefit of freedmen; that 8,540 acres are under cultivation, and 6,102 laborers are employed. Many of the farms were rented by agents of the treasury as abandoned lands, previous to the establishing of this bureau, and were transferred to us with the leases upon them. Nearly all have been restored to their owners, under the President's proclamation of amnesty, and our tenure of the few that remain is so uncertain that I have not deemed it prudent to set apart any for use of refugees and freedmen, in accordance with the act of Congress approved March 3, 1865. But many freedmen are taking this matter into their own hands, and renting lands from the owners for one or more years. The following communication indicates an interesting movement in this direction:

KINSTON, N. C., *August* 16, 1865.

Whereas we, a portion of the freedmen of Lenoir county, in the State of North Carolina, being desirous of embracing every facility which the United States government offers, to provide for ourselves the comforts of a permanent home; and whereas we have felt the importance of mutual labor and mutual interests, and believing that industry is the basis of progress, and being desirous of becoming good citizens, showing that the labor spent on us was not thrown away: Therefore,

*Be it, and it is hereby, resolved*, That we form ourselves into a society to purchase homes by joint stock, and for other purposes to be hereafter stated.

*Be it further resolved*, That we raise ten thousand dollars for the purchase of homesteads, and that the said sum be raised by the 1st of January, 1868.

*And be it resolved*, That this society shall be composed of the best and most reliable freed-

men in Lenoir county. And it is further proposed to raise the required amount in the following manner, viz: two hundred and fifty men will compose the society, each to be assessed the sum of forty-eight dollars per annum, to be paid in monthly instalments of four dollars each.

ANTHONY BLUNT,
JAMES HARGATE,
EZEKIEL BLUNT, *Committee.*

I am also endeavoring to purchase or rent, for a long period, the lands upon which houses have been erected by freedmen, so that they may not lose what has been expended. The most important local interest of this kind is the Trent river settlement. The village was carefully laid out by Captain James, and now contains a population of nearly 3,000, all but about 300 self-supporting. "Although," says Captain James, "in interest a part of the city of Newbern, it lies outside of the corporate limits, and therefore came under no municipal regulations." I therefore issued an order erecting it into a separate municipality. I imposed a small tax upon the trades and occupations of the people, and a very moderate ground rent upon the lots, to raise a fund for meeting the necessary expenses of maintaining the settlement. They pay these sums with pleasure, deeming them an evidence of citizenship. From the fund thus raised the superintendent, assistant superintendent, a clerk, six nurses in hospital, and some fifteen mechanics and laborers employed about the settlement, are paid. A good market is now nearly completed, the stalls of which have been taken up beforehand at high rates. It needs only the power to sell these people their lots of land to induce them to put more permanent improvements on them. The settlement, as such, is by all confessed to be well ordered, quiet, healthy, and better regulated than the city proper.

### EDUCATION.

The quarter has been one of vacation rather than active work in this department. Still some progress has been made, and much done to prepare for the coming autumn and winter. Rev. F. A. Fiske, a Massachusetts teacher, has been appointed superintendent of education, and has devoted himself with energy to his duties. From his report it will be seen that the whole number of schools, during the whole or any part of the quarter, is 63, the number of teachers 85, and the number of scholars 5,624. A few of the schools are self-supporting, and taught by colored teachers, but the majority are sustained by northern societies and northern teachers. The officers of the bureau have, as far as practicable, assigned buildings for their use, and assisted in making them suitable; but the time is nearly past when such facilities can be given. The societies will be obliged hereafter to pay rent for school-rooms and for teachers' homes. The teachers are engaged in a noble and self-denying work. They report a surprising thirst for knowledge among the colored people—children giving earnest attention and learning rapidly, and adults, after the day's work is done, devoting the evening to study. In this connexion it may be mentioned, as a result of moral instruction, that 512 marriages have been reported and registered, and 42 orphans provided with good homes.

### FINANCES.

The financial condition of the bureau is clearly presented in the reports of Captain James, who, in addition to his duties as superintendent of the eastern district, has acted as financial agent, with the assistance of Captain Seely, assistant quartermaster. The duties of the department have been very great, and have been faithfully discharged by these officers. In July, Colonel Heaton, agent of the United States treasury, turned over to the bureau a large amount of real estate in Wilmington, Newbern and adjoining counties, which had been leased for terms varying from one month to one year. The collection of rents from several hundred lessees of tenements and farms has been a laborious work. But the examination and adjustment of claims for this property, and the restoration of it in accordance with the President's amnesty proclamations, has been more trying and perplexing. Nearly all, however, is now out of our hands, and unless a re-examination of these claims is forced upon us by application for rents, on the ground that the property was not abandoned, we shall be able, hereafter, to devote all our time to our appropriate work.

The following summary of operations presents the leading facts of the foregoing report:

| | | |
|---|---|---|
| Receipts for the quarter | | $44,913 24 |
| Current expenses | $4,350 34 | |
| For soldiers' families from bounty fund | 7,977 25 | |
| Remitted to treasury | 21,584 17 | |
| | | 33,911 76 |
| Balance credited October 1, 1865 | | 11,001 48 |

Farms, 128; acres on farms cultivated, 8,540; acres of pine lands worked, about 50,000; freedmen employed on farms, 6,102; contracts witnessed, 257; freedmen employed under them, 1,847; marriages registered, 512; orphans apprenticed, 42; schools established, 63; teachers employed, 85; scholars attending, 5,624; cases of crime reported for trial, 12; cases of difficulty settled, reported in full, 257; cases not reported in writing, several thousand;

rations issued, 508,924—value of $106,365 11; hospitals, 14; sick in hospitals, &c., attended by direction of the bureau, 54,441; deaths, whole number of freedmen reported in hospitals, camps, and towns adjoining, 2,680.

Reports of sick and deaths embrace all cases in the vicinity of stations, and with which the bureau has in any way been connected.

Estimated crops: cotton, 858,700, pounds; corn, 32,715 bushels; sweet potatoes, 1,000 bushels, turpentine, 5,700 barrels; tar, 5,808 barrels.

The number of men engaged in fishing cannot be ascertained.

Many of the officers in command of troops in this department have given me their hearty support, and my own subordinates have been faithful and zealous in the discharge of their duties. I am specially indebted to Lieutenant F. H. Beecher, acting assistant adjutant general, for his industry; to Captain Thomas P. Johnson, assistant quartermaster, Captain George C. Almey, commissary of subsistence, and Surgeon M. K. Hogan, for their efficient management of their respective departments.

Very respectfully,

E. WHITTLESEY,
*Colonel and Assistant Commissioner.*

Major General O. O. HOWARD,
*Commissioner of Bureau of Refugees, &c.*

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BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER, STATE OF NORTH CAROLINA,
*Raleigh, N. C., January* 15, 1866.

GENERAL: I have the honor to transmit herewith my report of the various operations of this bureau for the quarter ending December 31, 1865. The figures and facts speak so plainly for themselves that I need add but very few remarks. Defective as our organization is in some respects, affected by its dependence upon, and subjection to, other branches of the War Department, yet, having got established, and its machinery put in motion, it is doing its work with vigor and success. Many changes among my subordinate officers have been caused by the muster-out of the regiments, but the losses sustained have been partially compensated by details from the Veteran Reserve Corps. My efforts to secure the services of citizens as agents of the bureau have not met with success. Immediately after your visit here in October I addressed a note to each member of the constitutional convention, requesting him to give me the name of some suitable persons in his own county to be appointed to this office; but though so many promised to you their hearty co-operation in organizing this agency, not one replied to my request. I have, however, by other means, found a few who were willing to accept the position, and some of them have done good service. Others have proved unfit for the duties required, not being able to comprehend that the negro can be a free man, or can have any rights which a white man is bound to respect. My experience so far is against the appointment of any other than military officers. Even these, after being mustered out, are not as efficient as when in the military service. They fail to command respect. They do not inspire the freedmen with confidence.

As the year has drawn to a close, all the officers of the bureau have been busy settling up claims for labor during the past season. The old story has been repeated thousands of times—no definite bargain made—no wages promised; but "massa said, stay till the crop is made and he would do what was right." On that point, "what is right," arises the dispute. But when the parties can be brought together and all the facts heard, it is, in most cases, easy to make a satisfactory decision. Captain Evans reported that as many as one hundred and fifty claims and difficulties of this kind were brought before him in Warren county at the close of the year. So long as these claims and questions of wages were unsettled, it was natural that the freedmen should refuse to enter into any new contracts for another year. They wanted a little experience to give them faith. And it gives me great pleasure to state that in a large majority of cases a fair settlement has been effected. I have put the question to officers in all parts of the State, "How large a proportion of the white people are willing to treat the negroes with fairness?" The answer is, "From three-fourths to four-fifths." The other fourth or fifth would oppress them or defraud them, if permitted. Perhaps a larger proportion might show a disposition to do this were it not for the restraining presence of a military force. One sitting a few days in one of our offices and listening to complaints from morning till night might suppose that the whole laboring population was unsettled; but such is not the case. The great mass have made their bargains for the coming year, and trains are seen moving from the towns to the farming districts. So generally have the freedmen sought employment and obtained it, that the demands for laborers cannot be easily supplied. If in some instances they leave their employers, it is no more than we should expect, and often it will not be difficult to discover a good reason. By an arrangement with L. P. Olds & Co., land agents, I have an intelligence office in nearly every county.

The expectation that lands would be granted by government, a hope first kindled by rebel politicians in their efforts "to fire the southern heart," and afterward increased by the confiscation act, has now passed away. All officers of this bureau discountenanced such hopes by public addresses and circulars widely scattered; but so fixed had they become before the war closed that it was not easy to eradicate them. When, however, Christmas actually

passed, and the year ended without any gifts of the kind, it was admitted that we had told them the truth, and that they had been deceived by the talk of their former masters. So, also, on the other hand, have the idle and conscience-begotten fears of insurrection passed away. The holidays have gone by, and no outbreaks have occurred. All admit that a more quiet and orderly Christmas has never been enjoyed in this region. The history of the world may be challenged for another instance of such good conduct in similar circumstances as the freedmen have thus far maintained.

During the quarter thirty-seven cases of violent assault upon freedmen, or other criminal acts, have been reported to the military authorities for trial or such action as might be deemed proper.

Of these thirty-seven cases the only ones brought to trial, so far as this bureau has information, are those of "Issac and Wiley, freedmen of the town of Salisbury, Rowan county," on the charge of "larceny," of which they were found "not guilty," and discharged. Several cases reported during the previous quarter have been tried, and among them are—

1. Emanuel Baxter, (colored,) "assault with intent to commit rape;" not guilty.
2. John W. Gorman, (white,) "assault and battery;" guilty; fined fifty dollars, and imprisoned thirty days; fine remitted by reviewing officer.
3. Stephen C. Lee, (white,) "murder;" found guilty and sentenced to be hung; sentence remitted by reviewing officer on the ground that malice was not proved.
4. Joseph Corpening, (white,) "assault with intent to kill;" found guilty of "shooting with intent to maim;" sentence, five hundred dollars fine, and ninety days' imprisonment.
5. George A. Pitts, J. A. Propst, William Ristler, Alfred Sitaker, Thomas Williford, Gibson Kline and Dwight Russel, (white,) "riot and assault and battery;" Pitts, Propst, Ristler, Sitaker and Williford found guilty, fined and imprisoned; Kline and Russel acquitted.
6. Shock, (colored,) "rape on colored girl; finding, guilty; sentenced to be hung; sentence mitigated to one year's hard labor.
7. Monroe Davis, (white,) "riot and assault and battery;" guilty, and imprisoned four months.
8. Privates Bloom, Shannon and Lewis, 129th Indiana volunteers, "assault upon freedmen, &c.;" guilty, and sentenced to a loss of six months' pay.
9. Henry Brown, (colored,) "theft;" guilty and imprisoned two months.
10. Guion Earp, (white,) "maltreatment of freedmen and assault and battery;" guilty; sentenced to hard labor on public works two years.

Some of the cases reported during the last quarter are as follows:

1. Willis P. Moore, charged with the murder of a colored man.
2. Reddick Kearney and others, Pitt county, riot and murder of two freedmen.
3. Magistrates of Brunswick county sentenced two colored men to be sold into servitude for five years. This case was acted upon promptly, by General Crook, and the freedmen released.

Contrary to my fears, as expressed in a former report, there is no increase of dependents as winter advances. The rations issued have steadily diminished.

The demands for clothing have been great; but the supplies now on hand from the quartermaster's department are ample for men and boys. It is more difficult to furnish what is needed by women and children. There are many cases of great destitution among whites, which I should be glad to relieve; but as they are not "loyal refugees," they do not come within my jurisdiction.

While there has been a decrease of dependents, there has been a gratifying increase of schools and of pupils attending them, as will be seen in the admirably prepared report of Mr. F. A. Fiske, superintendent of schools, showing that, though the novelty of the privilege of learning is now gone, the interest of the people in the education of their children has not abated. In some instances planters have established schools for their employés, as a means of promoting good order and contentment. It is also very gratifying to see a few churches organizing Sabbath schools for colored children. The Baptist church in this city, setting a noble example, has already a large freedmen's Sabbath school in successful operation.

By means of the apprenticeship system, comfortable homes have been provided for a large number of orphans and other destitute children. The system is popular, but I am very suspicious of it. The practice of binding out children is dangerous, inasmuch as it fosters the old ideas of compulsory labor and dependence. Still, with proper safeguards it may be useful as a temporary expedient.

Under the direction of Surgeon Hogan, the hospital department is now well organized. His report exhibits fully the sanitary condition of freedmen, and the means used for the relief of the sick.

In the land reports forwarded herewith will be found a complete list of all farms and town lots restored with their estimated value, and another list of those remaining in the possession of the bureau. The lands remaining are of but little value, and will afford but small revenue. But the balance in the treasury will pay current expenses, until it shall be determined by Congress whether the bureau is to be continued or not; and if so, by what means it shall live.

For convenience of reference I present the principal facts gathered from the reports of staff officers and superintendents of districts in the following tabular form:

STATISTICS.

| | Quarter ending December 31, 1865. | Previous quarter ending Sept. 30, 1865. |
|---|---|---|
| Contracts witnessed | 327 | 257 |
| Freedmen employed by contract | 3,488 | 1,847 |
| Schools established | 86 | 63 |
| Teachers employed | 119 | 85 |
| Scholars attending | 8,506 | 5,624 |
| Cases of difficulty reported in full | 325 | 257 |
| Cases of crime reported for trial | 37 | 12 |
| Cases not reported in writing | 3,043 | Several thousand. |
| Rations issued | 333,834 | 508,924 |
| Value of rations issued | $73,443 48 | $106,865 11 |
| Hospitals | 12 | 14 |
| Sick in hospital | 3,132 | 5,441 |
| Orphans apprenticed | 393 | 42 |
| Deaths in hospitals | 555 | 2,642 |

LAND REPORT.

*Restored during the six months ending December* 31, 1865.

| | No. | Aggregate No. of acres. | Estimated value. |
|---|---|---|---|
| Farms or plantations | 149 | 70,000 | $693,920 |
| Town lots | 442 | ..... | 1,900,288 |

*Remaining on hand January* 1, 1866.

| | No. | Aggregate No. of acres. | Estimated value. |
|---|---|---|---|
| Farms or plantations | 87 | 13,650 | $108,200 |
| Town lots | 33 | ..... | 100,000 |

FINANCIAL REPORT—QUARTER ENDING DECEMBER 31, 1865.

*Receipts*

| | | |
|---|---|---|
| Balance as per last quarterly report | $11,001 48 | |
| For rents, &c., in October, 1865 | 1,241 38 | |
| For rents, &c., in November, 1865 | 2,074 85 | |
| For rents, &c., in December, 1865 | 863 88 | |
| | | $15,181 59 |

*Expenditures.*

| | | |
|---|---|---|
| Current expenses in October, 1865 | $1,767 99 | |
| Current expenses in November, 1865 | 2,131 38 | |
| Current expenses in December, 1865 | 3,484 06 | |
| | | 7,383 43 |
| Balance on hand January 1, 1866 | | 7,798 16 |

Very respectfully,

E. WHITTLESEY,
*Colonel and Assistant Commissioner.*

Major General O. O. HOWARD,
*Commissioner.*

Subsequently the witness handed in the following, which was also ordered to be annexed to his testimony:

WASHINGTON, *February* 3, 1866.

SIR: Since giving my testimony before the Reconstruction Committee I have read the New York Tribune of this date, and have taken from its correspondence the enclosed items. I do not know the writers of all the articles, but the views presented are in the main just. I take the liberty of sending them to you, and request that they accompany my testimony.

Very respectfully,

E. WHITTLESEY,
*Colonel and Ass't Com'r for North Carolina.*

Hon. Mr. HOWARD, *United States Senate.*

[From the New York Tribune, February 3, 1866.]

NORTH CAROLINA.

The southern train, by way of Weldon, leaves Petersburg early in the morning. Leaving Petersburg we go directly south. The country for the first twenty miles is rolling, making splendid farm land; but the evidences of destruction are too plainly seen. No fences, buildings partly torn down, others with nothing standing but the chimneys, battered-up locomotives, starved-looking cattle, and the remnants of former camps, are ever present to the eye of the traveller. There are no signs of anything being done to recruit the country.

GASTON.

We arrived at Gaston, North Carolina, about 1 p. m. Here we had to get out of the cars and cross the Roanoke river in batteaux worked by negroes. The river is about the width of the Harlem, and we were not long crossing. On the south side of the river we took the Raleigh and Gaston train for Weldon, arriving at the latter place about half-past 2 o'clock. Here we changed cars again, but had to wait two hours before the train started. This gave me time to get dinner and to look around. I find the further south I get the worse are the hotels. In Richmond and Petersburg the oysters are as plentiful at breakfast, dinner, and supper as hash in an East Broadway boarding-house. All along the way to this point I learn it is almost impossible to obtain any kind of meat excepting bacon and chickens It is singular, too, because the country along the Neuse and Roanoke rivers abounds in game. The rivers, too, have oysters and fish. I cannot see any reason for this paucity of meats, excepting that the negro has something to do with it; he seems to be the cause of everything.

ASPECTS OF THE COUNTRY.

Weldon and all the southern towns, as far as I have gotten, are of the meanest character. No beauty or taste is shown in the laying out of the streets or the construction of the buildings. Instead of the prettily-painted cottages, with their gardens and outbuildings, which we find in our northern towns, we see frame buildings without paint or ornament, log-huts, and a general look of decay. It is plainly seen what are the effects of slavery. Weldon is a small place, with a house called a hotel, a rum shop, and a grocery store. At 4 o'clock we took the Wilmington train, and arrived in Goldsborough about 10 o'clock p. m.

GOLDSBOROUGH.

Goldsborough is one of the most important towns in the State. It is situated on the Neuse river, and is the junction of four of the principal railroads in the south. The town has a few pleasant dwellings, but has the same southern look of the rest. It has about four thousand inhabitants, a daily newspaper, and a female seminary. It is the headquarters of a subdistrict of the Freedmen's Bureau in North Carolina.

Having a letter of introduction, I called on Captain George O. Glavis, who is in charge of the bureau at this point. The captain is from New York, and when I met him I felt like being at home. He has the reputation of being a superb officer. Since I have been here I have had a chance of seeing some of the workings of the great Freedmen's Bureau.

THE FREEDMEN'S BUREAU.

Captain Glavis's district includes the counties of Johnston, Wilson, Wayne, Greene, Sampson, and Lenoir. He has his headquarters at Goldsboro', and visits each county at least once a week. There is no civil law, and he has to act as judge, jury, magistrate, sheriff, and everything else, in these six counties. There is a certain day, called "court day," fixed for each county. Yesterday was court day in Wilson county, and at the captain's invitation I accompanied him. After breakfast the captain with the assistance of two clerks, began his court. There were about five hundred people, of all colors and classes, waiting for a hearing. They come in, state their cases, and are disposed of in quick order; it taking all day, however, to get through. It is hardly possible to give you a full idea of the nature of the business these people transacted. The negroes generally come to get hired out, or bound out if under age, to make complaint against former masters for wages retained, for rations, and the settlement of all disputes. Rations are rarely given except in very urgent cases; and no negro can make any complaint to the bureau unless he or she has made some contract for support for the ensuing year. This is a good rule, and compels the unwilling and lazy to go to work. Thus, you see, all the stuff about the Freedmen's Bureau being a refuge for indolent negroes is so much falsehood. All contracts for labor are made through the bureau, or else they are not valid in case of a disagreement between the parties. Consequently there are always a large number of planters constantly besieging the bureau for laborers. Yesterday Captain Glavis signed no less than forty contracts between planters and negroes. The contracts are printed in blank, and set forth the duties and requirements of each party. The most important one is that the employer shall do all in

his power to promote the establishment of schools for the employé's children. Quite a number of children were bound out also. When a man wants a child bound to him he is rigidly examined by the captain, and must show that he is a citizen of good character, and must promise to treat the child while with him as it should be, and when it becomes free must give it clothing, a Bible, and a sum of money. Most of the complaints yesterday were made by negroes against their former masters for wages. If they have made a contract the captain hears the case and gives the complainant an order to the person complained of, requiring said person to settle with said complainant, or appear on next court-day to show reason for refusal. In case of a non-settlement both parties appear, their evidence is taken, and the captain decides to the best of his ability. Some cases are so complicated, and the parties concerned so unprincipled, that it requires the wits of a Philadelphia lawyer to arrange them. A couple of negroes brought complaint against an old planter, a former master, for wages. Planter was ordered for trial, the case was heard, and it was clearly proven that the negroes were entitled to their wages. The planter, when he found that he had lost the case and would have to pay, presented to the captain a long list of charges for various things obtained from him by the negroes. The list was read over to the negroes, and the latter objected to portions of it. For instance, they were charged for two pairs of pantaloons when they received only one pair; for four pairs of shoes instead of two; for twenty pounds of bacon instead of ten, and a large doctor's bill. The unreconstructed and high-toned planter was sure this bill of charges would balance accounts with the "infernal niggers; but the captain asked him to take off his hat, hold up his right hand, and swear before Almighty God that every item charged was correct. Planter hesitated—he was old and tottering—and commenced to deign to ask his "niggers" if "they were sure it was only one pair instead of two pairs they received," and so on. He wouldn't swear to the list of charges, and the case was dismissed, the planter being ordered to pay the negroes their wages, and also to pay a fine for an attempt to swindle. This is a type of the thousands of cases that come before the bureau. It will give you an idea of the immense amount of work that is to be performed by the persons in charge of the bureaus.

### FREEDMEN'S SCHOOLS.

Captain Glavis has a fine school for freedmen in Goldsborough. It has some three hundred day scholars of all ages and of both sexes, employing three white teachers and several colored assistants. There is also a night-school for grown colored people who are compelled to work during the day. It is held three evenings each week, and is always crowded. It is astonishing how eager these negroes are to learn to read and write. Several times during my travels I have noticed the servants at the hotels standing around the lobbies with spelling book in hand and muttering to themselves. What a blessing it is that the poor creatures have, at last, a chance to become enlightened. The building in which the freedmen's school is held is open every evening, excepting school nights, for prayer meetings. I strolled down to one of these meetings the other evening and went in. The room was well crowded with men and women. A negro preacher was delivering a lecture. For a long time I sat and listened to his homely language. Although it was rather amusing to hear his quaint and scarcely proper application of words, yet I felt sad and ashamed that my race should be guilty of so infamous a crime as keeping a people of such qualifications in ignorance and degradation. I felt like skulking out of the place as one ashamed of my color. From what I have seen of the colored man here in the south—and I have made it a point to study him—I feel confident that if our Congress in giving the freedman all the rights and immunities of a citizen, they will place him in a position that every man is entitled to be, and which he will fill with credit. Then he will have a country and a right to its benefits, and it will stimulate him to the elevation of his race from their present state of degradation.

### THE FARMING LAND.

As I get further south the country looks better. The land all the way from Petersburg to Goldsborough is said to be the best kind of farming land. Cotton, tobacco, wheat, and corn can be raised in abundance. This point is about the commencement of the cotton district. From here to Charleston, and along the coast, is the turpentine, pitch, and tar country. In every train I met numbers of speculators coming south from the north. Turpentine speculation, people here say, is equal to cotton. The supply will be small this season on account of the scarcity of labor and capital.

### NORTHERN CAPITAL WANTED.

I find that the large landholders and planters all through this section of the country are anxious to have northern men come and invest their capital in raising cotton. Most of them, to use a commonplace phrase, are "dead broke," and are compelled either to sell, rent, or lease their lands, or go into partnership with a capitalist in raising a crop of cotton. Speculators are mostly leasing the plantations; few want to buy. Quite a number go into partnership in this style: Capitalist to furnish all the labor, meaning the negroes and their feed, and all the mules and teams; planter to furnish the land, the feed for mules, and the ploughs and farming utensils, and then each receive half the crop. This is considered a very fair bargain.

### LABOR.

About the question of labor there is a great deal of doubt. A large number of negroes went into the army, and when discharged, either remained north or went west. This makes negro labor scarce. The poor whites will not work in the cotton-field. Quite a number of the negroes have an enmity against their former masters and will work for none but northern men. The Freedmen's Bureau is doing all it can to correct this labor question. The negro feels safe when he makes a contract through this agency. Some of the bitter planters refuse to have aught to do with the bureau, and are trying the introduction of German emigrants south from New York. Two planters brought one hundred of these Germans on to Weldon on the same train with me. They told me they numbered one hundred and fifty when they left New York, but lost fifty while stopping at the various cities coming south. The planters contracted to give the Germans $140 per year, with quarters and rations. Those who were married, and brought their wives, were to get $120 per year, a house, two pigs to raise, and rations for all. The price paid to negroes varies—$120 per year, with rations and quarters; one-half of the monthly salary paid at the end of each month, and the balance at the end of the year, being the average rate of wages. Female field hands are worth from $60 to $80 per year, with quarters and rations. House hands do not get so much. Some of the old aristocratic planters are acting splendidly toward their former slaves. I know of a case where a rich planter, living within five miles of the town of Wilson, in this State, has divided up a portion of his immense estate of 5,000 acres, and bestowed a certain number of acres to each of his former slaves who are now working for him. They are paid their regular wages besides, for working the planter's farm, and are allowed so much time per week to cultivate their land.

### OPPORTUNITIES FOR LABOR.

There are splendid chances here in these sunny regions for the people of the north. There is but one drawback, and that is the state of feeling existing among the inhabitants and northern immigrants. There is a large class in the south which entertains the bitterest kind of feeling against a northerner. This has been evident to me since I left Petersburg. As long as the military were here a northerner felt safe, but since the removal of most of the soldiers (there being only squads here and there in large towns) the complaints to the Freedmen's Bureau of depredations and insults to northern settlers and negroes multiply. Wise Union people are bitter in their denunciations of Gen. Ruger, the commander of this department. They say he is too lenient to former rebels, and fails to protect the Union people in their persons and property. They call him a second Fullerton.

### ASSASSINATION IN GOLDSBOROUGH.

Yesterday the citizens in the neighborhood of Goldsborough did a cold-blooded and fiendish deed. It seems that there have been a number of complaints made to Captain Glavis by citizens of Wayne, Green, and Sampson counties of numerous robberies and acts of violence by a band of late rebel soldiers, who are inhabitants of Wayne county. They are said to be headed by one Frank Coley, the son of a rich planter living near Goldsborough. Coley is said to have shot a freedman dead. The evidence against him is very clear, the murdered freedman's own brother swearing to Coley's doing the deed. Captain Glavis determined to cause the arrest of said Coley. Accordingly he detailed as many men as possible to do the work. There are only eight soldiers on duty in the town. These are intended for the whole number of counties. Most of them are kept on duty in Goldsborough in guarding quartermaster's stores. Two men were as many as could be detailed. There lived in the town a young man named Andrew Wilson, who was formerly a Union scout. He was well acquainted with the country and the parties to be arrested. His services were accordingly secured to assist the soldiers. They received their orders and proceeded on their journey. Early Wednesday morning, Wilson and the two soldiers traced one of the gang to a house in the suburbs of Goldsborough, surrounded it, and demanded an entrance. It was refused, and they forced themselves in. They asked for a rebel named Peacock, and were told he was not there. They searched the house, however, and soon found him. He was brought out and recognized by Wilson. They told him he was arrested by authority of the United States. He consented to go along; but, after going a short distance, he tried to disarm Wilson, and, failing in that, he ran back to the house. He was ordered to halt several times, and failing to do so, was shot at and wounded. Wilson and the two soldiers saw it was impossible for them to make any arrests, so they returned. At one point near the town the soldiers separated from Wilson. They had not gone long when a squad of mounted men, composed of Coley's friends, came dashing down the road, and met Wilson at the end of the town. One of the squad asked him for his arms, which he gave up. Some one of the twenty-five unreconstructed then shot him. The first ball entered his chest, and he ran into a store near by. He was pursued and shot several times, and died in a few moments. The man whose store he ran into refused to allow him to remain, but threw him into the street to die. After the murder of Wilson the mounted party gave a yell and rode off. Threats have been made against Captain Glavis's life, and he does not know at what moment he may be shot or his house burned over his head.

This is a bad state of affairs, and General Ruger is surely to blame. If he has troops enough at his command he should send a sufficient number to protect the government's servants; if not, then he should appeal to the President or Secretary of War. This last act of the North Carolina unreconstructed should go to the Reconstruction Committee in Congress.

RANKIN.

I do not know the above correspondent, but, in the main, his views and statements, are correct. His condemnation of General Ruger is hasty and too sweeping. A force has been sent to Goldsborough to arrest the parties named.

E. WHITTLESEY,
*Colonel and Assistant Commissioner, North Carolina.*

[From the New York Tribune, February 3, 1866.]

NORTH CAROLINA.

Schools of the Association exist at Newbern, Roanoke Island, Elizabeth City, Edenton, Plymouth, Beaufort, Raleigh, Morehead City, Hull's Landing, Wilmington, Oxford and elsewhere.

Mr. Newcombe writes from Elizabeth City:

"No one can realize the earnest manner and eager desire these people exhibit for knowledge, without being an eye-witness of the same. With the children came many of the parents to hear and see. Each day some ten or a dozen would be present, until nearly all had visited the school to see the 'northern teachers;' to watch their movements and take notice of the exercises. I have seen, both in the day and Sabbath school, many—especially of the aged—first laugh, then weep for joy. Poor creatures! what a world has been closed to them, and now, how their minds hunger and thirst to enter it!"

At Newton the white citizens favor the formation of freedmen's schools, and the school-house, which hitherto has been used only for whites, was granted for colored people also.

At Cedar Grove, sixteen miles from Elizabeth City, the freedmen were anxious to have a school. An agent of the association writes:

"A subscription paper was started, headed by one of the poor whites, who has seriously felt the crushing power of slavery. He subscribed $10 and twenty pounds of nails. I learn from Mr. John Overton, a free-born negro who took charge of the paper, that $150 and seventy-five pounds of nails have been subscribed to build a school, and that a part of the lumber for the building is already upon the spot. But all is not sunshine. While a few of his white neighbors are ready and willing to show their sympathy in a practical way, others are violently opposed, threatening his life and the destruction of the building if erected. To give an effect to his threat a house which has been used for many years as a church by the colored people, though built and owned by the whites, was last Tuesday night set on fire and destroyed. Why? Because, at a meeting held the evening previous, a letter couched in words of encouragement, setting forth their right to build school-houses, was read.

"At Edenton the colored people aid the teachers in the payment of their house rent, &c. Some of the whites say that they are willing that the negroes should be taught to read, but, at the same time, they charge them $12 50 for the church building which they formerly granted free."

Two letters from Elizabeth City show that a reactionary disunion spirit has lately manifested itself in eastern North Carolina. We quote:

"ELIZABETH CITY, *January* 13.

"FRANCIS GEORGE SHAW, Esq.:—* * * You may have noticed in the New York papers the address of Governor Worth to the people of this State, which was issued December 30. It has, by his peculiar construction of the powers vested in him, appointed under the authority of the provisional government, produced a marked change in the manner and action of its 'peace-loving citizens' The governor says: 'Under existing laws it is believed that the powers of all officers appointed under the authority of the provisional government ceased with the discontinuance of that government.' The municipal officers of this town have accepted his construction, and we are now without any civil government. Has the provisional government ceased to exist? * * * I do not propose to discuss these questions; I only raise them to make more forcible what every observer must notice since the publication of this address.

"The swaggering air, the insolent look, the defiant manner and the reckless conduct are more apparent on all sides. All are but the earnest of what may be expected if the rebellious States are to be readmitted without first having the rights and privileges of its newborn freemen properly cared for and secured.

"Acts of violence have occurred here, shameful in the extreme, because wantonly committed without provocation or cause. The perpetrators of these vile acts have been disappointed in the quiet and peaceful deportment of the colored people during the holidays, and it would seem are determined to have trouble.

"The first violent act occurred last Saturday one week ago. A colored man was quietly standing upon the sidewalk, when, without any warning, he was assaulted by a white man, who shamefully bruised his face and head, and otherwise injured him.

"The Sunday night following six men, with faces painted black and coats turned wrong side out, entered several negro dwellings by smashing in the doors, frightening the women and injuring the men. In one instance a woman, who started to alarm her neighbors, was shot at; the ball passing through her clothes, grazed her sides. Her son was beaten and bruised because he had been known to have a pistol.

"Another case is that of Charles Everett, late 2d sergeant in the United States colored troops. Mr. Everett, since his discharge, has lived in this town, a quiet, peaceful citizen, has taken to himself a wife, and attended to his own business. He has had no quarrel nor unpleasant controversy with any one, white or black. Hence his colored neighbors were surprised at the attack upon him, and feel that no one can have any assurance of safety if such an outrage is allowed to be passed over unnoticed. His dwelling was forced open. He was ordered to get up. He came out of his bedroom, when one inquired, 'Is this Sergeant Everett?' He replied, 'Yes.' Then the same man, or one of the others—he is not certain which—lighted a match, that he could make more sure of his aim, and felled him to the floor by striking him over the head with the but of his gun. He knew nothing more, and lay for some time insensible and nearly dead. It was a severe wound, though the skull was not fractured, as first thought. He is still confined to his house from the effect of it. Mr. Everett recognized, disguised as they were, two or three of his assailants, and reported their names to the proper officers in charge here. Yet no action, as we can learn, has been taken to bring them to justice. Neither Mr. Everett nor his neighbors can divine any cause for this unprovoked and uncalled for attack, only that he has been a faithful soldier in the Union army, and since his return home has been called by his friends and neighbors by the title he bravely won while in the service. * * * * * *

"Do these acts indicate that magnanimity of which Colonel Worth so boastingly speaks? 'Being vanquished,' says he in his address, 'we submit as becomes a brave people. The President, as commander-in-chief of the military powers of the nation, magnanimously trusts us. I do not believe there is a citizen of the State who is unworthy of this confidence.'"

Sagacious governor! It requires no great keenness of sight to behold, here in eastern North Carolina at least, that the spirit of secession is as rampant as ever in the hearts of a majority of the people. Instead of reciprocating the magnanimous trust of the President, they take advantage of the governor's loose construction of the law to exemplify their patriotism in abusing "the inferior race" and in acts of insult to any and all who labor to elevate and improve them."

From his next letter of the 20th, we quote these additional facts:

* * * "Last Sunday night the rowdies actually shot a colored man about a mile out from town. After disturbing the people on their return from church, they proceeded to the Camden ferry and called for the boat. The man came, and while crossing the narrow river, was asked: 'Is that William Kinney?' He replied in the affirmative. Pop went a pistol. Some dozen or fifteen shots were fired, and one ball passed through the body near the kidneys. Not much is said about it, and I have not learned whether it is likely to prove fatal or not. What surprises me most is to witness the indifference on the part of the citizens generally. They take no more notice apparently of these outrages and murders than if so many dogs had been bruised and shot at. The persons who commit these acts are seen the next day mingling with the people on the streets and in the shops as though nothing unusual had happened. I could not have believed, without seeing it, that any people who call themselves Christians could exhibit such hardness of heart even for the hard treatment of dumb beasts, much less human creatures. Oh! what has slavery not done? It has perverted the Word of God, and taken away the heart of man to feel for his brother, whose skin is darker than his own.

"Let anything be done to relieve the wants and to better the condition of these poor people, and this chivalric Christian community is all excitement. While quietly pursuing my work, I was yesterday morning somewhat startled to learn that certain persons had called on the late mayor to induce him to convene a public meeting to investigate the truth of the story that a large lot of goods recently landed here for the freedmen were packed up at the hospitals, and were infected with contagious diseases. He who reported this story was the same man of whom I spoke in my letter as having raved like a madman when he saw the goods landed:

"'I once had seventeen slaves, but they are gone; $17,000 lost. The —— lazy niggers! You had better whip them and send them to work instead of giving them clothing. D—— the northern people for sending it and the President for encouraging it! None of you don't know how to manage and treat the niggers. We can teach you that.'"

The upshot of this rumor was an examination of the goods, which were women's clothing, mainly, and school-books. "The school-books, I believe," adds the writer, "contained the infection dreaded. It is the schools that trouble them."

On the other hand, Miss Remington writes from Plymouth:

"Yesterday we heard something which cheered our hearts and deem worthy of honorable mention. Colonel ———, a southern man, whose son was in the rebel army, and held by our forces at Fort Lookout (as prisoner,) sent word to us that he would give $10 for the support of the colored school."

The freedmen at Plymouth have aided the teachers as far as their limited means allow,

and have formed a society pledged to defray expenses of rent for two houses—one as a teachers' home and one as a school-room. A teacher thus writes of Plymouth:

"No one who has not been in Plymouth since the war can have any true conception of the manner in which the houses have been destroyed. Scarcely a dozen dwelling-houses here have either locks on the doors or glass in the windows, and every house, except two, bears the marks of shot and shell. Many families who, previous to the war, had luxurious homes, are now living with all the windows boarded up, except perhaps those in one room in which they sit."

With an extract from a recent letter from Roanoke island we will close:

"The destitution is still great. Unless you can send us more for gratuitous distribution soon it will become fearful. The commandant says that those who come here are of that class who are driven by necessity from the homes where they have spent their lives in unrequited servitude, and after gathering the autumn's crops are no longer needed, and it will cost less to drive them out without food and shelter until their services are again needed. * * * These things so stir me at times that I can only cry, 'Lord, help, or we perish!' * * * The government still continues its protection, and the troops appear at places where there is any danger of a collision of the races. *The time has not yet come to wholly withdraw all military protection.*"

We should say, Not yet.

## NORTH CAROLINA.

Here is a glimpse into life at the little town of Edenton:

"Such a quiet town as it is. No whirr of machinery or rattle of carriages—only the occasional cheery he-ho from a negro's throat to break the stillness. The very trees have a sleepy look as they nod above the silent streets. The town has suffered very little from the war, save in the general stagnation of business, and is in reality very pretty, though the many evidences of carelessness and neglect, the lack of paint, broken windows, and dilapidated fences grate harshly upon our New England ideas of order and thrift.

"The 'chivalry' stand at the corner of the streets in blissful idleness from morning till night. Of the ladies of the town we see very little. They spend the greater portion of their time in listless seclusion, moruning over the hopeles sfate which has overthrown their pet institution and substituted for the slave mart and its attendant honors our peaceful school for the freedmen.

"Our schools prosper finely. The attendance is excellent, and the progress of the pupils very satisfactory. In my division of fifty pupils, all can read and spell very well, and some study arithmetic. When the school first commenced, a little more than two months ago, they did not know a letter of the alphabet. They are eager to learn, and they go about it with unrivalled perseverance. They carry their beloved books everywhere with them, improving every opportunity of perusing them. On their way to and from school, and at recess, we can see them in little groups, walking and studying, the more advanced kindly assisting those not so fortunate.

"One boy, whom Mr. C—— engaged to cut wood, we discovered, after his work was done, studying his lesson for evening school by the light reflected upon the verandah through the windows of the room where we were taking tea.

"All are not black children whom we number among our band, though all have been slaves. One of my division, a boy of eleven, has fair hair, blue eyes, and Grecian features. Another, a little girl of seven, is as pretty a child as I ever saw. She has a clear complexion, brown eyes, and straight, silky brown hair. Hundreds of admired and idolized children in northern households have not so much beauty of face and manners, or sweetness of disposition, as little Emily Horton.

"I am particularly interested in the evening schools for older persons who cannot attend during the day. It is a pleasant sight—those sturdy young men and women, those of middle age, and those over whose heads many winters have scattered frost—alike bending earnestly over their books, eager to improve the glorious light which has dawned upon their long night of darkness.

"The colored people in this vicinity are very industrious, and their condition is better than in many parts of the south. They, however, have much to endure. The old plantation spirit is by no means extinct. The dethroned lords of the lash cling to the shadow of slavery with a death grasp.

"During a visit which we made in the holidays to the ruined town of Plymouth an incident occurred illustrative of the times. Five of us were exploring a fort in the vicinity of Plymouth. We, the ladies, leaving our friends discussing some point of military architecture, passed around an embankment which hid them from our sight, and came suddenly upon an old negro who was removing for firewood the remnants of the abattis. He touched his hat in the most approved style and stepped aside for us to pass, but we stood still, and Miss M—— began a conversation with him.

"'Well, uncle, how do you enjoy your freedom?' she asked.

"He eyed her suspiciously for a moment; then putting on a look of stupidity and indifference, added:

"'Ah, missus, I don' know—don' know as I is free.'

"'What!' we exclaimed in astonishment, 'don't know that you are free! What do you mean?'

"'No, missus,' he persisted, 'don' know nothin' 'bout it; nothin' 't all.'

"Just at that moment one of the officials who accompanied us came up. As the negro caught sight of the federal uniform the look of stupidity vanished as if by magic. Off came the old hat in a twinkling, and with a smile beaming all over his dark face, he turned to us exclaiming:

"'Oh! I know you now. You's not secesh; you's friends, an' I know what I is, too. Yes, missus, I's a *free man*, tank God.'

"What do you of the free north think of liberty which may safely be avowed only in the literal shadow of the 'blue?'"

The writers of the above extracts are teachers and reliable witnesses; though in their accounts of "*destitution*" they sometimes exaggerate a little.

The case of outrage at Elizabeth City was reported to me, and a small military force was sent there by General Ruger at my request.

E. WHITTLESEY,
*Colonel and Assistant Commissioner.*

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WASHINGTON, D. C., *February* 8, 1866.

Homer A. Cooke sworn and examined.

By Mr. HOWARD:

Question. State whether you hold any official position.

Answer. I was captain and assistant quartermaster in the Union army.

Question. Where did you serve as such, chiefly?

Answer. In North Carolina.

Question. Have you been in North Carolina since the close of hostilities?

Answer. I left North Carolina in December, 1865.

Question. What places did you chiefly visit in North Carolina?

Answer. I have been stationed at Newbern and Roanoke island, and visited, officially or otherwise, Morehead City, Beaufort, Washington, Edenton, Elizabeth City, Plymouth, and various other localities in the eastern section of the State.

Question. Have you been connected with the Freedmen's Bureau?

Answer. I have had no connexion with the Freedmen's Bureau except the intercourse naturally resulting from my position.

Question. What is the state of public feeling among the ex-rebels of North Carolina, generally, in relation to the government of the United States?

Answer. So far as my observation extends, I have not observed loyal sentiments among them.

Question. How do they speak of the government of the United States?

Answer. I have found a good many people among the intelligent, educated portion of the community who profess to be Union men, but, when their definition of Unionism is given, they want the Union as it was before the war.

Question. What do they seem to intend by that expression, the "Union as it was?"

Answer. They are rather vague and indefinite in their expressions. I have conversed with a great many of them, and generally they were not original secessionists. They take pains to impress upon you that they were not in favor of secession. They claim that the Constitution guarantees to them their rights, apparently overlooking the changes produced by the war.

Question. Do they speak generally in kind terms of the federal government, or in contemptuous, contumelious terms?

Answer. There are two distinct classes among them. The leading wealthy people, in conversation with officers of the army, do not speak, perhaps, unkindly of the government, but they claim a right to be represented in it. The mass of the people—the uneducated portion—seem to have no ideas whatever in relation to the general government, but simply as regards the State. But there is a very strong feeling of hostility towards northern men.

Question. When northern men come among them for the purpose of settlement or trade, how are they generally treated by the secessionists?

Answer. Very coldly.

Question. Are they received into social intercourse?

Answer. They are not, generally. Social intercourse between northern and southern men, and their families, is very rare.

Question. Are men from the north invited into the best families among the secessionists, or are they overlooked?

Answer. My observation has been almost invariable, that when northern men give any

invitations to any party or assembly the southern men are invariably absent; and when southern residents issue invitations northern men are excluded. The same thing is perceptible in their churches.

Question. What are your ideas as to the security of northern men who settle there, in the enjoyment of rights of property and their rights as citizens? Are they as secure as secessionists themselves?

Answer. I should presume that in the larger cities and towns northern men would be secure from any personal violence or violation of law; but outside I would say they were not secure.

Question. Suppose the military forces should be removed entirely from North Carolina?

Answer. I think the northern people would be compelled to go with them or very soon after. They would be driven from the State by the disagreeable circumstances surrounding them.

Question. In such an event would you apprehend violence towards northern men on the part of secessionists?

Answer. I am not able to say to what extent; to a greater or less extent, either by the destruction of their property or by some other means.

Question. You mean to say that there is a general feeling of dislike and distrust towards men from the northern States?

Answer. I do. There is an unwillingness to meet, socially, northern people.

Question. Why is that?

Answer. I suppose it arises from a disinclination to have northern men settle among them; an unwillingness to trade with northern people if they can avoid it.

Question. Have you reason to believe that any considerable portion of the secession element in North Carolina still cherish the hope of southern independence?

Answer. I am not prepared to say that I think they have sufficiently matured their plans to cherish that idea at present; they are mainly absorbed in their situation at this time.

Question. Have you any reason to believe that there are such plans in embryo among them?

Answer. I have never seen in that State, parties whom I would expect to see leaders in any such undertakings, but I have seen many individuals who I have no question would readily follow in making such an attempt.

Question. Have you heard anything said among them in reference to a foreign war between the United States and England or France, or any other foreign power?

Answer. I have heard remarks of that nature, but not from responsible parties; not from educated people, but from the most ignorant portion of the community.

Question. From what you have observed and know of the general feeling among the North Carolinians, what part would they, in your judgment, be likely to take in the event of a foreign war between the United States and any European power?

Answer. I do not think there would be a unanimity of feeling on that subject.

Question. Would any portion of them be likely to join the enemies of the United States in that event?

Answer. It would be very difficult for me to say what parties would do under certain contingencies. I think the sympathies of many of them would [illegible] with the enemies of the United States; I have no doubt of that.

Question. Do you hear many of the rebels, those who have taken an active part in the rebellion, express regret for the part they have acted in the war?

Answer. I never heard one. At the time of the congressional elections in November, the sentiment of the people of the State was exhibited as clearly as at any time since the war. No unconditional Union man can be elected to any office whatever. One of the candidates for Congress said that he could not take the test oath if he would, and would not take it if he could, and that it was a disgrace to any man in North Carolina to say that he was able to take it. He was a successful candidate; he was elected.

Question. To what office?

Answer. A representative in Congress.

Question. What was his name?

Answer. I think it was Mr. Turner, but I will not be positive as to the name.

Answer. Do you know what his residence is, or was?

Answer. I cannot state his residence at the present time; I have heard it stated. It was a matter of common report; it was said at a public meeting. I did not hear it myself, but I learned it from various credible sources.

Question. You heard it from gentlemen on whose veracity you would rely?

Answer. I should, sir. I know of but two men who were candidates for Congress at that election who could take the oath; these candidates were in the first and second congressional districts of North Carolina.

Question. Can you give their names?

Answer. One is Mr. William Bond; the other is Mr. Robert F. Lehman, of Newbern. Mr. Lehman received, I think, only about a hundred votes in the district, and these were mainly from the northern people in Newbern.

Question. Do you think that the voters generally in North Carolina look upon actual service in the rebel army as a merit rather than as a demerit?

Answer. Undoubtedly, sir. If it is not regarded as a merit, it certainly has their sympathy and support; it attracts their sympathies and enlists their support.

Question. Among what classes of whites in North Carolina do you find the strongest feeling against the United States—the low and uneducated, or the educated and well-bred?

Answer. I do not know that I can answer that question correctly, because among the educated and refined people they have the art of concealing their sentiments under a courteous manner, so that it is sometimes difficult to ascertain their real sentiments.

Question. What class are the most out-spoken on that subject?

Answer. In answer to that question I would say that there is a great lack of moral courage in the south, and that persons occupying the highest positions in society, socially and otherwise, in conversation with northern men individually, will assent to all their propositions, but when they meet their own people will retract everything they have said: while among the ignorant classes they make no concealment of their feelings. The feeling of the poor classes of the whites seems to be concentrated against northern men without any particular reference to the government.

Question. What is the main ground of that prejudice against the northern men?

Answer. I suppose, sir, it is owing to the teaching they have received before the war; it has been inculcated by public speakers before the war that northern men are hostile to them, encroaching upon their rights.

Question. How do they feel generally in reference to the abolition of slavery?

Answer. I think, sir, they have an unwillingness to converse on that subject; they all admit in so many words that slavery is dead, that it is abolished; and that is about as much as they like to say in regard to it.

Question. What is their treatment generally of the freedmen?

Answer. I should say, in reply to that, that the freedmen are treated much better when they are near where the Union troops are stationed; but, from all the evidence that I can gather, I believe that outside, when there is no army to protect them, they are treated with great cruelty in some cases.

Question. Do you hear of cases of maltreatment of the blacks, such as flogging and other acts of cruelty?

Answer. I have heard of numerous cases. I do not know that I could mention any specific cases at the present time, giving dates and names.

Question. I merely ask whether you have heard of such from what you regard as credible sources.

Answer. I have heard from persons, who I have reasons to believe make correct statements, that in many of the interior counties slaves are held at the present time in a state of servitude as they were previously to the proclamation.

Question. And have you heard of cases of flogging or torture of any description?

Answer. I have heard of different cases of punishment. These particular cases of flogging I should not be so apt to hear of as I would of those of a more violent nature, such as shooting.

Question. Have you heard of cases of shooting freedmen by whites?

Answer. Yes, sir.

Question. Have those cases been frequent or rare?

Answer. The means of communication between military posts and society outside were not uniform, and it was only occasionally that communication could be held. Therefore it would only be an inference; but that inference would be that punishments were frequent, and that the instances of cruelty were numerous.

Question. Do you find among the secessionists of North Carolina a general feeling of kindness and regard for the copperhead party of the north?

Answer. I think there is no doubt on that point. They desire the success of the democratic party, believing that it would yield them what they call their rights.

Question. They have the idea that, if the democratic party should obtain an ascendency in the government, they, the secessionists, would have their rights?

Answer. Yes, sir. What they mean by rights is the power, I suppose.

Question. And in that case they anticipate that all their slaves would be given back to them, or the value of them?

Answer. I think their ideas on that point are somewhat indefinite, but at the same time there is no doubt that they earnestly desire the success of the democratic party, supposing that it will confer privileges upon them. I think they entertain a vague hope that someway, not clearly apparent to themselves, slavery will be again established through that agency. I might say that there is a class of men in that State who would be ready to accept the principles of republican government as understood by loyal people at the north, but they have not the courage to acknowledge it before their own people.

Question. Do the secessionists still hold it to be the true doctrine that the United States had no authority to coerce a rebel State?

Answer. I do not know that I have heard that question discussed particularly; but the people there have a way of reaching that matter by simply saying that they owe their alle-

glance to the State, and that wherever the State goes they must go; the general government is not considered in that connexion.

Question. Do they consider that the question of the right to secede has been settled by the war?

Answer. I do not think they do; I think they regard it in this way: That the war simply settled the question that the north was the strongest. They are free to acknowledge that they were beaten; but I do not think that, generally speaking, they abandon any principle which they have heretofore maintained.

Question. What effect has President Johnson's liberal policy in granting pardons and amnesties to rebels had upon the minds of the secessionists there; has it made them more or less favorable to the government of the United States?

Answer. I can, perhaps, better answer that question by saying that every unconditional Union man of my acquaintance in that State is opposed to that policy.

Question. How do the secessionists feel about it?

Answer. They claim the President as their friend in that matter.

Question. Has this liberal policy made them more or less friendly in their feelings towards the government of the United States; has it made them more respectful to the government, or more contemptuous towards it?

Answer. The fact is certain that the feeling of hostility against the government of the United States is much more intense there than it was six months ago. I do not know that I could state precisely what the cause was. My own opinion would be that at the time of Lee's surrender they were ready to accept of any terms that might have been offered; but that, no rigorous condition having been imposed, they have been led to think that they have a friend in high station.

Question. And they rely on President Johnson more than they do upon Congress; is that the fact?

Answer. Certainly, sir. They are very hostile in their manifestations as regards the majority in Congress.

Question. How do they speak of the majority in the two houses of Congress?

Answer. In terms of deep and malignant hatred.

Question. What are some of the epithets they apply to them, if they apply any?

Answer. They are spoken of as radicals, who would ruin their country if they cannot rule it.

Question. Is that the tone of secession newspapers published in North Carolina?

Answer. I do not know of a newspaper in North Carolina that comes up to the standard of what I should call loyalty to the government.

Question. How do the secessionists regard the efforts to establish schools among the colored people?

Answer. They are not at all pleased, so far as my observations extend; and it has been very difficult to establish schools, excepting where they are directly under the military protection.

Question. Without that protection would it be possible in many localities in North Carolina to keep up a colored school at all?

Answer. I do not think it would.

Question. Would not the secessionists disperse the scholars, drive out the teacher, and tear down the school?

Answer. I think so. I think the school-house would be burned, or the teacher subjected to so much annoyance and insult of every kind that it would be impossible to keep the school without military protection.

Question. Have you given any attention to these colored schools?

Answer. I have. I did so before the organization of the Freedmen's Bureau. I had charge of what was then called the contrabands, before the term freedmen was used. There were some three thousand of them in Newbern, and I had frequent occasion to understand the means pursued for their improvement and education.

Question. Does the negro show an alacrity and desire to acquire education?

Answer. It is very remarkable to what extent it goes in all classes. Their desire for improvement is very remarkable. Their schools are promptly attended, and the progress made by the negro children is very satisfactory, I think, up to a certain point; fully equal to any white children of the same age. After they have reached a certain point I should say that the white children progress more rapidly; I mean when their reasoning faculties begin to be called into exercise.

Question. Do the blacks appear to be willing to make sacrifices of property to acquire education?

Answer. Yes, sir. I can give you an illustration showing the desire for general improvement of that race. When I was at Roanoke island I had under my care about one hundred men employed in the quartermaster's department. One of those men was foreman of carpenters, of whom we had twelve or fifteen employed. He was fully competent to draw plans and construct buildings as well as any white man I ever saw. He was employed by the government at thirty-five dollars a month. I told him that if he desired to leave, as he had a family, I knew that he could get employment elsewhere at higher wages. He said he

felt it his duty to remain, in order to instruct others of his race, so that they would be able to obtain a living and an education. As soon as that department was discontinued there he immediately obtained work at three dollars a day, as he could have done a year before. The difference in his pay was substantially a contribution on his part for the benefit of the colored race, for their general improvement by his example and efforts.

Question. Is there any other instance of a striking character which you wish to state illustrating their desire of education?

Answer. It was customary among nearly all, or many of them at least, (some being of an age greater than myself, forty-six,) at all their leisure hours to have a book. They would sit down at any hour, and with the limited education which they had gathered from their children and others they would endeavor to improve their knowledge of reading. I never had any difficulty among that class of people in obtaining a reasonable amount of labor—a fair day's work for a fair day's wages; and I have had some of them employed under circumstances which were very dangerous to their health and even to their lives.

Question. State whether, in your opinion, they are as willing to work as what are called the low whites of the south.

Answer. When I was in Newbern, in the fall of 1863, there was a good deal of scarcity in the country around, and consequently there were a great many persons coming in, both white and black. Almost invariably I found among the blacks a desire to labor. I had charge of getting logs and wood, and various other branches of the quartermaster's department, and many of the blacks came to me desiring to get work from the government, and I employed them. The whites did not desire to work to so great an extent. These whites were called loyal refugees. Their loyalty consisted in the fact that they had nothing to eat where they were, and came to Newbern to get something to eat.

Question. They came to the United States granary?

Answer. Yes, sir. They did not remain loyal altogether as long as they were fed. I employed some of those men and the negroes, and, considering the difference of color, I endeavored to place the whites in a position where they would have some advantages; but I found a decided disinclination on their part to labor; and during the time they were employed there was almost constant disagreement between them and the blacks, while there was none between the white northern men and the blacks in my employment.

Question. What is your profession?

Answer. I am an editor. I have been engaged mainly as publisher and editor of newspapers for the last fifteen or twenty years in Lowell and Lawrence, Massachusetts.

Question. Are you a New England man?

Answer. Yes, sir.

Question. Do you think of any other facts which you deem it of importance to state to the committee?

Answer. I do not think at this moment of anything that would be of interest.

Question. How do the ex-rebels feel about the payment of the federal war debt? If it was left to them to vote yes or no on the question of paying it, what way would they vote generally?

Answer. They would vote no, without doubt.

Question. It would not be a very close struggle?

Answer. It would be about as unanimous as the vote in this district on the question of negro suffrage.

Question. Suppose the question were referred to them whether or not they would pay the rebel war debt, how would they vote there generally, yes or no?

Answer. I think their vote would be in the affirmative, to pay it; because the mass of voters are under the influence of a few men, and those men are directly interested in the debt, as they hold the bonds.

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WASHINGTON, *February* 15, 1866.

Reverend Hope Bain sworn and examined.

By. Mr. HOWARD:

Question. Where do you reside?

Answer. Goldsborough, North Carolina.

Question. How long have you resided there?

Answer. Eleven years.

Question. What is your profession or occupation?

Answer. I am a clergyman.

Question. Of what denomination?

Answer. Universalist.

Question. Were you at Goldsborough during the rebellion?

Answer. Yes, sir, all the time, aside from my absences on clerical duties.

Question. How do the secessionists in North Carolina, so far as you have seen, feel towards the government of the United States at present?

Answer. To judge from what I have heard them say, and their acts, I should suppose they did not feel very kindly. That is the conclusion I have arrived at from my daily conversations with them at home and in travelling.

Question. State whether you hear frequent expressions of dislike and contempt towards the government of the United States?

Answer. I cannot say that I have heard anything like contempt further than that, though they consider they were overpowered, they were not subdued.

Question. They mean to say that their opinions are the same as they were before.

Answer. Yes, sir; that is a pretty general thing.

Question. Do you hear any expressions of regret among them at having taken up arms against the government?

Answer. No, sir, no regret.

Question. Is it not, on the contrary, rather a subject of pride and exultation?

Answer. It is the subject of a good deal of pride. I have been placed in a position where I could obtain some knowledge of them. Governor Holden appointed me a justice of the peace, and in addition to that appointment I held the chairmanship of the committee to administer the amnesty oath. In doing so I have necessarily come in contact with a great many of them. I administered the oath in the entire county of Wayne, and I must say, from their conversation and the way they acted, that they did not care much about the oath, although I qualified them with all the solemnity I was capable of. One prominent rebel by the name of Lane, who had been a lieutenant or captain in the rebel army, came to me one day and said, "I want to take that damned nasty oath." "What do you mean?" said I. "Do you not administer an oath?" said he. "Yes, sir," said I. "Then," said he, "I want to take it." I found from his expressions that he was just as much of a rebel as he was before; and at that very time he was a candidate for the office of clerk of the superior court.

Question. An elective office?

Answer. Yes, sir.

Question. And he took the "damned nasty oath?"

Answer. He took the "damned nasty oath," and offered himself as a candidate for clerk of the superior court. He afterwards manifested the same disposition to me. His father, who lives in the city with me, is a prominent man; was prominent in the rebellion; was a tax-gatherer for the entire State, and is a man of great influence.

Question. Did his father take the amnesty oath?

Answer. That I cannot say. It seems to me he was not pardoned at that time. I am satisfied he did not take it from me. They shunned me because I was very particular about the manner in which I administered it. There were others of the committee who were not so particular as I thought they ought to be, and they went to them in preference to me.

Question. How do they feel in regard to the payment of the federal debt contracted in the prosecution of the war—are they willing to pay it?

Answer. There is no willingness expressed on that subject whatever. Their expression is, that they have quite enough of their own debts to pay.

Question. How do they feel in regard to the payment of the confederate debt—would they be willing to pay it also?

Answer. I cannot say as to that. They would be very willing that their money should be made good. They regret that they had not a sufficient number of soldiers to enable them to succeed in the rebellion. They said that if they had been able to obtain enough soldiers they would have got their freedom.

Question. Do you know anything about their future plans?

Answer. I do not. They would be sure to keep them from me. There are only three Union men in the town where I live—myself, the postmaster, and an old man of over eighty.

Question. In case of a foreign war between this country and England and France, what would be the course pursued by the secessionists?

Answer. I believe that a majority of them would go with the enemy. Speaking with a prominent man, to whom I administered the oath very reluctantly, he said to me, "In less than five years, sir, you will see a different state of things." I did not feel disposed to say much to him about it, but I administered the oath, and as he took it he said, "I take it now, but I don't take it willingly." He is a man of property. They take the oath so as to be eligible as voters, in order to put down the Unionists. I told Governor Holden, with whom I am intimately acquainted, that I thought he had done wrong in recommending the pardon of many whom he did recommend; but I believed then, as I still believe, that the governor did it in order to secure his election to the governorship. The Union men of Wayne county got together to select men for the magistracy of the county. They could only fix upon eighteen persons whom they could recommend. They sent those eighteen names to Governor Holden; but subsequently there were other lists sent up, increasing the number to thirty eight, while we were sure there could be but eighteen Union men in the whole county There were eighty-four magistrates nominated in the State by a man who professed to be a Union man, but who proved to be a traitor: and out of those eighty-four magistrates we have only four Union men all told. That is precisely our position.

Question. Could a Union man be elected to an office in North Carolina?

Answer. I think not. No Union man could be elected in Wayne county.

Question. Is your legislature now in session?

Answer. Yes.

Question. What is its particular character?

Answer. I think it is secession. I think a majority of its members are secessionists. We have some good Union men, but they are very few. In the western part of North Carolina there are truer Union men than in the eastern or central part.

Question. Men who have borne arms in the rebel ranks are generally preferred, I suppose, for office.

Answer. Yes, sir. There was a man who, I supposed, was a guerilla, Colonel Kennedy. He ran for the convention and was elected; after that he ran for sheriff of the county and was elected. He is one of the most hostile men, an out-and-out rebel, and does not deny it.

Question. Had he taken the amnesty oath?

Answer. I presume he has, else he could not hold office.

Question. Do you regard Governor Holden as a true Union man?

Answer. I really do not know what to say about that. I leave it in doubt. We are intimately acquainted. I think that Governor Holden would try to do right, but an aged politician, as he is, having a view to office, is easily swayed from the right path.

Question. How do they feel down there about the emancipation of their slaves?

Answer. Very sore. When the President declared emancipation, the professed Union men went over in a body to rebellion.

Question. How are the secessionists disposed to treat the freedmen in North Carolina?

Answer. They were not satisfied at all with the emancipation of their slaves. Necessity, however, drives them into a sort of conciliation. As a general thing the negroes do not like to hire with their former masters. They are willing to hire, but not with them, and I do not blame them for it. I have been assisting, and still am assisting, the Freedmen's Bureau, and I know considerable about them. Negroes come in and hire out for $120 a year, and, not being accustomed to money, they think that a great amount. One gentleman in the neighborhood hired quite a number at that rate, paying them $2 50 a month, and reserving the balance to the end of the year. If they continue to work faithfully, they get the full amount of their pay; if not, the matter is at an end, and they forfeit what is due to them.

Question. Is that a rule of the bureau?

Answer. No, sir; but the bureau has to submit to it, inasmuch as the employer and the negroes make the agreement. We have a very good man in charge of the Freedmen's Bureau there—a Swiss. About fourteen or sixteen miles from Goldsborough there has been a gang of men banded together, one of them being the son of a wealthy man named Cooley. Two negro men came to Raleigh, having two fine horses with them and three at home, their object being to hire a farm from Cooley. They called at his house, but he was not at home. His son told them that he would be home next day, and asked them to stay over Sunday. They remained until Monday morning; but, as Cooley did not come home, the son told them where they could get land, and they started for the place. They had not gone further than about three miles before they were overtaken by young Cooley and two others mounted. They stopped the negroes and wanted them to swap horses, which they did not want to do. Cooley's two companions went on ahead, leaving him in chat with the negroes, when he deliberately shot down one of them while they were riding together. The other got down to see about his brother, when Cooley fired two shots at him, but missed him. The negro then ran into the woods, leaving his dead brother in the road, and leaving the two horses, which he never got back. Three or four weeks ago three soldiers were sent out in company with a man who knew the gang to try and arrest the murderer. They got to Cooley's house between dawn and sunrise, and inquired for him, but they were told he was not there. A man whom they met there made an offer as if he would take the gun from one of the soldiers, when the soldier shot him. They then left the place and retreated to Goldsborough. The three soldiers got in, and the guide got as far as the precincts of the town, when he was shot down dead; I saw his corpse. Some ten or twelve had mounted on horseback and followed them into the town, where they committed the murder. That is the position we are in.

Question. Are these scenes of violence of frequent occurrence in the State?

Answer. No, sir; this took place in the northern part of the county. In the southeast part of the county another occurrence took place, which I will mention. I had induced some officers, when the army was at Goldsborough, to give to negroes some decrepit mules, saying that they could go out in the country and cultivate some unoccupied land. They went out on the land of a Mr. Atkinson and made a good crop. About the time to house it, they had a religious meeting one Sunday evening, when a band of men came to the meeting-house and took from them the coats they had on their backs, which they had got from federal soldiers; then they took their knives and meat and lard, and last of all, they took their mules also. That occurred some two months ago. The Freedmen's Bureau has no soldiers to protect the negroes.

Question. Was any attempt made to arrest and punish these offenders?

Answer. Yes; the agent wrote to the captain of the Home Guard to arrest these men. The captain of the Home Guard sent word that he had his hogs to kill and could not go. Then the lieutenant was called upon, but he could not go. The blacks pursued them until they

came to a bridge that was burned over the river, and they could not go any further. Six weeks after that the Freedmen's Bureau had one of the men arrested, and he is under bonds of five thousand dollars to appear for trial. There ought to be a well-mounted company of soldiers kept regularly at such posts. There are some wealthy men in the county who have excellent land which they do not use, and I really think there would be no impropriety in leaving them so much land, and renting out the balance, if not confiscating it, to pay expenses. One of these rebels last year made $14,000 in cotton. This year the negroes will not work for him.

Question. How do they feel in reference to the blacks remaining with them?

Answer. They are for having them sent away—colonizing them somewhere—they do not say where.

Question. Did you know of any combinations or associations among the blacks, having in view any outrages on the property of the whites, last Christmas?

Answer. None, whatever; I heard rumors, but I believe they were without foundation. I have spoken to many negroes about it, and I never believed there was the slightest foundation for suspecting anything of the kind.

Question. You do not suppose that any such plan ever existed?

Answer. No, sir, I don't believe it; but there is great cause to provoke the negroes to insurrection.

Question. Is there any other fact that you wish to mention to the committee?

Answer. I do not know of anything in particular.

Question. What effect has President Johnson's liberality in granting pardons and amnesties had upon the minds of secessionists?

Answer. I think that he has done it for an effect. I was speaking to a prominent man on that subject recently. Said I to him, "You have got your pardon?" Said he, "Yes; President Johnson is as dependent upon us as we are upon him." "In what way?" said I. Said he, "He will be a candidate for the presidency, although he says he will not be, and, doubtless, he wants to make us his friends." But even in that I think he will be foiled. I believe that if Robert E. Lee were pardoned, and were to set up for President, the south would give him ten votes for the one they would give to Mr. Johnson. If Zebulon Vance, the ex-rebel governor, was pardoned, and was to run in opposition to Mr. Worth, our present governor, he would get twenty votes for Worth's one. Worth was elected against Holden. I do think that if ever I can see the President myself, I will talk to him about these things. I have got a letter of introduction to him, and, if he will allow me, I will tell him in all kindness what the effect of his liberal policy is. I preached in twenty counties prior to the war, and I have been since notified of the fact that I cannot go there to preach any more. I have asked what the matter was, and have been told, "You have taken sides with the north; you are a sympathizer with them. If you were not with us, you ought to have left the country." My answer has been, "No; I was not dissatisfied with the United States. It was you that were dissatisfied, and you should have left the country." I do believe that of those twenty counties I cannot go into more than one county to preach, and I am not satisfied that I could even go there with safety.

Question. Do you think that North Carolina is fit to be readmitted into the Union?

Answer. No, sir; I do not. In some of the western counties there are a few loyal men.

Question. You do not think there is loyal feeling enough in North Carolina to justify Congress in readmitting her into the Union?

Answer. I do not; I wish I could think so.

Question. If they had another opportunity, do you think they would try to get out of the Union?

Answer. I think so; that is my candid opinion.

Question. And you think that they would even join a foreign government at war with the United States if by doing so they could secure their independence?

Answer. I do think so; and, furthermore, I do not think it safe for the negroes to be there unless some strenuous effort is made for their protection, and for the protection of loyal men. We are classed together. About three weeks ago a mob passed by my house, calling out for the "old gray-headed son of a bitch of a Yankee sympathizer." Some time afterwards they came back, uttering the same evil towards me. I really think they will burn my house yet.

Question. Do you regard your life as safe?

Answer. No, sir. I am not afraid, but I do not think I am safe.

Question. Is such treatment as you have mentioned common to Union men?

Answer. Yes, sir; it is.

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WASHINGTON, D. C., *February* 21, 1866.

Dexter H. Clapp sworn and examined.

By Mr. HOWARD:

Question. What position have you been recently occupying in the service?

Answer. I was lieutenant colonel of the 38th United States colored troops. I am now lo

cated in Pitt county, North Carolina. I have been on duty in the Bureau of Refugees, Freedmen, and Abandoned Lands, in charge of twenty counties in the central part of North Carolina. I was on such duty from July 7, 1865, to January 15, 1866.

Question. Of what State are you a native?

Answer. New York.

Question. Have you mingled much with the people of North Carolina since you have been there?

Answer. I have been constantly brought in contact with all classes of people.

Question. How do the secessionists of North Carolina feel towards the government of the United States?

Answer. They have no inclination of opposing the government by open war any further. I think they have no more love for the government than at any time during the rebellion, and only submit to it as a necessity. The more sensible portion of them intend to make the best that they can of it.

Question. Do you hear regrets expressed frequently at the results of the fight?

Answer. I hear, very constantly, evidences of great regret at the result of it among a large portion of the people. There is a great desire to get back fully into the Union. I am well satisfied that it is now the intention, when they get back, to unite with whatever parties at the north they can unite with to repudiate the national debt. That has been settled on and has been brought to my attention.

Question. Did that information come to you from sources entitled to your respect and credence?

Answer. It did, sir. Perhaps I should not say there is a settled arrangement or conspiracy for the purpose, but that it is a sort of common understanding, an expected thing. Some of the most sensible and shrewd men in the State have told me so.

Question. Do they seem to surmise that there is any such party at the north as will consent to a repudiation of the national debt?

Answer. Yes, sir; they expect to succeed in it.

Question. That northern party, I suppose, is what we generally call the democratic party or copperhead party?

Answer. Yes, sir.

Question. How do they feel toward the black republican party of the north?

Answer. They look upon them with the greatest hatred, the greatest ill-will imaginable for one class of men to feel towards another.

Question. Would it be safe for a member of that party from the north to attempt to establish himself in North Carolina and to carry on business there?

Answer. There would be great danger at the present time to a person known as a radical. There would be great danger to any northern man when military protection is withdrawn; still I do not mean to say that I am afraid to remain there.

Question. What effect would it have to withdraw the United States troops and the Freedmen's Bureau from North Carolina?

Answer. I think that all northern men would be in great danger of personal injury, and that the freedmen would be without any protection whatever, and subject to great oppressions and wrongs of all kinds. I think that killing freedmen would be the rule.

Question. How many federal troops are there in the State of North Carolina now?

Answer. Three regiments.

Question. Where are they chiefly stationed?

Answer. I think there are five companies at Raleigh; six men at Goldsborough, simply guarding some government stores; there is a portion of a regiment in what is called the eastern district, at Newbern. There are three regiments altogether in North Carolina.

Question. How are the Union troops treated down there by the secessionists?

Answer. As a general thing they are treated respectfully. The secessionists dare not treat them in any other way There is a very wholesome fear of the federal soldiers. A lieutenant died at my house a short time ago, who attempted to make an arrest connected with a series of most outrageous murders. I can relate the circumstances if you desire it.

Question. Go on and give the narrative.

Answer. Some eight weeks ago several returned rebel soldiers, from Pitt county, went into the village of Washington and commenced shooting and beating Union men. Several assaults were made, and at least one Union man was publicly whipped in the streets, and some negroes were wounded. One of the party was badly wounded by a person whom they attacked. On their return they met on the public highway a negro. They first castrated him and afterwards murdered him in cold blood. These persons a short time afterwards went into the village of Washington and gave themselves up to the civil authorities and were placed in jail; but they soon escaped by overpowering the jailer. An order was issued by General Paine, commanding the eastern district, to the police of that county to arrest them. This was not done, and no effort whatever was made to arrest them. General Paine then ordered the chief of police, of Pitt county, to be tried by military commission for neglect of duty. General Paine was soon afterwards relieved from command, to be mustered out of the service, by an order emanating, I presume, from the Secretary of War, but not connected with this matter. I think for some weeks no further action was taken in the matter.

Question. Where is General Paine from?

Answer. From Boston, Massachusetts. Meanwhile this party continued to commit outrages on freedmen and Union men. I know that several negroes were shot by them, and it is reported to me that a large number were shot and otherwise maltreated by them. On the 25th of December the father of one of these parties, an old man named Kearney, was at the store of Church Perkins, in Pactolus, Pitt county, and left about two o'clock to go home. About that time an elderly man answering to the description of that man rode up to a plantation called the Ebon place, where two negro boys, ten and twelve years old, were playing in the yard, no other persons being at the plantation. He ordered them to go before him on the road, threatening them with his double-barrelled gun. He took them a quarter of a mile down the road and then one mile direct into a swamp, and there he shot them, killing one instantly and wounding the other. The one who was wounded soon came back, and with his father and the mother of the one who was killed went to Pactolus and reported the matter to Lieutenant Smith. He went with them and found the body; shortly after that reports were made to the district commander at Newbern that this party was intending to "clean out" (that is the phrase they use) certain northern gentlemen in that vicinity, and a party was sent by Colonel Wheeler, consisting of Lieutenant Kenyon, of the twenty-eighth Michigan, and eight mounted men. They succeeded in arresting all but one of this party, but the prisoners escaped the same night. Two nights after, the soldiers returned to the house of this man, Phil. Kearney, a man of considerable wealth, and, in endeavoring to make the arrest, Lieutenant Kenyon was shot. The gentleman living next to Kearney's refused to admit Kenyon into his house, although he was in a dying condition. He was brought to my room at Pactolus, and after about four days he died. A party of soldiers are now at that place endeavoring to arrest this man.

John Stanly, a nephew of Governor Edward Stanly, of North Carolina, the law officer of the eastern district under the provisional government, told me at the time of these transactions that it would not be safe for any person to express in any public place his disapprobation of these acts; that his life would be immediately the forfeit thereof.

Question. Is Stanly still in office?

Answer. No, sir; he went out with the provisional government; he would not stay in the country, and has gone to California.

Question. What is your opinion about the danger of any person expressing disapprobation of these atrocities?

Answer. Personally, I think he exaggerated a little, and yet at that time his remark was correct. I intend to live there, and I intend always to express my opinion; but things here look as if it might be dangerous. I am now living on a cotton plantation at Pactolus.

Question. How many persons do you suppose this gang was composed of?

Answer. About five. Of the thousand cases of murder, robbery, and maltreatment of freedmen that have come before me, and of the very many cases of similar treatment of Union citizens in North Carolina, I have never yet known a single case in which the local authorities or police or citizens made any attempt or exhibited any inclination to redress any of these wrongs or to protect such persons. The substance of this statement was made by me in correspondence with Governor Holden. That seems to me the worst indication of the state of society there—worse than the fact that these things take place.

Question. Do you suppose that the omission on the part of the authorities to interfere and enforce justice arises from their own fears of the ruffians, or from their sympathies with the ruffianism?

Answer. I think it comes from both causes; it would not be correct to assign either as a specific cause.

Question. How did Governor Holden demean himself towards such outrages; did he make any efforts as governor of the State to punish them?

Answer. I know of no such effort that he has made.

Question. Have these scenes been brought to his attention?

Answer. I cannot say that they have, but he must have known of them.

Question. Have they not been subjects of newspaper comments?

Answer. Yes, sir; I have known of several instances in which outrages were committed, and in which he exerted his influence with the military authorities to have them passed over. I can specify some particular instance.

Question. Do so.

Answer. A sergeant of the local police, Guion Earp, of Johnson county, brutally wounded a freedmen when in his custody, and while the man's arms were tied, by striking him on the head with his gun, coming up behind his back; the freedman having committed no offence whatever, that was shown.

Question. How is that military police organized; is it constituted under the State laws?

Answer. No, sir; it is constituted by the military authorities, and it was supposed that the best Union men were selected for the duty. This freedman lay in the hospital, which is under my charge, at the point of death, for several weeks. The sergeant of the police had searched his house previously for stolen meat, but did not find any. The same day he whipped another freedman, having searched his house and found no stolen property there. He whipped him so that from his neck to his hips his back was one mass of gashes, and so

that after being untied he sank on the ground and lay there insensible all night, and was found there next morning. While Sergeant Earp was under my charge, and while I was investigating the matter, very many prominent citizens interested themselves to have him entirely discharged, he having been tried by a military commission and sentenced to one month's imprisonment. I was told by General Hardin, commanding the central district of North Carolina, that a large portion of the members of the constitutional convention interposed, first, with General Ruger for his pardon, and then by a petition to the President, to whom the proceedings have all been sent. I do not know whether any action has been taken by the President or not.

Question. Was Earp imprisoned on conviction?

Answer. He was paroled by General Ruger, awaiting the publication of his sentence. He had been imprisoned some six weeks.

Question. Are scenes like these which you have described of frequent occurrence in North Carolina?

Answer. They are, in portions of it, not immediately in the vicinity of military posts, but away from them.

Question. Does a Unionist or a freedman stand much chance for justice in the State courts?

Answer. I think not, emphatically. There is so great a demand for labor in North Carolina that that demand is operating very favorably, indeed, for the protection of the freedmen, and is his only protection, except the military, at the present time. Those counties where there were the greatest number of freedmen find now that they have not near enough black laborers. All who were there have hired out and gone to work. They did this at Christmas time. Before that they objected to hire for another year. I had twenty planters from Edgecombe county, the best cotton county in the State, applying to me for laborers. I could hire out two thousand colored men in one day if I had them. The high price of cotton is the only protection, aside from the military authorities, that I know of for the freedmen. I regard that as a providential protection.

Question. Do the planters appear to be willing to pay freedmen fair wages?

Answer. Portions of them do, and portions of them do not.

Question. Suppose it were left within the power of the people of North Carolina at this time to say whether or not they would reduce the black race again to slavery; would they do so?

Answer. They would, sir.

Question. Do you suppose that there are any persons of consequence in North Carolina who contemplate another secession, or a movement for southern independence?

Answer. I have no reason to think that there are. I think they are thoroughly subdued, as far as fighting is concerned.

Question. In case of a war between the United States and any foreign power, such as England or France, and in case there should happen to be a prospect of securing southern independence, so called, what would be the course that would probably be taken by the secessionists of North Carolina?

Answer. I think the large majority of the secessionists of North Carolina would adopt any course giving them any reasonable hope of obtaining independence, but I think they have no idea of fighting.

Question. For that purpose they would, in your opinion, join the common enemy?

Answer. Yes, sir, I believe a large portion of them would do so if they thought there was any reasonable prospect of success; but I am clear in the idea that they would not fight the north any more. They are entirely satisfied with their experiment.

Question. Go on and relate any other facts that you may know of, illustrating the state of feeling in North Carolina.

Answer. A freedman by the name of Cotton, living at Pittsburg, Chatham county, was assaulted by a white man. He defended himself. A fight ensued which terminated in the freedman's running away to preserve his life. He was arrested by the military police and put into jail, which was the means of saving his life from the mob. He was tried by the provisional justice the same night (Saturday night) about ten o'clock, and sentenced to be publicly whipped at the pillory. The sentence ran in this way: "Give him ten lashes at 10 o'clock; let him wear a barrel-shirt for two hours," (that is, a barrel with one head out and a hole cut into the other head large enough to let a man's head through,) "twenty lashes at 12 o'clock; then to be tied up by the thumbs for two hours, his toes touching the ground only; then nine lashes; then to be tied up by the thumbs for two hours more." The deputy sheriff remonstrated against inflicting the penalty. He was ordered by the provisional justice (Long) to inflict the punishment, and if he refused to do so he should be punished himself. While the justice was writing out the sentence in the court-room, the negro was assaulted by the man with whom he had the difficulty; the white man first snaping a pistol at the freedman, then striking him with it twice on the head, felling him to the ground insensible and in an apparently dying condition. The deputy sheriff removed the colored man to the jail, and states that he went to the justice and remonstrated against inflicting the punishment under those circumstances, stating that he did not expect the freedman to be alive in the morning; and even if he were, he would die under the infliction of the penalty. He states that the justice still insisted upon his inflicting the penalty, which the deputy sheriff did, with the exception, as he states, of letting the negro's feet rest partially on the ground. This penalty was in-

flicted in violation of the laws of the State of North Carolina, which only allow a man to be whipped on sentence after a trial by a jury—that is, a white man. In this case there was no jury; there was an examination simply by the justice.

Question. Who appointed that blackguard justice?

Answer. Governor Holden.

Question. Were these facts ever brought home to the knowledge of Governor Holden?

Answer. I cannot say that they were.

Question. Is he still in office?

Answer. No, sir; the provisional government has passed. I will state, also, that for two months I was utterly unable to get this justice brought to trial, although every effort in my power was made. The black man lived through the punishment, but I never could find him afterwards. In the lower portions of Johnson county, and in Sampson and Duplin counties, being in the vicinity of the battle of Bentonville, many freedmen had obtained worn-out horses and mules from the army and from the battle-field. These have all been taken away from them, either by midnight robbery or open violence. The military police and local militia have repeatedly, in different sections of the district, disarmed the negroes against all authority and against military orders; members of the military police are often brought up before the military authorities for such offences, but there is such a vast amount of work to be done by the military, that it is impossible to do full justice. In the immediate vicinity of military posts things are in a very good condition. They are a great deal worse in some sections than in others. General Hardin, commanding the district, has been very constant and efficient in his labors to maintain order and to insure justice to all classes.

An old colored woman named Janey, and her daughter, Mary Ann, were whipped by William Barnes, an aged planter in Wilson county, so cruelly, that when they came before the officers of the bureau, their backs, from the neck to the hip, were a mass of gashes. For some four months I endeavored to have this man brought to trial, but was unable to do so on account of the exertions of the prominent citizens of Raleigh and Goldsborough. These are representative instances which illustrate the general state of feeling there.

Question. Do you imagine that it would answer to withdraw the United States troops and the Freedmen's Bureau from North Carolina?

Answer. I do not; I think it would be very disastrous indeed; I think it would crush out the Union sentiment.

Question. And produce a state of anarchy?

Answer. Yes, sir; although I think they would have such a system as they have been used to having. The negroes would be subdued, and also the Union men, and the people would establish a sort of civil government and maintain order after their manner.

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WASHINGTON, *February* 23, 1866.

J. A. Campbell sworn and examined.

By Mr. HOWARD:

Question. What official position do you hold?

Answer. I am lieutenant colonel and assistant adjutant general of the department of North Carolina.

Question. Are you connected with the Freedmen's Bureau?

Answer. No, sir.

Question. How long have you been holding that position?

Answer. Ever since the department of North Carolina was organized, which was in the latter part of January, 1865.

Question. At what places have you chiefly spent your time?

Answer. Until the capture of Raleigh, on the 14th of April, I had spent my time between the coast and Raleigh in the field, at Wilmington, Newbern, and in the field. Since the capture of Raleigh I have been stationed in that city.

Question. Have you travelled much about the State since you have been there?

Answer. Not very much; I have been as far as Greensborough at the west. I went up there at the time of the surrender of Johnston's army, to arrange some preliminaries with General Schofield.

Question. How do you find the state of public feeling in North Carolina toward the government of the United States and toward the loyal people? I refer, of course, to the secessionists.

Answer. I think they feel as disloyal to-day as they did in 1861; I think they have no greater love for the government; if anything, their hatred is deeper. They have no feeling of respect for the administrators of the government in all its branches—nothing but a deep-seated hatred among the secessionists. There are loyal men in the western part of the State, most of them; I see that in some of the representatives which they send to the legislature. I have not been further west than Greensborough.

Question. What proportion of the people, in the great body of the State, are loyal—that is, friendly to the government?

Answer. I do not think that there is more than one-fifth of the people loyal, perhaps one-fourth, including the western part.

Question. On what is this opinion of yours founded that they are bitterly hostile to the government of the United States?

Answer. I am brought into contact with the citizens daily from my position. I always see those who have business with the commanding general, and am brought into contact with them and hear their expressions and opinions. I judge also from the tone of some of their newspapers.

Question. What do their leading citizens say about the government? What expressions have you heard, habitually or occasionally, from them, on which you found that opinion? What incidents have come under your observation leading to that belief?

Answer. A member of the present legislature told me one day that the people there would never have the same love for the old government that they had before. I judge it also from the remarks that I have heard from leading men to the effect that they were tired of the Yankees there and wanted to see them out, and from the votes which they gave for their candidates for State offices at the election for governor called by the provisional governor.

Question. When?

Answer. In October last. The candidates for governor were Governor Holden and Mr. Worth. Worth was run by the secession party.

Question. Had he been a rebel?

Answer. He had not been an active rebel; at the commencement of the war he was a Union man. He was treasurer of the State before the secession of the State. He continued to hold his office as treasurer during the time the State was out of the Union, and was appointed by Governor Holden provisional treasurer.

Question. These two were rival candidates for the governorship in October, 1865?

Answer. Yes, sir.

Question. Of what party was Holden the nominee?

Answer. He was the nominee of the Union party, or what they call the Union party there. Holden, however, had been at the commencement of the war a very bitter opponent of the government of the United States; but for the two years preceding the close of the war, he had been an opponent of Jefferson Davis. He was appointed by President Johnson provisional governor, and he appointed Worth as provisional treasurer. Worth was taken up by the secessionists, those who were looked upon by all parties as rebels; while Holden was taken up by the other side. The cry of his newspaper organ (it used to be owned by himself, and I believe it was still kept in his name) was this: "The issue before the people is 'Holden and go into the Union, or Worth and stay out.'" That was the motto of Holden's paper. By these means Holden got many votes from men who would otherwise have given their votes to Worth.

Question. Was that a paper of large circulation?

Answer. Yes; I think it is a paper of pretty large circulation and of considerable influence. It was formerly the democratic organ of the State; Holden was formerly its editor, and it was really the leading paper of the State for a dozen years or more. It was still conducted nominally by his son while he was provisional governor.

Question. Did Worth address the people during the canvass?

Answer. He did.

Question. What was the general tone of his remarks?

Answer. The general tone of his remarks was to the effect that he was as good a Union man as Mr. Holden. I never heard any of his speeches, but I know that that was the general tone of his friends; they all claimed to be Union.

Question. What do they understand by being Union men? What is the general idea attached to it?

Answer. I think that they mean that a Union man is one who is willing to accept the situation that has been forced upon them.

Question. Are they not all willing to accept the situation as forced upon them?

Answer. A great number of them accept it under protest. They would be very willing, if an opportunity occurred, to oppose the government, if they thought there was any chance for them in doing so. I think it could be stated in this way: That they are almost positive that there is no chance for a successful opposition to the government of the United States by arms. If they thought there was a chance, (but they would have to be very certain, because they have had such a lesson already,) if they were very certain of success, I have no doubt that three-fourths of that State would turn against the government.

Question. Suppose we should have a foreign war with England or France, and there should be apparently a prospect of establishing southern independence, so called; what would you anticipate would be the course pursued by the people of North Carolina?

Answer. The answer I have just given you would apply to that in some manner. They have had such a terrible lesson that they would have to be very certain; but in case they were very certain they could unite with a foreign nation, so as to achieve their independence, I think three-fourths of the people would do it.

Question. State whether you have heard remarks of that kind among influential men.

Answer. No, sir; I never heard remarks of that kind. I judge merely from what I see in

the newspapers and from the general tone of the people. They would not be apt to make such a remark to me. I have no social intercourse with the people down there.

Question. Have you been in the habit of hearing contemptuous expressions towards the government of the United States among the North Carolinians—expressions of hatred, ill will, and dislike, or towards the loyal people of the north?

Answer. Not so much myself, but they have come to me through other sources.

Question. You have been so informed by others?

Answer. Yes, sir.

Question. By persons who were truthful?

Answer. Yes, sir; from persons in whom I have every confidence, and whom I know to be truthful. They would not make any remark of that kind in my presence.

Question. How do they feel in regard to the payment of the United States debt contracted in the prosecution of the war—would they repudiate it if they could?

Answer. I can only judge from my general knowledge of the people, and I have no doubt in the world that nineteen-twentieths of the people of that State would repudiate it if they could.

Question. What would they do in regard to the confederate debt contracted in the prosecution of the rebellion—would they assume it and pay it, or would they repudiate that also?

Answer. They would assume and pay that part of it for which they think the State of North Carolina is responsible. The State of North Carolina, I believe, indorsed some of the bonds. The debt is in such a condition that they consider the State of North Carolina responsible for part of it. That part of it they would pay.

Question. What is the general feeling in North Carolina towards the freedmen?

Answer. I think the feeling is hatred more than anything else. It is a vindictive feeling, a determination to wreak upon them vengeance for what they think they have suffered themselves.

Question. State whether you have authentic information of maltreatment of freedmen on the part of whites; and give some instances, whether within your personal knowledge or derived from reliable information.

Answer. I have had official reports made to me of at least two hundred cases of maltreatment of different kinds, more or less, some of them cases of homicide. One man named Ivy was tried before a military commission, sentenced, and a few days since sent to the Auburn penitentiary for ten years for killing a freedman. Another, a woman, Mrs. Ball, was being tried at the time I left Raleigh for the murder of a freedman. I do not know whether it was made out murder or justifiable homicide; but as the case was reported to me it was murder. Another woman, Temperance Mealy, living near Salisbury, I think, shot a slave. She was tried by a military commission, and sentenced to pay a fine of $1,000, which fine I am told was made up for her within two or three days by the citizens of the county.

Question. What county was that?

Answer. I think she lived in Rowan county. It was in that portion of the State, at all events.

Question. Can you state any other instances of maltreatment of the blacks?

Answer. There was a case reported in Pitt county of a man named Carson who murdered a negro. There was also a case reported to me of a man named Cooley who murdered a negro near Goldsborough. Neither of these men has been tried or arrested. We have not been able to arrest them, and, of course, I do not know certainly that they committed these crimes.

Question. How many troops are stationed in North Carolina now?

Answer. Three regiments and one battery of artillery.

Question. What regiments are they?

Answer. The 37th United States colored troops, raised mostly along the coast of North Carolina, the 128th Indiana infantry, the 28th Michigan infantry, and a company of the 3d United States artillery.

Question. At what points are they chiefly stationed?

Answer. They are stationed at the forts at the mouth of Cape Fear river, at Fort Macon, at the mouth of Neuse river, at Morehead City, Wilmington, Newbern, Raleigh, Salisbury, Ashville, Morganton. I believe that there are from one to four or five companies at each of those places.

Question. Have you any reason to suppose that there are guerilla bands in North Carolina prepared to do mischief or to disturb the peace?

Answer. I do not know that I can state that that is the case. It has been reported to me several times that there were such bands, but in sifting the reports down I could not find that they were organized bands, which went regularly to work; although I have known of persons banding together and taking the law into their own hands. A case occurred at Goldsborough not long since, where a guide went out with two United States soldiers to arrest a man. They could not find the man whom they went to arrest, but they saw another man at his house who, as the guards told me, attempted to run. The guide halted him, told him that they came to arrest him, and shot him immediately. The citizens got after the guide, followed him into the town of Goldsborough, and shot him inside the town. The party consisted of from twenty to thirty citizens.

Question. Did they shoot him by way of avenging the crime which he committed in shooting the man he was in pursuit of?

Answer. Yes, sir. I went to Goldsborough the next day, and the agent of the bureau reported to me that there was an organized band there. I took about twenty men with me and went into the country some ten miles, but I could find no evidence that there was any organized band. I think it was just a party got up on the spur of the moment to kill this guide.

Question. Were the persons who shot the guide arrested and brought to justice?

Answer. I tried to arrest them that day. I arrested two of the men whose names were reported to me. One of them escaped, and the other I could not find anything against. Up to this time the others have not been arrested, but I was assured by a member of the legislature, who lives in that county, that they would be arrested by the civil authorities. I was assured by a committee of citizens at Goldsborough, who came to see me, that if I would promise that the man who shot this guide would not be interfered with by military law they would have him arrested and tried by civil law. I replied to them that I would not promise any such thing; that if he had been arrested by civil law I did not think the military would have interfered, but that we claimed the right to interfere if we chose, anyhow. A few days afterwards a member of the legislature told me that they would have these men arrested and tried by the civil law.

Question. Do you know whether they have been arrested?

Answer. They had not been up to the time I left Raleigh. I left Goldsborough that same evening. I had taken a company of men there with me to make the arrests; but I brought them away because I found that the parties were all gone, and I knew that they would stay away as long as the soldiers were there.

Question. Was the guide a Unionist?

Answer. There were different reports about that.

Question. Was he a native of North Carolina?

Answer. I was told by the citizens of Goldsborough that he was a native of Michigan, a deserter from a Michigan regiment. I was told by some other citizens that he was a native of North Carolina. I really do not know anything about it. The sheriff of the county told me that he had him in jail there for eight months; and I was told by another person, who was a witness in the case of the United States against Gee, the keeper of the Salisbury prison, that that guide was a spy of Gee's in the Salisbury prison. I think, from all the evidence I could find about the guide, that he was an outlaw and had been the terror of the country; and I thought that perhaps that was the reason why the citizens had armed and come out after him.

Question. Was there any excuse for his firing on the man of whom he was in pursuit; was there any justification for it?

Answer. Not the least in the world that I was able to find out. I saw the man myself, and saw his wound. The bullet entered the hip from behind and came out above his left groin.

Question. Was the guide armed?

Answer. He was armed.

Question. Is that allowable?

Answer. It is something we never allow. I do not know where he got his arms.

Question. Did the guard order the guide to fire?

Answer. Oh, no; the guide ordered the guard to fire, but the guard would not do so, and he fired himself. I do not blame the people so much for shooting that guide. The man whom he shot he had never seen before. I speak of that as the only case where it was reported to me there was an organized guerilla band. I went down to find it out, and I was convinced that it was not an organized band. I believe there was another case reported to me from Pitt county, but I know less about that than about this case.

Question. What would be the consequence of a withdrawal of the troops of the United States from North Carolina?

Answer. I think that if the United States troops were withdrawn from North Carolina the property of loyal men and the persons of freedmen would not be safe.

Question. Why not?

Answer. The feeling against them is so vindictive and bitter.

Question. If the great mass of the people of North Carolina had it in their power, would they re-establish the slavery of the black race there, think you?

Answer. I think they would.

Question. How do they feel in regard to the education of the blacks?

Answer. I cannot answer that. I have never heard any remarks made about it particularly.

Question. How do they treat the Union men from the north?

Answer. I think that they would be disposed to take every lawful advantage of them which they could, as long as our troops are there; and after the troops were gone I think they would be disposed to take every unlawful advantage.

Question. Do you think they would be inclined to expel them from their midst?

Answer. Yes, sir; I have no doubt they would be inclined to do that.

Question. Are the rights of Unionists from the north and south safe in the State courts of North Carolina?

Answer. It is a pretty hard thing to say about the courts; but I do not think they would be. If I had any property I would not trust it before the courts there as against a rebel.

Question. What is your opinion as to the effect of that feeling of dislike on the minds of jurors who might be called on to try cases between man and man? Would a Unionist be likely to receive an impartial verdict at the hands of a North Carolina jury?

Answer. I do not think he would.

Question. Have you heard of any complaints on that account since you have been there?

Answer. I do not recollect that I have heard of any complaints in cases of trial by jury. I have heard of several complaints in regard to the action of magistrates as against Union or northern men. I believe that by the laws of North Carolina any man can swear before the clerk of the court that a party indebted to him is attempting to leave the State and to swindle him, and can get a writ for his arrest. There was a case of this kind two days before I left the State. It was claimed that a gentleman from the north had not fulfilled a contract, and owed another party a certain sum. This party went before the clerk of the court and swore out a writ, and had the man arrested. The sheriff brought him up to my house, with his attorney, who stated to me that there was, to his knowledge, nothing against the man except what was already covered in a suit in equity. In default of five thousand dollars bail he would have had to go to jail until the session of the court, next month, I think.

Question. Did he give the bail?

Answer. He could not give the bail.

Question. What did you do?

Answer. I went down to General Ruger, commanding the department, and, on the affidavit of the party who was arrested, the general told me to direct his release by the sheriff, and to place the party in military arrest until such time as the judge (who was absent) should return. The next day there was a case of a similar character against another man, except that there was no suit already covering the case. The sheriff came to me with the man. In default of five thousand dollars bail he would have been taken up into one of the coast counties and kept in jail there till November next. All that I did was, by direction of General Ruger, to tell the man that I placed him in military arrest, and to give a paper to the sheriff telling him that he could make that return on his writ, that this man was under military arrest, and that the State of North Carolina being under martial law, he was not liable to arrest by the civil authorities. That is the way the case stood the time I left. I refer to these instances to show what the feeling is, and what justice a northern man can get in the courts there.

Question. Is ex-Governor Holden esteemed to be a loyal man in North Carolina?

Answer. He is to-day looked upon as a supporter of the President.

Question. What effect, in your judgment, has President Johnson's liberal policy in granting pardons and amnesties to the rebels had upon their minds towards the government of the United States? Has it increased their love for it, or has it had an opposite effect?

Answer. I do not think that it has increased in the least their respect and love for the government.

Question. Has it had a tendency to make them more or less defiant and contemptuous to the government?

Answer. It has had a tendency to make them more defiant, I think.

Question. In case the government of the United States was in danger of destruction or overthrow, would they lend it a helping hand?

Answer. I do not believe they would, unless it was done against their will by drafting, &c.

Question. Would they willingly lend it a helping hand?

Answer. No, sir; I do not think they would.

Question. Do they appear to like some other government better than they do that of the United States?

Answer. I have never heard any expression in regard to that. I cannot answer it with certainty.

Question. Is there any party in that State that favors the idea of a monarchy rather than a republic in this country?

Answer. I do not know that there is any large party that favors that idea. I think that number of planters and aristocrats about Raleigh do.

Question. What amount of popularity has Jefferson Davis in the State of North Carolina?

Answer. I think that Davis is not a very popular man in the State.

Question. What faults in his character do they point out?

Answer. The system of nepotism and favoritism which he pursued in the appointment of officers in the army and in the civil government, and the injustice which they thought he did to the State on several occasions, are some of the principal objections to him.

Question. Do you think of anything else that you wish to state to the committee?

Answer. Nothing, except that my observations have been mostly in the central and eastern part of the State. I cannot speak so much for the western part, which I understand is more loyal. I have been speaking of the central and eastern part of the State, and especially about Raleigh, where I have been stationed about a year.

WASHINGTON, *February* 21, 1866.

General Rufus Saxton sworn and examined.

By Mr. HOWARD:

Question. You were in command in South Carolina?

Answer. I was assistant commissioner of the Freedmen's Bureau there.

Question. How long did you occupy that position there?

Answer. I was assistant commissioner from the time of the organization of the bureau in June last until the 15th of January, when I was removed.

Question. Who removed you—the President of the United States?

Answer. I do not know, sir; I was removed by order of Major General Howard, the Commissioner.

Question. Who was appointed in your place?

Answer. General R. K. Scott, of Ohio.

Question. At whose request have you reason to believe you were removed?

Answer. I have reason to believe that I was removed through the influence of the late rebels in South Carolina.

Question. What leading rebels among them do you refer to?

Answer. I cannot answer that question from positive knowledge; I only can give my general impression that I was removed through the influence of William Whaley, Governor Aiken, of South Carolina, and others. Governor Aiken, claiming to be elected the member of Congress from the Charleston district, came to my office and desired me to restore to his possession the lands formerly belonging to him, on the ground that they were not abandoned. He abandoned his lands to cast his fortunes with the confederacy shortly after the arrival of the expeditionary corps, commanded by General Sherman, in 1861. General Sherman, upon his arrival in South Carolina, issued a proclamation promising all persons who should remain quietly in their homes ample protection for life and property. There was nothing to prevent Governor Aiken from casting his fortunes with the Union. I was informed, in addition, by authority which I deem reliable, that Governor Aiken was largely interested in blockade-running, profiting more largely by it than almost any other. I had located a number of freedmen, who had always been loyal, in forty-acre tracts upon these lands in accordance with my orders from Major General Sherman, (Special Field Order No. 15.) For these reasons I declined to return to Governor Aiken the property claimed by him, without positive orders to do so from the War Department. I was, shortly afterwards, and after the visit of the lieutenant general to South Carolina, mustered out of the service and relieved from duty as the State commissioner. I have no positive information upon the subject, but it is my strong belief that it is to the misrepresentations of such men as Governor Aiken, William Whaley, and others who have been disloyal, to the authorities, that I owe my removal. If their statements could have been met by those of the real Union men and of the intelligent freedmen, the case might have been different.

Question. Do you know whether Governor Aiken took any part in the rebellion?

Answer. I have understood that he was engaged in blockade-running, and that he profited largely by that; I can only say this from report. That is the general rumor and impression.

Question. Did this report come to you from such authentic sources as to lead you to believe it?

Answer. It came to me from a gentleman who stated to me that he had seen the dividend on account of stock of those engaged in blockade-running, and that a large share was given to Governor Aiken as one of the stockholders. He told me that he had had this paper in his own possession; he had it not then, but he informed me that he knew where it was. I understood that he had seen it himself.

Question. Was that a truthful man who gave you this information?

Answer. I believe him to be so; he was a minister.

Question. Have you any objection to giving his name?

Answer. No, sir; I refer to Mansfield French, of Charleston.

Question. Can you state whether any report of the fact of his having been engaged in blockade-running was ever made to the government of the United States?

Answer. No, sir; I cannot. I can state that it was generally believed in Charleston by every person whom I heard speak of it.

Question. Did Governor Aiken reside in Charleston during the war?

Answer. He resided in that vicinity, I understood.

Question. Did this reverend gentleman state to you the amount Governor Aiken made by blockade-running?

Answer. No, sir; he did not. He only stated that he had profited much larger than any other person in the firm.

Question. Do you know Governor Orr?

Answer. I do not.

Question. What is the general impression down there about the late election between Governor Orr and Wade Hampton?

Answer. It is the general impression that General Wade Hampton was elected by a considerable majority. I have heard that fact asserted positively.

Question. How did it happen that he was not declared governor?

Answer. It was understood that the votes were thrown out, perhaps as a matter of policy.

Question. Thrown out by whom?

Answer. I cannot say.

Question. Are you able to state who composed the board of canvassers who declared the result of the election?

Answer. I cannot say at present.

Question. Were they officers of the State?

Answer. I cannot say, but I would recommend a full investigation into the election of Governor Orr.

Question. Was or was not that board composed of State officers of South Carolina?

Answer. I do not know how the votes were counted or how the election was conducted.

Question. Is Governor Orr esteemed to be a loyal man in South Carolina?

Answer. I think he is as loyal as the average of South Carolinians.

Question. Describe the kind of loyalty of which that average of South Carolinians, in your opinion, is possessed.

Answer. I believe that Governor Orr belongs to the best class of so-called loyal men in South Carolina. I believe there is a small portion of people in South Carolina who desire earnestly to fulfil their obligations to the United States government. I believe that a large majority, probably nine-tenths, of the people of South Carolina are opposed to the government, and look to their connexion with it as the greatest calamity which could befall South Carolina, and desire a separate organization. I believe that a Union man holding and advocating Union sentiments cannot be elected to any office in the gift of the whites of South Carolina. It is my belief that Governor Orr's great popularity in the State in former days influenced a large vote in his favor; and it is my further conviction that his popularity was weakened by the less prominent part he seemed to have taken during the rebellion. Had he been as active as Wade Hampton, his popularity would have been increased in proportion. I mention this as the indication that there is no real reformation; that, in their own words, they are overpowered, not conquered, and that they regard their treason as a virtue, and loyalty as dishonorable. General Wade Hampton positively declined to be a candidate for the office of governor. Had the white people of South Carolina thought that he would accept, in my opinion his majority would have been far greater than it was.

Question. How are secessionists there in the habit of speaking of the government of the United States; what is their tone and style in speaking of it?

Answer. They speak of it as "your government," or as the "United States government;" I have yet to hear a single one, even though he had taken the oath of allegiance, call it "our" government. They speak of it as the government of a foreign nation. I think their hatred of the Yankee, as they call him, is thoroughly intense.

Question. Have your opportunities been good to learn the state of popular feeling in South Carolina towards the government of the United States?

Answer. They have been peculiarly favorable; I have travelled over portions of the State and have conversed with large numbers of people in my office; I have talked with the freedmen, and I have studied the reports of my agents throughout the State. I think I have had better opportunities of discovering the real state of feeling there than any other person, from my position.

Question. Suppose the United States should be engaged in a war with any other powerful nation, such as England or France, and suppose in the progress of the strife it should become apparent to the South Carolinians that they had a reasonable chance, by connecting themselves with the common enemy, to achieve their independence and shake off the government of the United States; would they or not, in your opinion, do so?

Answer. I believe the feeling would be as unanimous to join that other government against the United States as it was when that State seceded from the Union at first—that is, among the white people.

Question. Does this feeling, in your judgment, more particularly pervade the higher classes, or the middle classes, or the lower classes of the whites, or does it pervade them all?

Answer. I think it pervades throughout. I think there are exceptions to it among the educated, but they are few, and I think that the vast number of the ignorant are still guided by the same counsels which guided them in seceding.

Question. How do the leading politicians in South Carolina feel in regard to a republican government, as you and I understand it; I do not speak of universal suffrage or negro suffrage, but of a democratic republican government, such as is guaranteed by the Constitution of the United States, and such as exists in other States of the Union?

Answer. I think they are opposed to it.

Question. State whether you have heard expressions on the part of persons of standing and consideration in South Carolina, or whether you know from any reliable sources, that such is the feeling.

Answer. That such is their feeling is so apparent to me from all my intercourse with them and from my conversations with them, that I cannot, at present, specify any individual case

in which this subject has come up; but it is my belief that it is the burden of nearly all their discussions on government. If I had supposed that my attention would have been called to that subject on this examination, I would have been more particular on this point, and would have been able to furnish many instances corroborative of this view.

Question. Do you think that, to use a common, plain expression, the great masses of the people of South Carolina hate the government of the United States?

Answer. I do, sir.

Question. What is their feeling towards northern men, and particularly those who have been hearty and earnest in the prosecution of the war to put down the rebellion?

Answer. Their feeling is hostile to northern men. As a general thing the United States uniform is more likely to expose a person to insult than to respect; and a man in full rebel gray uniform can go from one end of the State to the other without receiving the slightest disrespect.

Question. How are Union men, whether officers or civilians, treated by the secessionists of South Carolina, socially?

Answer. They are treated with entire neglect, and, so far as my experience goes, with discourtesy. My wife has seldom walked the streets of Charleston without being insulted. I, myself, have seldom passed through the streets without receiving, from man or woman, indignities.

Question. In what form would these indignities be exhibited?

Answer. By contortions of the countenance, making up faces, and perhaps clalming the whole of the sidewalk, and in other ways. I speak in that connexion of women. I have been informed that other officers' wives have been subjected to the same discourtesies by southern women, who represent in more direct and more unmistakable terms the true state of feeling than the men do, from the fact that they are less politic. I believe that if the army was removed, the situation of northern men, if they expressed Union sentiments, would be perilous; they could not remain there. Teachers of colored schools throughout the State give it as their opinion that they would be unable to remain there for a day but for the protection of the United States troops.

Question. And particularly of the Freedmen's Bureau?

Answer. And particularly of the Freedmen's Bureau.

Question. What military force has the United States in South Carolina?

Answer. I cannot answer positively. I should say about 5,000 men; perhaps not so many. They have been mustering out lately.

Question. Where are they principally stationed?

Answer. Scattered over different portions of the State. If it were not for the protection afforded by those troops the officers of the Freedmen's Bureau could not remain there.

Question. Do you think they would be driven out by violence?

Answer. Yes, sir; it is my belief they would be assassinated.

Question. What chance do Unionists, especially Unionists from the north, stand for protection and security in the State courts of South Carolina?

Answer. The State courts have been so merged in the military courts that I cannot answer that question positively. It is my opinion they would stand a very poor chance. They have what they call provost courts, composed of citizens and one officer. It has been my habit to require reports of outrages in different parts of the district to be sent to me while I was commissioner, and I have a large pile of them. At the end of the month I have been in the habit of making an abstract of these reports touching on the different cases brought to my attention. These reports will cover but a small portion of what actually happens. Northern men would probably fare just as bad in the courts as the freedmen, and it is my belief that there are large numbers in South Carolina who would consider it no greater crime to kill an agent of the Freedmen's Bureau, who claims justice for those committed to his charge, than to kill a negro.

Question. Have you any statement in writing going to illustrate the treatment of the whites toward the freedmen?

Answer. I have briefs of the reports that reached me of many aggravated cases occurring within the several districts. I have the original reports in my possession. (Witness presents the briefs, referred to and which are annexed to his testimony.)

Question. How do the whites in South Carolina feel about the education of the freedmen?

Answer. I believe it to be the desire of a large majority of the white people that they shall not be educated. Some intelligent planters, however, have assured me that they would not oppose the education of the freedmen.

Question. Do they generally appear to want the black people to remain among them?

Answer. If they could manage them in their way they desire them to remain.

Question. How do you think they will manage them if the federal troops are withdrawn, and the Freedmen's Bureau is withdrawn?

Answer. I think it will be the purpose of their former masters to reduce them as near to a condition of slaves as it will be possible to do; that they would deprive them by severe legislation of most of the rights of freedmen. I think that the black codes that have passed the legislature of the State are a sufficient indication of the truth of what I say, and the most

unjust contracts which they try to force upon the freedmen, and which they ask the aid of the military authorities to enforce.

Question. If the State should have its own way in regard to the freedmen, what, in your judgment, would be the result in the course of time?

Answer. I believe it will lead to insurrection and a war of races, in which the United States troops will be called upon to aid in the extermination of the black race. I think it is the belief of a great majority of the former masters that the freedom of the black race is a failure, and that slavery is his best condition, and that they desire to pursue such a policy as to prove that they are correct in that belief. I can see no hope for the freedmen except through the care of the United States government.

Question. State whether that doctrine is inculcated by persons of condition in South Carolina, from the pulpit, in lectures, discourses or essays, that slavery is the best condition for the black race.

Answer. I believe it is; I have seen it in their papers. I think they go as far in that direction in the pulpit and press as it is possible for them to do without being subjected to the restraint of martial law.

Question. Are you aware that the blacks have arms to any considerable extent in South Carolina?

Answer. I believe that a great many of them have arms, and I know it to be their earnest desire to procure them.

Question. While you were in command there has any request been made to you to disarm the blacks?

Answer. I cannot say that any direct request has been made to me to disarm them; it would not be my duty to disarm them, as I was not the military commander, but I have had men come to my office and complain that the negroes had arms, and I also heard that bands of men called Regulators, consisting of those who were lately in the rebel service, were going around the country disarming negroes. I can further state that they desired me to sanction a form of contract which would deprive the colored men of their arms, which I refused to do. The subject was so important, as I thought, to the welfare of the freedmen that I issued a circular on this subject, which circular not having been approved by the military commander was not published, as I was required by my instructions to get his approval to all my circulars before I issued them. (Witness furnishes copy of circular referred to, which is annexed to his testimony.) I will further add, that I believe it to be the settled purpose of the white people of South Carolina to be armed and thoroughly organized, and to have the whole black population thoroughly disarmed and defenceless; I believe that is the settled policy

Question. What would be the probable effect of such an effort to disarm the blacks?

Answer. It would subject them to the severest oppression, and leave their condition no better than before they were emancipated, and in many respects worse than it was before.

Question. Have you any reason to suppose that they would submit to be disarmed quietly?

Answer. I do not believe that they would, provided the United States troops were withdrawn and the State relieved entirely from the presence of martial law.

Question. Do you think they would resist by violence such an attempt to disarm them?

Answer. They would, provided the United States troops were not present; their respect to the United States government is very great. The whole teachings of the agents of the Freedmen's Bureau have been to them that they must never lift their hands against the United States government, and they have seen the effect of the late rebellion, so that whatever the United States government says they will observe to a very great extent. But if the government protection were withdrawn, and they were left entirely to their former owners, and this attempt to disarm them were carried out, I believe there would be an insurrection.

Question. Have you an apprehension that that state of feeling among the blacks which you have now described generally prevails throughout the cotton, sugar, and rice-growing States?

Answer. So far as I am informed, I believe it does; I believe there is a feeling of a mutual want of confidence between the former owner and the slave. The former owner has no knowledge of the freeman, he does not understand him; his whole teaching as a slave has been to conceal his feelings from his master, and the late master knows less of the negro's character than any other person; he has no faith in the negro's capacity for freedom, no faith in his capacity to take care of himself, and believes that slavery is his best condition. The negro believes that his former master wishes to make him a slave again, and has no confidence in his promises. He desires particularly not to make any contract or to work for his old master, preferring to work for northern men. Northern men can get all the labor they require, with capital; but not so with the former slaveholders; the only way this feeling can be broken down and a mutual confidence restored is to give the negro all his rights, and for the old master to show him that he has given up the idea of making him a slave and is willing to recognize his rights. This, I think, will restore mutual confidence, peace, and harmony, and thus there will be a thorough reconstruction, and not before.

Question. What extent of intelligence did you discover among the freedmen of South Carolina?

Answer. I found many of the leading men very intelligent; I found some men as intelli-

gent as any other men of a different color. Of course the large mass of them is ignorant and degraded. They have all the vices which slavery has entailed upon them.

Question. Have they any knowledge of military drill and discipline?

Answer. Large numbers of them have been in our army, are well drilled and understand the use of arms. I suppose that in South Carolina there are four or five thousand blacks who have been in our army.

Question. Have any of them held military grades?

Answer. They have been sergeants and corporals. There is one instance of a colored man being a surgeon in our army: there are several instances where colored men have been officers; one colored man has been major, another captain, and several have occupied the position of lieutenant.

Question. Do they seem to show an aptitude to acquire a knowledge of military matters?

Answer. I think they do. I think they are the easiest troops to learn military drill that I have had any experience with. They take to it naturally. They have a great idea of time, and, so far as my experience goes, they make good soldiers.

Question. Have you ever seen them engaged in actual operations in the field against the enemy?

Answer. Yes, sir; I have been in battle with them myself.

Question. On more occasions than once?

Answer. I have never sent in a regiment but once. I sent in one regiment on John's island, and they fought as bravely as any regiment I ever saw. Out of 800 men they left 90 on the field. They made separate and distinct charges, and rallied and carried the point.

Question. What force were they fighting?

Answer. They were fighting a battery of rebel artillery and a regiment of infantry—a superior force, I believe. They were ordered to drive the regiment out from behind some temporary works which concealed them, and they succeeded in driving them out. I have the testimony of rebel officers whom they fought against, and they said they fought well. I have known of their fighting bravely in Florida. I sent a regiment under my command into Florida, and the testimony of every one was that they did their duty bravely, thoroughly, and well. They did well in Fort Wagner. I sent a detachment of the 33d regiment in the vicinity of Pocotaligo. They went up for a particular purpose, and one company, under a captain, accomplished the object for which I sent them up. On their return they were pursued by a large body of cavalry—probably a regiment. They took different roads, but one company came down upon this company of colored troops. They fought them, emptied a good many saddles, and drove them back. They brought off the prisoners which they captured and got away themselves. For a small party it was a very creditable fight, and so well did they do their part that, in a flag of truce the next day from the rebels, they told me that they thought we had a thousand negroes there. My entire experience with them in Florida and South Carolina was that they make excellent soldiers, and that was the verdict of every officer with whom I have conversed.

Question. Are they as steady and self-possessed under actual fire as white troops?

Answer. I believe they can be trained to be so with good officers. It very much depends upon the officers. I could discover no difference in their conduct upon the battle-field. I think that as sentinels and for picket duty they are peculiarly adapted. They are better for that than white soldiers on account of the peculiarity of the negro. The negro can see better at night than the white man, and he is peculiarly excellent as a sentinel or out on picket duty, and skirmishing.

Question. Is he as shrewd and cunning as the white man in that kind of service?

Answer. Yes, sir; I think he is, fully.

Question. How do you find the black in regard to truthfulness?

Answer. The vices of slavery have been shared by them and others. Their whole life has been one of concealment, and they had to lie to avoid punishment. I do not consider them any more untruthful than any other people, or any more truthful. I think they share all the vices and all the virtues of our common humanity. Perhaps under the condition of slavery they are not so truthful. But I think they are as truthful as any other people in the same circumstances. I am aware of all their vices and all their faults, but I think they have no more vices or faults than are shared by any other race.

Question. Do they evince a love of education, generally?

Answer. Their desire of learning is intense. They feel that is one of the means by which they are going to be elevated; and they have a particular avidity and desire to learn. All the schools established there by northern benevolence are crowded by children, and the teachers have assured me that their progress is as great as that which they have seen among white people at the north, owing, probably, to their great desire to learn. I have been surprised at the progress of the colored people at the schools.

Question. What is your opinion of the capacity of the negro for sustaining himself; is he industrious and thrifty in a state of freedom?

Answer. I think he shares with other races of men a natural disinclination to work, but in no greater degree. I have employed large numbers of them in the cultivation of cotton for the government, and, by paying them regular wages, I have had no difficulty in inducing them to work, while in slavery the only stimulus to industry was the lash. The stimulus of

the free laborer, necessities, will be all that is required to make him industrious and thrifty. Before I was assigned to duty as assistant commissioner of the Freedmen's Bureau, and while in command of a military district in South Carolina, I endeavored to test, as far as was in my power, the industrial, intellectual, and moral capacities and aptitudes of the negro. I established regulations for the cultivation of two or three of the abandoned sea islands in South Carolina, (St. Helena, Ladies', and Port Royal,) and appointed local superintendents to oversee and direct their labors. By the payment of moderate wages, and just and fair dealing with them, I produced for the government over half a million dollars' worth of cotton, besides a large amount of food beyond the needs of the laborers. These island lands were cultivated in this way for two years, 1862 and 1863, under my supervision, and during that time I had about 15,000 colored freedmen of all ages in my charge. About 9,000 of these were engaged on productive labor, which relieved the government of the support of all except newly-arrived refugees from the enemy's lines and old and infirm who had no relations to depend upon. The increase of industry and thrift of the freedmen was illustrated by their conduct in South Carolina before the organization of the Freedmen's Bureau by the decreasing government expenditure for their support. The expense in the department of the south in 1863 was $41,544, but the monthly expense of that year was steadily reduced, until in December it was less than $1,000, and this has always, I believe, been the case since the close of the war. The causes which have led to an interruption of labor since the war are easily explained. Previous to the termination of the war the negroes heard from those in rebellion that it was the purpose of our government to divide up the southern plantations among them, and that was one of the reasons the rebels urged among their own people to excite them to greater activity in the rebellion. Our own acts of Congress, and particularly the one creating the Freedmen's Bureau, which was extensively circulated among them, further strengthened them in this dearest wish of their heart—that they were to have homesteads—and General Sherman's Special Field Order No. 15, which ordered their colonization on forty-acre tracts, and in accordance with which it is estimated some forty thousand were provided with homes. Public meetings were held, and every exertion used by those whose duty it was to execute this order to encourage emigration to the sea islands, and the faith of the government was solemnly pledged to maintain them in possession. The greatest success attended the experiment, and although the planting season was very far advanced before the transportation to carry the colonists to the sea islands could be obtained, and the people were destitute of animals and had but few agricultural implements and the greatest difficulty in procuring seeds, yet they went to work with energy and diligence to clear up the ground run to waste by three years' neglect; and thousands of acres were planted and provisions enough were raised to provide for those who were located in season to plant, besides a large amount of sea-island cotton for market. The seizure of some 540,000 acres of abandoned land, in accordance with the act of Congress and orders from the head of the bureau for the freedmen and refugees, still further strengthened these ignorant people in the conviction that they were to have the lands of their late masters; and, with the other reasons before stated, caused a great unwillingness on the part of the freedmen to make any contracts whatever. But this refusal arises from no desire on their part to avoid labor, but to the causes above stated. All officers and agents of the Freedmen's Bureau were instructed to correct these impressions among the freedmen that they were to have lands; but so deep-seated a conviction was difficult to eradicate. The entire want of confidence between the freedman and the late master, neither of whom has any faith in the other, the absence of capital on the part of the land-owners to pay for labor, may also be reckoned among the reasons why some of the freedmen do not go willingly to work. They fear that they shall never be paid. For those who can gain their confidence, and from whom they feel sure of receiving their pay, they will labor as faithfully as any other race. To test the question of their forethought and prove that some of the race at least thought of the future, I established in October, 1864, a savings bank for the freedmen of Beaufort district and vicinity. More than $240,000 has been deposited in this bank by the freedmen since its establishment. I consider that the industrial problem has been satisfactorily solved at Port Royal, and that, in common with other races, the negro has industry, prudence, forethought, and ability to calculate results. Many of them have managed plantations for themselves, and shown an industry and sagacity that will compare favorably in their results—making due allowances—with those of white men. There is nothing to fear for the future of the freedmen if the government, which has made them free, protects them, by standing between them and those who sought to destroy this nation and keep them in slavery, until such time as the State laws shall make all men equal in the possession of civil and political rights irrespective of color.

Question. Is there anything further that you wish to state to the committee?

Answer. I desire to append two circulars, which express the principles which governed my administration of the offices of the Freedmen's Bureau in South Carolina, and to add a few of the results of my experience, which may give more force to my testimony. I have aimed to be just to all, irrespective of color or condition; have labored to break down all antagonism, encourage friendly feeling between the freedmen and their former owners, by showing them that their interests were identical; that each should be just to the other and respect all the other's rights. I was fully impressed with the importance of maintaining friendly re-

lations with former masters, and was careful to be just to all parties, and not to exercise any authority not set forth in my instructions. I only asked even-handed justice for those who were committed defenceless to my care, contented oftentimes not even to secure this, always holding out the olive branch. I was not met in the same spirit. The late slaveholders of South Carolina still believe that the loyal black man has no rights that they need respect, and have not been taught that hard lesson for them to learn: that they must treat those they once owned as free men and deal justly with them; that exact justice to all men, of whatever color or condition, is the wisest expediency and the truest policy, and that educated free labor is the most profitable. An experience of nearly four years has convinced me that the only safety for the republic is to give the black man the right of suffrage. With this in his hands there would be little need for any special Freedmen's Bureau. Without it, and left to the oppressive legislation of his late owner, the result would be fearful to contemplate. Another proof that those lately in rebellion have not repented of their treason, is the determination, which almost universally exists, to see that the national debt contracted to save the nation's life shall be repudiated, and it surely will be if they ever should get into power. This one fact is enough to show the hollowness of their professed loyalty. The love of the freedmen of South Carolina for the memory of Abraham Lincoln amounts to worship, and his loyalty and devotion to the Union cannot be questioned. Give the freedman the ballot and he will take care that the vote of South Carolina is always given for the Union, and he will never vote to repudiate the debt which was contracted to save it and to give him his freedom. Nor will he ever permit the debt contracted to destroy the nation and keep him in slavery to be assumed by the United States. There are numerous intelligent leaders among the freedmen, who fully understand the meaning of suffrage—enough of them to guide the more ignorant; and, so far from there being any danger to the peace of the country and to our institutions in giving so many ignorant men the right of suffrage, I believe it to be the only means of avoiding great and imminent dangers.

The following are the briefs of reports referred to in the foregoing testimony, and ordered to be appended thereto:

CHARLESTON, SOUTH CAROLINA,
*October* 30, 1865.

ABBEVILLE DISTRICT.

A planter, early in the war, removed all his servants (200 in number) from John's and Edisto islands to his plantation in Abbeville where some ninety (90) have since died. During the past summer—that is, since the rep ssession of the State by the United States government—he has treated them as in former years, having an overseer and two drivers on the plantation to keep the people at work. During that summer the freedmen raised a large crop of corn, wheat, rice, cotton, potatoes, flax, and sorghum, but they received from the planter not even as much as their former rations, and, on the 2d of October, he sent eighty-one (81) of them to Charleston, telling them that they had no share in the crop, but promising to meet them in Charleston, which promise he did not fulfil. They were entirely destitute, and I sent them to John's island, supplying them with rations. Such cases as the above are not uncommon, and similar ones are reported in Anderson and Orangeburg districts. As fast as the crops are harvested, it is feared that many of the planters will pursue the same course.

ANDERSON DISTRICT.

One man was shot and killed in presence of his wife, who begged for his life. Two other men were tied up, cruelly flogged, then shot, (and it is believed killed, as the men have disappeared,) while the wife of one of the men received fifty (50) lashes.

BARNWELL DISTRICT.

Affidavits of colored men have been received in regard to the outrages committed there, which show a terrible state of affairs. On one plantation three colored women were severely whipped, and on another a woman was unmercifully flogged because she refused to leave the place. A woman and her children were taken from her husband, carried to another plantation, and are now kept there against their wills. Four (4) white citizens, with a white soldier, broke into the house of a freedman who was sick, tied his hands behind him and swung him up to a post for an hour or more, then chained him and left him so for more than two days. Another beat a freedman violently over the head with a stick, and, drawing a knife, threatened to stab him if he moved while the white man attempted to tie him. On some of the plantations the freedmen do not get a share of all the produce, the planters withholding the cotton crop on some plea best known to themselves. This latter practice is almost universal throughout the State. A regular pass and patrol system for the restriction and punishment of the freedmen, such as was in vogue during the time of slavery, is reported to exist. One woman was tied up with her clothes over her head, and her naked person whipped so violently as to inflict severe wounds. She was driven from the plantation without any pay for work done, and threatened with death if she informed the authorities of the abuse

she had received. Two freedmen were whipped by their master, who took them to the commanding officer at Barnwell, who told him "to whip them again, as they had not had half enough." This officer is reported to pay no attention to the complaints of freedmen. With such an officer in power, it is hardly possible to protect them from abuse. Lawlessness on the part of the freedmen must be expected under such circumstances. It is reported that a band of sixty (60) of them are organizing for the purpose of robbery. The leader of it and three (3) men have been captured, and one (1) escaping was shot, and afterwards died of his wounds.

BEAUFORT DISTRICT.

In this district, the board established by orders from headquarters department South Carolina to decide as to whom it is proper to issue rations, compel the personal attendance of all applicants. Much suffering results therefrom, as many maimed, bed-ridden, or infirm cannot come. Two died, near Beaufort, from starvation, the agent having no food to give them. The officer at Beach Branch is reported as assisting the planters in acts of injustice and cruelty to the freedmen. In one case a woman and her children were brutally whipped and driven off the place after the crop was harvested. Two men were tied up four feet from the ground, and left in that position for more than two hours.

CHARLESTON DISTRICT.

The agent reports a general hatred of the freedmen, which, indeed, might be reported of every district in the State. That they are harshly treated while travelling by rail, though they pay their fare, and that their sick are not allowed to travel on the trains. Believes that the colored people will desert the country if the whites continue to act as they have done. One planter, assisted by a United States sergeant and a negro-driver, tied up three men and three women.

COLLETON DISTRICT.

A freedman was shot on one of the plantations, but by whom has not been ascertained. A woman was tied up by the thumbs, and kept so for more than an hour.

DARLINGTON, WILLIAMSBURG, AND MARION DISTRICTS.

The reports show, in general, a better state of affairs than elsewhere. The freedmen are self-supporting, and there is little or no conflict between the two races, though there are individual cases of injustice and dissatisfaction. The officer acting for the bureau believes that many of the negroes could obtain good wages north, and that it would be well for all parties if some of them could receive free transportation to the northern States. Thinks that the freedmen will be persecuted if the military are withdrawn. This is the opinion of all officers of the bureau, and, indeed, of many of the citizens. Many of the planters are not making contracts for the ensuing year, as they are waiting to see what legislation may be made in regard to labor.

EDGEFIELD DISTRICT.

Several affidavits have been received in regard to the cruelties practiced here. One freedman with three children, two male and one female, were stripped naked, tied up, and whipped severely; threats of murder being made if complaint was made to the military. Another man was whipped severely with a stick, and cut over the eye with a knife, and as he ran away to escape from their cruelties was shot at. A woman was severely whipped and carried off to jail, and as she has disappeared, fears are entertained that she has been murdered. Another woman was tied fast to a tree and violently lashed with a buggy trace, receiving one hundred lashes. Two children were severely whipped, and their mother driven off the plantation without any pay for work done.

GEORGETOWN DISTRICT.

It is reported that the planters, with the assistance of the military, compel the freedmen to do work not called for under their contract. On one plantation a freedman was twice beaten severely over the head with a stick and refused rations.

Affairs are, in general, worse in the interior of the State where military force cannot readily reach the plantations. It is difficult to reach the murderers of colored people, as they hide themselves, and are screened by their neighbors.

Names and dates of all the occurrences stated above can be given if desired.

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CHARLESTON, S. C., *November* 21, 1865.

GENERAL: I have the honor to herein submit a brief made up from reports received from the acting sub-assistant commissioners and agents of the bureau in South Carolina during the month of October, 1865. It shows, as far as can be ascertained, the state of affairs in the several districts of the State.

### ABBEVILLE DISTRICT.

A planter, early in the war, removed all his servants, two hundred in number, from John's and Edisto islands to his plantation in Abbeville, where some ninety (90) have since died. During the past summer—that is, since the repossession of the State by the United States government—he has treated them as in former years, having an overseer and two drivers on the plantation to keep the people at work. During that summer the freedmen raised a large crop of corn, wheat, rice, cotton, sweet potatoes, flax, and sorghum; but they received from the planter not even as much as their former rations, and on the 2d October he sent eighty-one (81) of them to Charleston, telling them they had no share in the crops, but promising to meet them in Charleston, which promise he did not fulfil. They were entirely destitute, and I sent them to John's island, supplying them with rations. Such cases as the above are not uncommon, and similar ones are reported in Anderson and Orangeburg districts. As fast as the crops are harvested it is feared that many of the planters will pursue the same course.

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### BEAUFORT DISTRICT.

In this district the board established by orders from headquarters, department of South Carolina, to decide as to whom it is proper to issue rations, compel the personal attendance of all applicants, and much suffering results therefrom, as maimed, bedridden, or infirm, cannot come. Two (2) died near Beaufort from starvation, the agent having no food to give them. The officer at Beach Branch is reported as assisting the planters in acts of injustice and cruelty to the freedmen. In one case a woman and her children were brutally whipped and driven off the place after the crop was harvested. Two men were tied up four (4) feet from the ground and left in that condition for more than two (2) hours.

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EDGEFIELD DISTRICT.

Several affidavits have been received in regard to cruelties practiced here. One freedman with two (2) male and one (1) female children were stripped naked, tied up, and whipped severely, threats of murder being made if complaint was made to the military. Another man was whipped severely with a stick and cut over the eye with a knife, and as he ran away to escape their cruelty was shot at. A woman was severely whipped and carried off to jail, and, as she has disappeared, fears are entertained that she has been murdered. Another woman was tied fast to a tree and violently lashed with a buggy-trace, receiving one hundred (100) blows. Two (2) children were severely whipped and their mother driven off the plantation without any pay for work done.

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Affairs are, in general, worse in the interior of the State, where military force cannot readily reach the plantations. It is difficult to reach the murderers of colored people, as they hide themselves and are screened by their neighbors. Names and dates of all the occurrences stated above can be given if desired.

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CHARLESTON, SOUTH CAROLINA, *December* 19, 1865.

ABBEVILLE DISTRICT.

Here a planter worked nearly one hundred (100) hands near Cokesburg, ten (10) of them on the South Carolina railroad for six (6) months, (the planter receiving their wages,) and the remainder on his plantation, raising a crop of corn, wheat, rice, cotton, &c. After the crop was harvested the laborers were brought to Charleston, where, being destitute, they had to be rationed by government. After their arrival in this city the planter distributed fifty dollars ($50) among them. The largest amount any one received was one dollar and twenty-five cents, ($1 25,) and from that down to fifty cents, (50,) some receiving nothing. One peck of dry corn per week was the only ration furnished the farm hands.

BEAUFORT DISTRICT.

It is stated that the superior provost court here is outrageously unjust towards freedmen and northern whites whenever they are opposed by secessionists. That the court being violently secession in sentiment, while allowing negro testimony gives it no weight whatever if white witnesses appear on the other side. A case is reported where a horse in the possession of a freedman was taken from him and given to a late rebel soldier, the cost of court, ten dollars, ($10,) being adjudged against the freedman, although the freedman brought full proof that the horse came into his possession a long time previous to the date given by the soldier as the time he lost him. In another case the defendant lost his horse, and was kept in jail ten (10) days in default of payment of costs, being finally released on the protest of the agent; since the protest of the agent was sufficient to release the defendant it would seem as if the court must have been conscious of injustice done the freedman.

BARNWELL DISTRICT.

Here a grocer is reported as killing a freedman; the murderer has not yet been captured, but his store and property have been taken possession of by the bureau. A soldier is reported as wounding a freedman for resisting him; what cause the soldier had to interfere with the freedman is not stated. Both these cases are being investigated by a board of officers.

The disposition shown by the planters to turn off the freedmen without compensation for their labor, as mentioned in the report for October, still continues. It is thought that troops cannot be withdrawn with safety from this section, and that to preserve peace and order after New Year's day more force will be needed.

### BEAUFORT DISTRICT.

A great many freedmen are in the district who have been laboring for planters in the interior of the State, and who have now sent them to the coast, without pay (either in money or provisions) for the summer work. As, under existing orders, the agents cannot help them, universal thieving is already a first consequence of their destitution.

### CHARLESTON DISTRICT.

Many difficulties exist here in the way of new contracts being made. The planters say they are desirous to contract, but they do not offer sufficient pay to induce the freedmen to come to terms with them. The planters propose to pay established rates of wages in money or produce (at market rates) according to the number of tasks performed, leaving all disputes which may arise between them to the provost or civil courts.

### CHESTERFIELD DISTRICT.

Here the officers of the bureau are principally employed in the distribution of the crops. There are no schools as yet, but there are three about to be established, and soldiers will be detailed as teachers. There are about two hundred (200) white refugees here who need rations.

### DARLINGTON, WILLIAMSBURG AND MARION DISTRICTS.

No contracts have yet been made here for the next year, but arrangements for them are being perfected which it is hoped will result favorably. There are no schools as yet, but efforts are being made to procure suitable buildings, and to detail soldiers as teachers.

### EDGEFIELD DISTRICT.

Here a woman was threatened with whipping because she did not run fast enough at her work, and her mother deprecating such threats, she (the mother) was severely cut in the face by a heavy blow given with a board, and on the two then leaving the place, they were not allowed to take with them even their personal property. Certain freedmen report that a man was shot down in his own house, and that in many places men have been found lying dead.

### GEORGETOWN DISTRICT.

The reports from this district are encouraging both in regard to the present conduct of the employers and employés, and as to fair prospect of satisfactory arrangement being made for the ensuing year. The officer in charge believes that affairs should be trusted to the provost courts rather than to the constant pressure of military or other arbitrary power. There is a marked change among the freedmen in their ideas of the duty they owe to the government, the law, and the decisions of the courts. A portion of the planters favor the system of hiring by the year, paying according to the number of tasks performed, while others are disposed to contract on the basis of division of the crop, one-half to the employer, one-half to the laborers, their half to be divided among them according to the number of tasks respectively performed. The planters are better satisfied with the bureau than heretofore, and many influential parties are favorable to its continuance. Small-pox prevails to some extent, and hospital facilities are of the utmost importance; a hospital is now being established there under the supervision of a surgeon of the bureau. The freedmen are procuring a suitable lot for a school building, and as relating to schools everything is progressing favorably.

### HORRY DISTRICT.

The officer having been in the district but a short time, has not made much progress in the affairs of the bureau, but he reports a very favorable state of affairs between the white and freed people.

### KERSHAW DISTRICT.

A freedwoman states, that on leaving her late master and employer, she was not allowed to bring away her two (2) children, aged nine (9) and twelve (12,) and that they are now kept there against their own and her will.

### ORANGEBURG DISTRICT.

Here a school-house, and small building for the teachers' use, has been built at a cost of three hundred dollars ($300) for material, the labor being done by the soldiers without expense to the government. It is thought that the freedmen will make contracts for the next year. It is thought troops cannot be withdrawn with safety. Garrisons from headquarters of the district are at Aiken, Barnwell, Bamburg, and Branchville.

### RICHLAND DISTRICT.

The officer here thinks contracts will be entered into for the ensuing year, and some indeed are already being made. One has been made with Wade Hampton, who takes the freedmen

to Mississippi. He gives full hands ten dollars ($10) per month, and three and a half (3½) pounds meat and a peck of meal per week. There is no end to the complaints of brutal treatment and injustice towards the freedmen in the upper country, but they cannot reach such cases without mounted men, of which at present they have but few. There are gangs of bushwhackers in the upper country who rob and beat the colored people unmercifully. Two murders have been committed in Laurens district; when the authors of these outrages can be reached, the cases are referred to the provost courts for action. A citizen of Lexington, who murdered a freedman, has been sentenced to imprisonment for life at Albany, New York. The military aid the bureau as much as they can. The health of the freedmen is improving, and crops are being divided promptly. The schools are doing well, pupils regular and punctual in their attendance, neat and clean in their appearance, and manifest great interest in their studies. Schools have been established at Winnsborough.

### SUMTER DISTRICT.

As yet no attempts have been made to renew contracts, but the entire attention of the officer has been given to the division of the crops. No schools have been organized, except one small one which a colored man has been teaching. It is thought that the number of dependents will increase at the end of the year, as planters will turn off those who cannot work. This will probably apply in a greater or less degree to the whole State.

### WILLIAMSBURG DISTRICT.

A freedman states that, on the 25th of November, he, with eight (8) others were hunted down and caught by sixteen (16) white men, carried to a plantation, kept under guard all night, and the next morning bucked and whipped, some of them nearly to death. After which they were compelled to promise never to divulge the outrage, under penalty of being shot. Others of the party who escaped from their persecutors were shot at. The man who makes the statement received three hundred and seventy (370) lashes, as his back now bears witness, it having been seen by a member of my staff. The stepmother of complainant (an old woman) received three hundred (300) lashes, while others of the party received two hundred (200) and three hundred (300) lashes. It appears that two (2) days previous to the outrage two (2) white men, representing themselves to be "Yankees come to divide the crops among the freedmen," made their appearance in the district. The freedmen, being glad to have their crops divided, treated the men well, and believing them to be friendly descanted freely upon their wrongs and sufferings, and expressed themselves ready to die for their deliverers. The white men took their names and several localities, and were thus enabled afterwards to easily trace them out.

The names of the whites are known, and the general commanding the department has been requested to bring them to justice.

The majority of freedmen in the district are unwilling to contract with their former masters, as they intend at the close of the year to seek other employers, and in many cases they still entertain the hope that land will be given them. Those who were in the path of Sherman's army say they were told so by the soldiers. Every endeavor has been made by addresses and circulars to disabuse their minds of this impression, and it is believed that these endeavors are surely though slowly producing their proper effect and causing the freedmen to see the necessity of labor and the desirability of remaining with their present employers, rather than seeking work in unknown and untried localities. Most of the planters are desirous of renewing their contracts, fearing disturbances would otherwise occur at the end of the year; but they are not as conciliatory as they might be towards the freedmen, nor as just as they should be in the rate of wages offered. The colored people, without exception, and many of the whites, desire the troops to remain. The ladies of Williamsburg, hearing that the troops were to be withdrawn, sent a petition to the commanding officer asking that they might be retained.

The freedmen believe that in the absence of United States troops they would have no redress in the case of oppression or outrage by their former masters, and the whites seem to apprehend lawlessness on the part of the freedmen; besides, the whites say, and are undoubtedly right in so saying, that none but United States military officers, or agents of the bureau, have any influence with the freedmen, as the latter have no confidence in those who have been slaveholders. Many cases of violence to freedmen by white residents have occurred in different parts of the State during November, which are not detailed in this report, as the particulars have not been received at this office. General Ames has sent a small garrison to Hamburg district on account of the many outrages committed there. Many people are leaving the interior and making their way to the coast, notwithstanding the many arguments and endeavors made to dissuade them from so doing and to induce them to remain and enter into contracts.

In some parts of the State, militia companies have been organized under the sanction of the provisional governor, and here the whites would like to have the United States troops withdrawn, that the State militia might take all police duties into their own hands. It is perhaps questionable whether the late proceedings of certain of these companies are such as to make

it desirable that these duties should be given up to them, and the freedmen left to their prejudiced management.

The outrages which still continue in the interior show the necessity of some restraining influence.

Wherever the arm of United States military law cannot reach, the whites, being consequently free to act as they choose, are almost sure to abuse the negroes.

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CHARLESTON, SOUTH CAROLINA, *January* 15, 1866.

ANDERSON DISTRICT.

Here, in July last, a planter proposed to his hands that they should sign a contract to work for him during their lifetime; they refusing, the planter drove them away without food or compensation for labor done. Four of them (three men and one woman) went towards Columbia, but before reaching there they were overtaken by two white men, mounted and armed, whom the planter had sent in pursuit. Asking the freedmen where they were going, and being told, they seized them, and taking them to the adjacent woods, tied two of the men by their hands and feet to trees, leaving the third man to hold their horses; the whites then each fired a shot at each of their two victims, killing them instantly; the third escaped by running to and jumping into a creek near by, the whites firing at but not hitting him; they then stripped the woman naked, gave her fifty lashes on the bare back, and compelled her to walk back to the plantation; she was then put to the plough by day, and confined by night for a week, without anything to eat. At this time an officer happened at the place, to whom the woman told her situation. The officer took her and her children to the place where her husband and the other man had been killed, found remnants of the bodies and buried them, then sent the woman and her children to Charleston. On her arrival she gave birth to a dead infant; her sickness preventing her from telling her story until this time. The planter paid the two murderers for their services with twenty yards of cloth, three bushels of rice, two bushels of salt, and a government wagon. The case has been referred to the department commander, with the request that the murderers be brought to justice.

BEAUFORT DISTRICT.

Agent on St. Helena island reports two decisions of provost court. In the first case a freedman was found guilty of ordering the former owner off the place and threatening to shoot him if he did not leave; he was sentenced to two months' imprisonment and to pay a fine of one hundred dollars and costs, ten dollars. In the second case two white men went to the place they formerly owned; they were charged by the freedmen with threatening their lives unless they left the place; they turned out one man, threatening to shoot him if he came back. Notwithstanding strong evidence against them, they were acquitted, but advised to be more careful in future. The inference is that the color of the parties affected the decision of the court. Large numbers of the old and infirm, utterly destitute, are coming into the district from the upper country.

CHARLESTON DISTRICT.

A freedman reports that his employer beat him violently, and then, being irritated against the freedman because the court decreed seventy-five dollars damages for the assault, refused to give him any portion of the crop. The owner was in the rebel army, and returned to the place some months after the working of the crop had been commenced by the freedman. In another part of the district a young woman big with child was, without any provocation thereto, tied up by the thumbs, and while in that position was brutally kicked by the overseer, the family of the woman being ordered off the place. From another part of the district a planter took his old hands into North Carolina, and after working them nearly all the year, sent them, with little or no compensation, to make their way to their old home as best they might. On another place two of the hands, a man and a woman, were stripped naked and brutally whipped, and another who left on that account was deprived of a horse, his personal property, and refused any share in the crop. In another part a planter had one hundred people on his place, who have made for him a good crop, of which he refused to give them any part, even for their immediate use and support.

COLUMBIA DISTRICT.

The officer reports alarming destitution; numbers of aged and infirm are coming in. There have not been as many complaints as formerly of brutal treatment. He thinks many contracts will be made for 1866, as both planters and freedmen seemed disposed to come to terms, and a better feeling and understanding has arisen between employers and employés. School are flourishing and the number of scholars is increasing.

### GEORGETOWN DISTRICT.

Here the number of applicants for support is increasing as the cold weather comes on and the slender crops of the freedmen become exhausted; no more rations are issued, however, than is actually necessary. Every contract made in 1865 has been broken by the freedmen, the crops raised being barely sufficient to keep them from starving.

No contracts have been made for 1866, though the planters generally are anxious to agree to any reasonable terms, and the officers try to induce the freedmen to contract. The idea that they are to receive lands still prevails in the face of orders and verbal explanations to the contrary. The officer thinks that they may contract if they find that they are to receive no lands. Reports that many freedmen are supporting themselves by shooting game, and that stealing is becoming prevalent. States that the whites apprehended an outbreak during the holidays, and that proper precautions were accordingly taken, but that such caution was quite unnecessary, as the freedmen were perfectly quiet. They have no confidence in the planter's word, and the presence of an officer is imperative in every transaction. Small-pox still prevails to a considerable extent.

### ORANGEBURG DISTRICT.

All here is very quiet; no disturbances of any kind are reported. Crops are being satisfactorily divided, but are generally very small. Few contracts are being made for 1866. Some freedmen are desirous of contracting, but receive little or no encouragement from the planters. Some planters refuse to contract because they fear orders from the bureau conflicting with State legislation on the subject. They desire, in fact, and are working for, the abolishment of the bureau, as they want to manage the freedmen without its assistance, but it is doubtful whether their management would be a judicious one. The freedmen have no faith in their late masters, but rest it solely in the bureau. Much difficulty and distress is anticipated in consequence of the planters' disposition to drive away the aged and infirm on account of their inability to work. Schools are doing well. Many utterly destitute refugees are in the district.

Besides those causes specified in the report, where freedmen have been driven away by their employers without pay for labor done, a report has been received from one of the agents on the coast, giving a list of seven planters who have thus defrauded their employés out of pay to the amount of seventeen hundred dollars, ($1,700.)

The following are the circulars referred to in the foregoing testimony, and ordered to be appended thereto:

## PROPOSED CIRCULAR OF BRIGADIER GENERAL R. SAXTON.

[Circular No. 1.]

HEADQUARTERS ASSISTANT COMMISSIONER, BUREAU REFUGEES,
FREEDMEN, AND ABANDONED LANDS, SOUTH CAROLINA,
*Charleston, South Carolina, January* 8, 1866.

I. All officers and agents of this bureau are required to see that it is well understood between the planters and freedmen that no deductions of wages are to be made for the following holidays, viz: New Year's, national and State fast days, Fourth of July, national and State thanksgiving days, and Christmas day; nor will the freedmen be required to work on those days, excepting to perform such necessary labor as is required on the Sabbath day.

II. It is reported that in some parts of this State armed parties are, without proper authority, engaged in seizing all fire-arms found in the hands of the freedmen. Such conduct is in plain and direct violation of their personal rights as guaranteed by the Constitution of the United States, which declares that "the right of the people to keep and bear arms shall not be infringed." The freedmen of South Carolina have shown by their peaceful and orderly conduct that they can safely be trusted with fire-arms, and they need them to kill game for subsistence, and to protect their crops from destruction by birds and animals.

III. The planter who refuses to make a fair and reasonable contract with the freedmen residing upon his place will not be permitted to remove them from his plantation, unless they should refuse to enter into fair and reasonable contracts with said planters, nor then, only upon application to, or approval by, the proper agent of the Freedmen's Bureau.

IV. In cases where contracts between planters and freedmen prescribe penalties for their non-fulfilment on the part of the freedmen, no other penalties than those designated in the contract can lawfully be inflicted upon the freedmen by the planter. In cases of sickness, where the freedman works for a share of the crop, and no damage results to the crop from such sickness, no deduction must be made from the freedman's share of the crop.

The provisions of this circular will be published to both the planters and the freedmen, and will be strictly enforced throughout the State of South Carolina.

By order of Brevet Major General R. Saxton, assistant commissioner.

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*Assistant Adjutant General.*

## CIRCULARS ISSUED BY BRIGADIER GENERAL R. SAXTON.

[Circular No. 1.]

HEADQUARTERS ASS'T COMMISSIONER BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS, SOUTH CAROLINA AND GEORGIA,
*Beaufort, S. C., June* 10, 1865.

In accordance with Special Orders No. 238, current series, from the War Department, the undersigned hereby assumes control of all matters relating to refugees, freedmen, and abandoned lands, as assistant commissioner of the bureau for the States of South Carolina and Georgia, headquarters at Beaufort, South Carolina, where all communications relating to the Freedmen's Bureau for the above-mentioned States should be addressed.

To this bureau is intrusted the supervision and management of all abandoned lands, the educational, industrial, and other interests of refugees and freedmen, and the location of such as may desire it on homes of forty (40) acres, where, by faithful industry, they can readily achieve an independence. I earnestly solicit the co-operation and aid of the military authorities of the department in this work. The policy which has been pursued on the sea islands of South Carolina and Georgia will be continued, subject to such modifications as may be made from time to time by the head of the bureau at Washington. No such relation as master and slave will be recognized, as every man, woman, and child within these States has been declared "forever free" by President Lincoln's proclamation of January 1, 1863; and all commissioners are required to protect those within their jurisdiction in the enjoyment of their rights. The freedmen should accept with thankful hearts the great boon of liberty which a kind Providence has vouchsafed to them, and by industry and good conduct prove themselves worthy of it, showing to those who have no faith in their capacity that in freedom they can become better men and better citizens. The late masters should heed the teachings of the great struggle through which the nation has passed, and accept the result as the verdict of the Almighty against human slavery.

Adopting the noble creed of our late honored President, "with malice towards none, and charity to all; with firmness in the right, as God gives us to see the right," let us strive earnestly to establish peace and good will, and, recognizing the inalienable rights of all men, do what we can to inaugurate for our country a fairer future of happiness and prosperity.

R. SAXTON,
*Brevet Major General, Assistant Commissioner.*

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[Circular No. 2.]

HEADQUARTERS ASS'T COMMISSIONER BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS, SOUTH CAROLINA, GEORGIA, AND FLORIDA,
*Beaufort, S. C., August* 16, 1865.

*To the Freedmen of South Carolina, Georgia, and Florida:*

In entering upon that portion of my duty which relates to your welfare, I deem it proper to address to you a few words of counsel. By the emancipation proclamation of President Lincoln, the laws of Congress, and the will of God, you have been declared "forever free." At the outset of your new career it is important that you should understand some of the duties and responsibilities of freemen. Your first duty is to go to work at whatever honest labor your hands can find to do, and provide food, clothing, and shelter for your families. Bear in mind that a man who will not work should not be allowed to eat. Labor is ennobling to the character, and, if rightly directed, brings to the laborer all the comforts and luxuries of life. The only argument left to those who would keep you in slavery is, that in freedom you will not work; that the lash is necessary to drive you to the cotton and rice fields; that these fair lands which you have cultivated so many years in slavery will now be left desolate. On the sea islands of South Carolina, Georgia, and Florida, where your brethren have been free for three years, they have nobly shown how much better they can work in freedom. Over forty thousand are now engaged in cultivating the soil, their children are being educated, and they are self-sustaining, happy, and free. Some are working for wages; others are cultivating the land on shares, giving one-half to the owner.

The agents of the Freedmen's Bureau will aid you in making contracts to work for fair wages for your former masters or others who may desire to hire you, or will locate you on small farms of forty acres, which you can hire at an easy rent, with an opportunity to purchase at low rates any time within three years. These are splendid opportunities. Freedmen, let not a day pass ere you find some work for your hands to do, and do it with all your might. Plough and plant, dig and hoe, cut and gather in the harvest. Let it be seen that where in slavery there was raised a blade of corn or a pound of cotton, in freedom there will be two. Be peaceful and honest. Falsehood and theft should not be found in freedom; they are the vices of slavery. Keep in good faith all your contracts and agreements, remem

bering always that you are a slave no longer. While guarding carefully your own rights, be as careful not to violate your neighbor's. "Do unto others as you would they should do unto you."

In cases where you feel that you have been wronged, it is neither wise nor expedient to take redress into your own hands, but leave the matter to be settled by three impartial friends of both parties. In cases of difficulty between white men and yourselves, you should appeal to one of the agents of this bureau in your vicinity, who may appoint one referee, the other party one, and you should appoint a third, and the decision of the majority should be considered final. By this easy mode of settling difficulties much trouble may be avoided.

In slavery you only thought of to-day. Having nothing to hope for beyond the present, you did not think of the future, but, like the ox and horse, thought only of the food and work for the day. In freedom you must have an eye to the future, and have a plan and object in life. Decide now what you are to do next year; where you are to plant in the spring, and how much; and in the autumn and winter prepare your land and manure for the early spring planting. After being sure that you have planted sufficient corn and potatoes for food, then put in all the cotton and rice you can, for these are the crops which will pay the best. Bear in mind that cotton is a regal plant, and the more carefully it is cultivated the greater will be the crop. Let the world see ere long the fields of South Carolina, Georgia, and Florida white with this important staple cultivated by free labor.

In slavery the domestic relations of man and wife were generally disregarded. Virtue, purity, and honor among men and women were not required or expected. All this must change now that you are free. The domestic altar must be held sacred, and with jealous care must you guard the purity of a wife, a sister, or a daughter, and the betrayer of their honor should be punished, and held up to universal condemnation. You are advised to study, in church and out of it, the rules of the marriage relation issued from these headquarters. Colored men and women, prove by your future lives that you can be virtuous and pure.

No people can be truly great or free without education Upon the education of your children depends in a great degree the measure of your success as a people. Send your children to school whenever you can. Deny yourselves even the necessaries of life to keep your boys and girls at school, and never allow them to be absent a day or an hour while it is in session.

Your liberty is a great blessing which has been vouchsafed to you, and you should be patient and hopeful. The nation, through this bureau, has taken your cause in hand, and will endeavor to do you ample justice. If you do not obtain all your rights this year, be content with part, and if you act rightly all will come in good time. Try to show, by your good conduct, that you are worthy of all, and whatever may happen let no uneasy spirit stir you up to any act of rebellion against the government. Strive to live down, by your true and loyal conduct, the wicked lie and weak invention of your enemies, that in any event you would rebel against that government and people which have sacrificed so many precious lives and so much treasure in your cause. Could you rise even against those who would oppress you, or against a government which has given you a right to yourselves, your wives, and children, and taken from you the overseer, the slave trader, the auction block, and broken the driver's whip forever? I have no fears on this point, and trust you to show those who have how groundless they are, and that you are willing to leave your cause in the hands of the government. Ever cherish in your hearts the prayerful spirit, the trusting, childlike faith in God's good providence, which has sustained so many of you in your darkest hour.

The assistant commissioners and agents of this bureau will publish this circular to the freedmen throughout these States, and ministers of the Gospel are requested to have it read in all the churches where the freedmen are assembled.

R. SAXTON,
*Brevet Major General, Assistant Commissioner.*

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WASHINGTON, *February* 28, 1866.

Captain Alexander P. Ketchum sworn and examined.

By Mr. HOWARD:

Question. You reside at Charleston, South Carolina?

Answer. Yes, sir: I have been stationed there since October last.

Question. What position have you occupied there?

Answer. I have been acting assistant adjutant general for General Howard, charged with the restoration of the Sea Island lands, under special instructions.

Question. That has been your principal duty?

Answer. Yes, sir.

Question. How do you find the condition of the secessionists of South Carolina, so far as your observation extends; are they friendly to the United States, or are they hostile?

Answer. To answer the question in one word, I should say they are not friendly to the

United States. There are reasoning men among them who are friendly to certain policies, and who profess friendship to the government, but I think this is more for personal reasons than because they have any real friendship for the United States.

Question. Can you give any reason why you have drawn this inference; whether it is from expressions you have heard used, or from the acts which they commit?

Answer. I was stationed at Savannah in February, 1865, on General Saxton's staff, charged with carrying out the order of General Sherman in Georgia. I resided then with a southern family and came in contact with southern gentlemen. As a general rule, even the most intelligent among them looked upon the United States as an aggressive power, and complained bitterly and in unequivocal terms of the position of subjugation to which they said they were reduced. I saw no spirit of friendship manifested towards the government, although there was an expressed willingness to submit to the necessities of the situation. They complained in many cases of the officers charged with carrying out the orders of government, were quite frequent in their expressions of dissatisfaction with the negroes, and were bitterly hostile to the order of General Sherman relative to sea-island lands. Officers of the late rebel army expressed themselves in strong phrases against Union officers, and in some instances insulted them openly. I do not recollect that they used violence in the first instance, but at the hotels they would abuse them, calling them d—d Yankee officers, wearing the d—d uniform of the United States. These insults were on one or two occasions resented, and violence was the result.

Question. Who got the best of it?

Answer. The Union officers.

Question. You considered that right, didn't you?

Answer. Most assuredly I did. They said they had nothing to expect from the United States government. The rebellion was crushed. They at first anticipated the entire confiscation of their lands—expressed that expectation often, in my presence—and it was remarkable that notwithstanding these expectations the people were, comparatively speaking, submissive and prepared to abide the issue. They would sometimes lose control of themselves, and speak in severe language, but in general were quietly submissive to the authority of the government. Afterwards, when a different policy from the one they expected began to appear, on the part of the government—when the amnesty proclamation was published and the lenient or liberal policy of President Johnson announced, I thought I saw a marked change in their demeanor; they were more aristocratic and less inclined to submit to the authority of the government of the United States. On the 4th of July the negro firemen of Savannah desired to parade with their engines, but were forbidden. I was then in charge of Freedmen's Bureau affairs at that city, and asked the superintendent of the fire department why he had forbidden the negroes to parade. He said they wished to practice with their engines, which could not be permitted that day. I assembled some of the firemen and in presence of the superintendent asked them whether that was their purpose. They said it was not, and that they would be satisfied to parade with their engines on the streets. The superintendent then answered that it was too late to make the request; that if it had been presented in due form in time, it might have been granted. I told him there was no reason why it should not be granted now; that this was the first Independence day they had had the opportunity of celebrating since their emancipation, and I thought they should be allowed to parade; that if he refused I should carry the matter before higher authority; I could see no good reason for making an invidious distinction between the black firemen and the white firemen, who had been permitted to parade. I then presented the request officially, and he yielded. The firemen paraded, but a mob of secessionists attacked them, dispersed them, and seized their engine, which they with difficulty obtained again. One of the colored firemen brought action the next day in the provost court, presided over by a United States officer, against a person he named, one of the mob, as he alleged, for assault and battery. He had four witnesses. The judge decided they had no cause of action, and the case was dismissed; but the plaintiff and his four colored witnesses were not allowed to return home, but remanded to jail.

Question. How did that happen?

Answer. It was for a reason unexplained at that time. I was informed that no order was issued, and that the officer directed to keep them in jail did not at first know why they were sent there. I was then out of town. When I returned these men had been tried, convicted of perjury, and sentenced to pay a fine of $500 and to serve six months in prison, this being the severest sentence the court could inflict.

Question. Who was the judge?

Answer. A captain of a Connecticut regiment; he is now out of the service.

Question. Do you remember his name?

Answer. It does not occur to me now. I visited the colored men in jail; they said they had been put there unjustly; that they were not guilty of perjury, but had sworn truly; that if they had made a mistake in the man, which they could not believe, they had, so far as they knew, sworn truly, and had been tried, sentenced, and imprisoned, without a fair hearing. I went to the court, saw the judge, and asked for an explanation; he gave a very unsatisfactory one. I then requested him to furnish me with an attested copy of the record of the proceedings; he did so. I discovered that these men had been tried upon a charge

quite different in character from the offence of which they were convicted; they were not charged with perjury, but with malicious prosecution; yet they were convicted of perjury. I discovered from the record that the testimony adduced in court was entirely inadequate for such conviction; that there was really no sufficient testimony touching upon the point in question. I made a statement of the proceedings to the officer in command at Savannah, General Davis; at first he agreed to remit the fine, but allowed the sentence of imprisonment to remain; I submitted to him that, if anything was to be remitted, the entire sentence should be; if they were guilty of perjury to any extent, the sentence was not too heavy; he assented, and ordered their release promptly.

Question. If I understand you, this second suit was brought against the plaintiff and his witnesses for malicious prosecution, and that the provost judge convicted them of perjury?

Answer. Yes, sir.

Question. The suit for malicious prosecution being for the recovery of damages to the injured party, and the conviction of perjury, which is a public offence, and not a private suit at all?

Answer. Yes, sir. I found they had not even been heard on their own behalf, but were convicted entirely upon the testimony produced in the first case; they desired to introduce further testimony in the second case, but were refused by their own counsel; they had two counsel assigned them by the provost judge—one an ex-rebel judge, and the other a lawyer who had been in the rebel army. These two men, as they said, told them that it would be better for them not to undertake to give any testimony, and thereupon arose in court and said a few words, making a brief appeal to the humanity of the judge to the effect that they hoped their clients would be well and fairly treated. I was entirely satisfied that it was a case of wilful and malicious prosecution upon the part of the white men, and intended to be the commencement of a series of suits against freedmen for the purpose of keeping them out of the courts if possible, and not permitting them to testify against white persons. The case was much talked of, and I have no doubt the action of General Davis in the matter had a good effect.

Question. What has become of the Connecticut captain who acted as provost judge?

Answer. He was mustered out of service very soon afterwards, at the time his regiment was mustered out.

Question. Do you know where he is now?

Answer. He is at his home in Connecticut.

Question. Does his name occur to you now?

Answer. I cannot recollect it.

Question. Was he never called to account for his proceeding?

Answer. He was not. I did not get the order revoking the sentence until just before he was mustered out. Had there been time, I should have felt it my duty as an officer to have preferred charges against him.

Question. How do the people of that section of country feel on the subject of the education of the freedmen?

Answer. There are a few gentlemen of the more intelligent class who say they are in favor of their education and in favor of establishing schools; but these are very few; I have met such in the cities, but not in the country. Indeed, I think the feeling in the rural districts is different from what it is in the cities, particularly Charleston and Savannah. At Augusta there is more bitterness of feeling apparently than in Savannah. I was travelling in a stage between Savannah and Augusta, perhaps three months ago, being unknown to any of the parties present; they were all secessionists, and talked freely; one was a young man of education and ability, and all of them gentlemen of intelligence. This young man talked freely about the Freedmen's Bureau, and the officers of that bureau; he said, as a general thing, they were impracticable men, and not doing the right thing. His plan was this: if a negro was caught in the act of stealing, he should be severely punished; if caught the second time, he should be hung at once, without ceremony. His opinion was indorsed immediately by the several gentlemen present. The general tenor of the conversation convinced me that there was no disposition among those gentlemen, at least, to treat the negro with fairness.

Question. In case of the removal of the federal troops and of the Freedmen's Bureau from South Carolina, what would be the probable condition of the freedmen?

Answer. After very great deliberation upon that subject, I predict that, in that event, an insurrection of the blacks would follow within a very few years.

Question. How would it be brought about?

Answer. The pride of opinion of the South Carolinians is such that, even in face of conviction, the people of the State will not renounce their old opinions; the planters will naturally fall back into the old system of slavery, or as near to it as they can get. The negroes have no confidence in them as a class, and the planters make it a rule, through the public prints and in conversation, to speak against the negro; they admit that he *may* do well, and that in some cases he does well, but say that generally he is a failure, and not to be trusted. There is a very general lack of confidence between the planter and the freedman. The Freedmen's Bureau has been a great blessing to both, because it has been a mediator between the two classes; it has endeavored to persuade the freedman to trust his employer,

assuring him that the bureau would see justice done him; it has urged the master to give up his prejudices and treat the negro fairly, and has called him to account when he has been in fault, so that the negro in many cases—in most cases—goes to work satisfied that the bureau will protect him in case of attempted injustice. The intelligent men among the negroes speak desparingly when the idea of withdrawing the troops and the bureau is broached. A gentleman of South Carolina is very frank upon this subject, but would not express his opinions publicly; he is a liberal-minded man, and knows but two southerners who altogether agree with him: he believes that if the bureau is withdrawn and the military, there will be an insurrection of the blacks within a few years. These thoughts are not expressed publicly, and this is the only person I know of in South Carolina who talks thus frankly. General Sickles the other day showed me letters received from his subordinate officers relative to the counties of Edgefield and Laurens, and two neighboring counties in South Carolina, very near to Columbia. They report that there are organized bands of "regulators"—armed men—who make it their business to traverse these counties, and maltreat negroes without any avowedly definite purpose in view. They treat the negroes, in many instances, in the most horrible and atrocious manner, even to maiming them, cutting their ears off, &c. In one case, two citizens of one of these counties testified against these parties, and were instantly compelled to leave the county, barely escaping with their lives. The citizens are bound in honor, by an understanding or compact among them, not to testify against these regulators; so that it is impossible to get evidence against them unless the negroes give it. The evidence seems complete that these atrocities have been carried on in the counties referred to. We have a military force there, but it is sparsely distributed. General Sickles, on receiving these reports, promptly ordered a force of cavalry and infantry to pursue these men, and take them if possible, dead or alive; if taken alive, they are to be brought to Charleston, where he will have them tried, and, if convicted, immediately executed.

Question. Is he succeeding in catching any of them?

Answer. He had just received the letters and ordered out the troops as I left Charleston.

Question. How numerous is it supposed these regulators are?

Answer. It is supposed they are quite numerous—sufficiently so to seriously disturb these counties at present. They form into bands of perhaps twenty or thirty, I should suppose, from the reports I have heard. I was at Augusta, Georgia, a short time ago, a city situated right opposite Edgefield, South Carolina. General Tillson, the assistant commissioner for Georgia, reported a very bad condition of things in that county, (Edgefield.) The planters were making contracts with the negroes for $20 a year, and the military officer there, a lieutenant, was approving them. I reported the case promptly to General Saxton, and he had another officer sent there. General Sickles has said it may become necessary to remove the colored population entirely from two of these counties, and that if it does become so he will remove them and send them to counties where their labor is solicited at fair wages. General Scott, the assistant commissioner for South Carolina, was at Georgetown, in that State, a few days ago, and returned to Charleston on Friday last. He reported that the colonel commanding at Georgetown told him that the officers of Union troops stationed there, belonging to the 29th Maine and the 54th New York regiments, were almost as hard in their treatment of the freedmen as the rebels themselves. They are volunteers desiring to leave the service, and are reckless in their conduct. The officer in command is very well disposed himself, and doing all he can to stop these outrages, but says that this is the spirit of the military officers stationed there. General Scott, as I was about leaving, urged me in the strongest terms to represent to the government the very great importance of retaining a military force in South Carolina, and also some agency to do what the Freedmen's Bureau is doing now. (The bureau he believes the best agency.) He considers it vital not only to the interests of the freedmen, but to the interests of the whites and the eventual reorganization of the State. I have had an opportunity of learning the views and feelings of many gentlemen in regard to the bureau. One, a planter, a gentleman of education and culture, was at the office of the assistant commissioner to have rations issued to the planters, that they in turn might give them to the freedmen, and so run their plantations the present year; the value of the rations to constitute a lien on the crop. (The plan has not been approved.) After talking of the matter freely, and showing his desire to receive help from the bureau, he conversed further with myself and the assistant commissioner: then returning to my desk as he was leaving, he said, with much excitement, "Captain, where do you reside?" I answered and invited him to call upon me. He said, "I will do so; I want to see you somewhere outside of this d——d bureau."

Question. Did you meet him subsequently?

Answer. Oh, yes, sir; I met him a number of times. We have much business intercourse with such gentlemen, and prefer not to yield to excitement in the transaction of business, desiring rather to hear and learn the truth. I will mention a conversation which occurred on a steamboat between Charleston and Savannah. The conversation was with a gentleman, formerly a planter, and now desirous of getting back his sea-island plantations, which I could not restore to him, because he was unable to make a mutually satisfactory arrangement with his people. He said to me that the Charleston Mercury had made a number of prophecies which had come true, and one other which time would show the truth of, viz: That when the war was ended, poison and the knife would take the place of the bayonet and

the sword; it was unpleasant, he said, to think of coming upon a man during his sleeping moments and making way with him, but these things might still occur; that the government must conciliate the white man of the south; must give him back his property; especially must it restore the sea-island property; that if it failed to do so, some men might become desperate. It was quite easy, he said, to make way with an officer without entering his room; he could be seen through a pane of glass, and reached quite as effectually as if he were in the same room.

Question. Was this a man of influence?

Answer. I do not think him a man of much influence. He had been a wealthy man—a planter. I do not think he represents the feelings of a majority of the planters, although he seemed to think he did. There are very few, I believe, who would indorse the sentiments he expressed.

Question. He is one of the sea-island proprietors?

Answer. Yes, sir. I do not mention his conversation as an indication of the prevailing sentiment of the south, for I honestly believe it is not, yet it shows what some southern men of position will say, even to a Union officer. He indicated, further, that it would be very unsafe for a northern man to remain in the south in case the government should fail to conciliate the southern white people. A gentleman, formerly of large wealth and an eminent rice planter of South Carolina, but now very much reduced in circumstances, proposes to work his plantation on the northern-farm principle, and was talking with me in regard to obtaining capital. I asked him why it is that the newspapers of the south abuse the negroes and the Freedmen's Bureau as they do, and make it appear that the Yankees, as they term them, may not be able to live in safety on a South Carolina plantation. "How do you expect to succeed," said I, "if you continue to abuse the negro, who is your laborer, the northern man, who is your capitalist, and the bureau, which is your mediator to arrange your relations with your laborers?" He said this was owing to the pride of opinion of the south. It could not give up its pride of opinion. He, himself, personally, had done so, but the people, as a mass, would not do it. In numerous conversations I have spoken with planters of what I termed the State suicide of South Carolina, as exhibited in her present course. They seem to see the force of the remark, and to assent to it in theory, but there is no one of them bold enough to come out publicly and oppose the prevailing sentiment of the people. In a conversation upon the railroad I heard a gentleman from the up country, as it is called, say that if the confounded Yankees would leave the south the planters would get along well enough with the "nigger;' they knew how to manage him. The speaker was bold in his remarks, and very loud. A gentleman next to me in the car, discovering I was an officer, seemed disposed to be apologetical. He said the gentleman opposite did not seem to know how to manage his negroes; as for himself, he could get along very well with his. He gave his negroes to understand that if he should catch one of them stealing he would take his life. And he added to me that he would be willing to lose his own life, if the government so decreed, for the purpose of carrying out his threat upon the negro who should dare to steal from him.

Question. Did he say he would take the life of the negro without trial or judgment?

Answer. He said nothing about trial or judgment, but simply spoke of catching the negro himself stealing his property. He then spoke of the negro in terms which I have often heard used, degrading him to one step above the baboon, and defended his theory by numerous arguments. I felt that, though he was, perhaps, succeeding very well now with his people, he would not, perhaps, succeed so well if he were at liberty to carry out all his theories.

Question. Do the mass of the people of South Carolina seem to have repudiated, or laid aside, the doctrine of the right of secession?

Answer. No, sir.

Question. They accept the position, though; acknowledge the fact that they are subdued, and that their scheme of secession, for the present, is a failure?

Answer. They acknowledge that fully.

Question. Do I understand you to say that no instance has come under your observation where a South Carolina secessionist has renounced the doctrine of the rightfulness of secession?

Answer. Not one.

Question. How much willingness did you observe, upon the part of the whites of South Carolina, to allow civil rights to the blacks; that is, the domestic rights of father and child, husband and wife, &c., the right to acquire property by regular, legal title, and the right to sue in the courts, and obtain redress for their wrongs in that way?

Answer. The domestic relations, I think, they are willing to respect. They profess a willingness to have the negro testify in the courts, but it seems to me they generally take the ground that his testimony against a white man is of little worth. I think there is a decided opposition to the negro's holding real estate, by lease or in fee. The intense opposition that exists to the negro's settling on the sea-island lands is, I think, that it will establish a precedent; that the negro will thereby hold estate, the government acknowledging his right to hold it. They attach less weight to their theories than to the practical result of them: they are afraid if the negroes hold their lands by lease it will be difficult to get possession of them again. A reverend gentleman from the upper part of the State said, in reply to questions

addressed to him on the subject, that the South Carolinians would never permit the negro to hold real estate—never! That was his individual sentiment. Some southern men profess to feel differently.

Question. How do they appear to feel in respect to the education of the blacks?

Answer. Many profess indifference, and a very few publicly advocate it. I do not think there would be any serious opposition to it in the immediate neighborhood of the cities, but feel sure there would in the back counties.

Question. Is the treatment of the negro more harsh in the rural districts than in towns?

Answer. I think so.

Question. In case of a war between this country and any foreign power, what do you think would be the feeling of South Carolina secessionists in regard to such an issue as that?

Answer. I think they would watch the indications with the utmost care, and would side with our opponents, if they found they could, by doing so, assist in the destruction of this government. I honestly and firmly believe this.

Question. Would that be the course of the mass of the people; or would there be a division of opinion? What course would the leaders pursue?

Answer. I think, eventually, that would be their course.

Question. And they would, eventually, carry the masses with them, would they not?

Answer. I think so; although such a movement would be approached with great caution.

Question. Do they entertain any scheme of secession based upon any such state of facts as this? They are anxious to have their senators and representatives admitted into Congress; there is no doubt about that?

Answer. There is no doubt about that.

Question. They think there is a great majority for it?

Answer. So they say.

Question. Suppose these men were admitted into the Senate and House of Representatives from South Carolina and other rebel States, and suppose a man were to be elected as President of the United States who would renounce the right of coercion as Mr. Buchanan did, thus leaving the executive and legislative branches of the government composed of men who denied the right of coercion; what would be the course likely to be pursued by the secessionists? would they reassert secession and go out of the Union again?

Answer. They have been taught a fearful lesson, and I do not think they would be disposed to venture upon another war.

Question. But suppose Congress and the administration were composed of such men that no coercion would be used?

Answer. Then I think they would go out again.

Question. Have you any reason to suppose that is one of the ultimate objects at which they aim? Is that one ground of their great anxiety to be represented in Congress, that by an alliance with a party at the north they may obtain control of the government?

Answer. That is my opinion, though I do not base it upon anything they have stated to me, for they are very judicious in what they say on this subject in presence of northern men. I have seen so much of the secessionists that I have but little faith in their loyalty; I have been forced to this conviction, although I have hoped for better things.

Question. How have you been treated socially by the secessionists?

Answer. I have had scarcely anything to do with them socially.

Question. Have you ever been invited to their houses?

Answer. Never but once, since I have been at Charleston; the invitation came from a party quite humble in place and position. Their social hostility to us I think is complete. At Savannah I boarded with pleasant people, secessionists; but through the city the same social distinction was observed. These distinctions are so marked in southern cities that northern people who board and lodge with, and so support southern families, are sometimes denied a participation in the social receptions of these very families they support, although persons of refinement and good social position. The southerners socially ostracize even those upon whom they are dependent. This practice is very general. I think there is a disposition to permit pleasant relations between themselves and our officers in some cases, but it is for personal reasons. A few days since a lady of Charleston spoke to one of our officers of the bitterness that exists between the north and the south, and said she hoped that bitterness would continue; she wished to see it continue to her dying day, and never wanted it obliterated or modified.

Question. Does it appear to be a dislike, a cultivated habitual dislike to the northern people, because they are such, or what is the foundation of it?

Answer. Not because they are northern people, but because they acknowledge in their hearts the superiority of the north, the superiority of northern enterprise and the northern mind; I believe this firmly. They think their power as a community is departing; that their immense estates are eventually to be divided up, and bought by northern men and negroes; that before the law, at least, the negro will be equal with the white man. A theory which may seem strange, is more or less current. There are thousands of mulattoes at the south whose fathers are white gentlemen of high standing in the community. I believe there is an intense and peculiar feeling of hate existing on the part of the whites towards colored persons of this class, the fear being that the latter will have an equal civil standing with the whites—

will acquire riches, perhaps, and influence, and that the baseness and wickedness of slavery will then be made to appear before the world in a light which will be agonizing to the southern people; the advent among them of northerners who have caused the destruction of slavery, bringing poverty to the inhabitants and liberty to the negro, with possible future advancement. These facts, combined with a dislike of the north, to which they have been educated, cause them to hate northern men with a malignant hate.

Question. Will it not take a long time to allay this hatred?

Answer. The inner feeling, perhaps, will never be allayed, but the outward manifestation of it, I firmly believe, can be prevented by a rigid course upon the part of the government. I remarked to a gentleman of Charleston that I could tell what was going on at Washington by the bearing of the southern people without seeing the newspapers. When a lenient policy prevailed, I observed in the people an autocratic reserve, and an exacting manner towards United States officers. If the other policy, which obtains more generally in Congress, was in the ascendant, their bearing was totally different; a gentle spirit was manifest, they would be well behaved, submissive and resigned. He greeted the remark with a smile, and although a southern man himself, and a Charlestonian, did not deny the truth of what I said.

Question. What number of federal troops are there now in South Carolina?

Answer. I can give you an approximate estimate; perhaps there are four or five thousand in the whole State; I doubt if there are more.

Question. Stationed chiefly where?

Answer. On the coast, I think, chiefly, at Port Royal, Charleston, and Georgetown, though they are scattered, of course, throughout the State. The great body of them, and particularly the colored troops, are near the coast.

Question. How many colored troops are there in South Carolina?

Answer. A majority of the troops in the State are colored, perhaps three thousand altogether. General Sickles spoke to me in the highest terms of the colored troops, of their usefulness in South Carolina, and of the propriety of retaining them for the purpose of harmonizing the labor system. He says it is universally the case that they succeed better in this, when well officered, than white troops; and this testimony is given, in some cases, even by planters themselves. Still, none of the citizens are prepared to come out publicly and say such is the case.

Question. Have you had experience with black troops during the war?

Answer. Yes, sir, though not to any extent in active service. I was for some time stationed at Port Royal before I belonged to a colored regiment, and had a little experience with them. I am now connected with a colored regiment.

Question. How do they take to discipline?

Answer. Admirably well. I believe they can be made very efficient. The colored man of the army feels that he is brought up to a noble position, a position of respectability, and generally desires to continue in the service; while the white soldier often feels that he is degraded in position when he takes a place in the ranks. Therefore the white soldier is more ready to leave the service, now particularly, while the black soldier is proud of his place, and content to remain in it. So far as discipline is concerned, I think the black regiments stand as high as any. The inspecting officer for South Carolina called one of the colored regiments at Port Royal a model regiment in every respect, and said that on the whole even the 6th regiment of regulars, stationed at Charleston, did not surpass them.

Question. Have you seen blacks troops under fire?

Answer. No, sir; I have not.

Question. Do you know how they behave under fire?

Answer. Yes, sir. I am acquainted with officers of colored regiments; was at Port Royal when Colonel Higginson's regiment was organized, and have been near when they have been in action at Fort Wagner and other engagements. They were at first ridiculed; yet many who were most unfriendly now have entire confidence in them.

Question. Do they fight generally as well as white troops?

Answer. I believe they do.

Question. State, if you are able to do so, what amount of lands have been disposed of under General Sherman's order; or, rather, parcelled out to the blacks?

Answer. I can make an approximate estimate. Not having seen General Saxton's report, I judge that upon the sea-islands and abandoned rice plantations seventy-five thousand or one hundred thousand acres have been actually parcelled out.

Question. Not more?

Answer. Perhaps more; but at the outside, I think, it cannot possibly be more than two hundred thousand or three hundred thousand acres. I can only make a rough estimate.

Question. The lands so disposed of are chiefly upon the islands, are they not?

Answer. Almost entirely. Some are upon rice plantations in the neighborhood of Savannah, but only very few.

Question. Can you state whether they are cultivated well and faithfully by the blacks who occupy them?

Answer. The blacks desire exceedingly to cultivate them; but they are waiting for government action, and do not know whether to go to work or not. I think their labor upon these islands would have proved an entire success if the people could have known what

would be done with regard to their possessory titles. Last year they settled there so late in the season that a fair crop could not be raised. In some cases full crops were raised; but in others it was impossible to realize more than half a crop. This year there has been great uncertainty and great tribulation among the people.

Question. Has there been any squabbling among the old proprietors of the lands or their heirs for possession?

Answer. Perhaps so; a dignified squabble. There have been differences—perhaps not many outright quarrels. The evidence seems clear that in some cases they have used threats—have threatened to remove the negroes from the plantations. The negroes have often become much excited at the return of a former master who had been oppressive in his treatment of them. The reports that have gone out of their bad treatment of whites who have visited the islands have been true in a few cases only, and then because visitors did not pursue the proper course. Instead of reporting themselves to the officers in charge, they would undertake to land where they pleased and go where they pleased over the islands, and the negroes, naturally suspicious, have sometimes carried them, under escort, to the officer in charge. This, of course, was considered by the whites a great indignity. I went once with a number of planters to Edisto island. As we were about to land, the colored sentinel, as usual, stood at his post, and before I could explain the object of our visit, these gentlemen hastened toward the dock. He stopped them. I approached the sentinel, told him who I was and why I was there, reported at once to the officer in charge, and obtained permission for the party to land; but one of them, in talking of it afterwards, said it was a shame and an offensive thing to be prevented from going to his own plantation by a colored soldier. The poor fellow, he said, was not to blame; the government had placed him in a position he was entirely unfit for; but it was none the less unpleasant to southern gentlemen.

Question. How many negroes have been located on these lands, as nearly as you can determine?

Answer. I do not think there are now located on these lands in South Carolina and Georgia, excluding Port Royal, more than twenty thousand men, women, and children.

Question. Are they generally blacks who were formerly located there, and owned by their masters who owned the island lands?

Answer. I could hardly say, generally.

Question. Where did the others come from?

Answer. They are persons who escaped from the interior to our lines during the war, and parties who came with General Sherman. In many cases they were formerly located on the islands, but not in a majority of cases.

Question. Have they any other means of living that you know of?

Answer. No, sir; no other means.

Question. Do you know Governor Orr, of South Carolina?

Answer. I met him once and was introduced to him. I had no conversation with him, however, and have never met him since.

Question. Is he understood to be a Union man in South Carolina, or a secessionist?

Answer. He says he is a Union man, and he speaks with Union officers, I understand, in a Union way, but I do not think he is prepared to say to the people of South Carolina what he says to Union officers. I have, perhaps, no right to make this criticism; I merely express it as my opinion.

Question. He was elected by what are called Union voters, was he not?

Answer. I think the people who elected him were in fact but little more Union in their feelings than those who voted for Wade Hampton. I think there is a very small minority of actual Union men in South Carolina. I have failed to meet in Charleston a single man whom I can call a true Union man, among those who were formerly planters.

Question. There has been a rumor that Governor Orr was not actually elected by a majority of the votes cast in that election; do you know anything about that?

Answer. I do not.

Question. Where is Wade Hampton now?

Answer. I do not know.

Question. Do you think of any other statement you wish to make?

Answer. I would like to make a single statement to show the confidence which the negroes have in our government. I have visited Edisto island several times with former planters, and went on one occasion to make an earnest effort to establish business relations between the planters and the freedmen who located under the order of General Sherman, and had been in a very excited state. I did not advise the freedmen to make contracts. I was not ordered, and had no right to do so. They met at a church in large numbers. I explained to them the object of our visit. I did not ask them to do what they might not desire to do, but requested them to express their feelings freely, telling them that planters and freedmen were mutually dependent upon each other, and that the labor question should, if possible, be satisfactorily settled. I was followed by one of the planters, who spoke plausibly and fairly. A number of negroes spoke. They said they had no personal enmity towards their old masters; that they had been abused by them, and in many cases their lives were endangered by cruel punishments; nevertheless, they bore them no hatred. But if you ask us, they said, to contract with these men, we answer, we cannot do it. Do you blame us? Whatever the gov-

ernment says we will do. The government has told us we might have these lands. High officers of government—cabinet officers—have been to us at Port Royal and advised us to purchase lands, if we could do it honestly, and become planters ourselves. We liked their advice, and desire to follow it, and live upon our own homesteads. Still, if the government says go, we will go, but let us understand, when we are ordered to go, that it is the word of the government. We have earnestly longed to hold these lands, but if we cannot we will give them up. If we cannot be permitted to occupy them ourselves we will leave. We simply petition the government to permit us to buy homes for ourselves somewhere. This was the general tenor of their speeches, which for sobriety, dignity, kindness, and business-like expression, were not to be surpassed. After the meeting they desired to see me privately; and in the evening a committee of them called upon me. "Captain," they said, "if you order us to give up these plantations we will do it, if you say that is the word of the government. If you say we must contract or leave, we will cheerfully do the one thing or the other, but cannot contract. If it becomes necessary, sooner than have the government lose confidence in us as a people and a race, we will leave these plantations, that we supposed were our homes, without a murmur, but prefer to have you give us distinctly and clearly the orders of government, even if they compel us to go." I assured them the government would not lose confidence in them; that I had not come to order them away, but only to learn what they were willing to do.

A colored man of Savannah named Sims, brother of the Sims who became distinguished at Boston, told me as I was leaving Savannah that he was glad I was going, because he didn't wish me to remain and see the sufferings of his people.

They do not know what their future will be, but apprehend that sorrow and difficulties are yet in store for them. I confess that while I have the firmest belief in the fidelity of these people to the government—in their determination to stand by the government at all hazards—while I believe they will never come into open hostility with it, I fear they may yet have serious difficulties with their former masters. They include among their number men of talent and ability. I have attended their political meetings, and have never heard them utter there anything whatever prejudicial to the interests of our government, or the common good of the country. They have shown that they can organize, and have formed organizations already for their own protection and advancement. If it should ever become necessary for them to be unanimous in feeling and action, they will be unanimous.

Question. Have they arms?

Answer. No, sir; not as a general rule.

Question. Have you the least reason to apprehend that there are combinations among the blacks with the view of committing acts of violence upon the whites, or upon the government?

Answer. No, sir; I have not. I believe the organizations that exist among them are formed for purposes purely benevolent in their character.

Question. If I understand you, then, you have found no insurrectionary feeling there?

Answer. No, sir; I have found the feeling entirely opposed to that. Insurrection will be their very last resort; the last alternative.

Question. Suppose the protection they now enjoy from the presence of federal troops and from the Freedmen's Bureau should be withdrawn, and they should be exposed to the consequences of State legislation and to the prejudice and injustice which it is natural to suppose would be exercised toward them by the whites; what, in your judgment, would be the result in the end?

Answer. I think, in the end, there would be a conflict.

Question. Could they do otherwise than arm themselves to defend their rights?

Answer. No, sir; they would be bound to do it.

Question. Do not you think that in such an exigency it would be imperative upon these men to arm themselves to defend their rights, and that it would be cowardly in them not to do it?

Answer. Certainly I do. They could not do otherwise than organize to protect themselves It is a mistake which many have fallen into to suppose that this race, while they are submissive and kindly in the extreme, are deficient in courage. Their native common sense is, I think, equal to that of any race we know of. Their judgment, as a mass, is good; their intelligence, of course, differs in different cases; but they are quite well informed, and particularly so with regard to the proceedings of the government. Leading men among them, who are intelligent, well-educated, orators as well as writers, inform themselves of what is going on, and inform the people.

Question. Did you discover among the blacks a disposition to acquire education?

Answer. It is their universal desire and disposition. Their little children will travel miles to go to school. In estimating the amount of land parcelled out to negroes on the sea islands, and the population there, I may be within the limits. I have not seen all the reports. I may express an opinion with regard to the policy of allowing these people to have the island lands. I will say that I think the plan adopted in the bill which was vetoed was an excellent one, because, although it did not convey the title in fee, as, perhaps, might have been done, it limited the occupation to a term of years, and satisfied the great mass of the freedmen, while the planters, when it was supposed the bill would become a law, showed a disposition to acquiesce, which was quite unexpected.

Question. Is there any form of contract now in vogue in South Carolina between he whites and the freedmen?

Answer. Yes, sir; General Scott has devised a form in South Carolina which is generally adopted. The planters are disposed, in many cases, to insert in their contracts tyrannical provisions, to prevent the negroes from leaving the plantation without a written pass from the proprietor; forbidding them to entertain strangers or to have fire-arms in their possession, even for proper purposes. A contract submitted a few days ago for approval stipulated that the freedman, in addressing the proprietor, should always call him "master."

Question. Has that been sanctioned by General Scott?

Answer. Of course not. He repudiated it. He is remarkably fair and generous in his treatment of the freedmen, and just towards the planters.

Question. There was a meeting on the 21st of December last at Sumter, South Carolina, with a view of getting up a form of contract between the employers and the freedmen. Do you recollect it?

Answer. Yes, sir.

Question. Has that form of contract been adopted by General Scott?

Answer. No, sir, it has not.

Question. Do you remember that form of contract?

Answer. Oh, yes, very well.

Question. Does the paper I hand you contain the copy agreed upon at that meeting?

Answer. Yes; sir, that is a copy of the contract said to have been agreed upon at that meeting. I have understood that General Saxton did not formally approve it then, and that he disapproved it when he came to examine its provisions carefully.

(The form of contract, with the statement of the proceedings of the meeting referred to, are appended to the testimony of this witness.)

Question. You say General Saxton did not approve this form of contract?

Answer. I understand he did not, though it was supposed at first that he did. He casually looked at it at that meeting, and made some remark with reference to it, so I am informed by General Scott. The contract adopted is a very reasonable and liberal one.

Question. Have you a copy of that contract?

Answer. I have not. I will send you a copy of it from Charleston. The whole subject of the freedmen has been very familiar to me during a residence of three years and a half in South Carolina and Georgia. I have entire confidence in the freed people, in their ability and disposition to labor, and to labor faithfully, and to become useful citizens. I have seen them at their schools and on the plantations; have travelled over many of the sea-islands; and have met the people under almost every conceivable variety of circumstances.

Question. And the statement you have now made under oath is the result of your observation?

Answer. Most assuredly.

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SUMTER, SOUTH CAROLINA, *December* 21, 1865.

One of the largest meetings which has been held here for years assembled in the court-house to-day at eleven o'clock a. m. It was composed chiefly of the planters of Sumter, Kershaw, and Clarendon districts. On motion of Colonel F. H. Whittier, Colonel John N. Frierson was called to the chair. J. J. Fleming was appointed secretary.

The chairman introduced the object of the meeting in a very eloquent address, in which he avowed his conviction that, notwithstanding all discouragements which might at present exist, this great southern country was not destined to become a wilderness; that it must and will be cultivated either by free black or white labor; and that the planters were ready to test the question fairly and fully, and to make contracts for another year, if any guarantee was furnished that such contracts would be enforced. He believed that our political condition was not as hopeless as some might suppose, and trusted that we would yet enjoy union without consolidation, and liberty without anarchy or misrule. He then introduced to the meeting General R. Saxton.

General Saxton, in a brief address, declared that the Freedmen's Bureau, which he represented, was disposed to give every assistance to the planters in working out the problem of free labor, and that he believed that ultimately the agricultural interest would be advanced to a higher and more profitable condition under free than it would have been under a continuance of slave labor.

By invitation, Rev. M. French, who had just arrived from Washington, gave his views on the subject of free labor, detailing the results of his observations in different parts of the southern country, and more particularly the workings of the new system on the sea-islands of South Carolina. He pronounced freedom and free labor a decided success, and predicted the happiest results in this section if the planters would manage the freedmen properly, and act the part of educators as well as supervisors of their laborers.

Judge Moses wished to know if Mr. French believed that the freedmen would carry out their contracts, and upon what grounds he rested such belief?

In reply, Mr. French avowed his faith as the mainspring to his conviction. He believed firmly that when the inducement of compensation, whether in money or proportion of crop, was presented, coupled with the fear of the penalties imposed for remissness or failure, the freedmen would work through the time contracted for.

General Richardson, commanding the eastern district of South Carolina, stated that it had been universally affirmed by the planters that the freedmen have not worked as they should have done, and he believed this was true, and therefore it was but natural that the planters should look for some better guarantee for their performance of duty. He submitted a plan for contracts adopted by the Darlington planters.

General Saxton stated that while the bureau fixed upon no specific plan for contracts, the one just read met his approval, and appeared to be unexceptionable.

Rev. H. D. Green noticed an omission in the form presented. There was nothing said about recklessness, on the part of the freedmen, in destroying gardens, fencing, &c. How was this to be punished?

General SAXTON. Of course, where they destroy property, it comes out of their wages.

Colonel J. D. BLANDING. I wish to know whether involuntary loss of time, as in sickness, shall fall upon the planter or upon the freedman?

General SAXTON. Upon the freedman.

Judge Moses moved that the form of contracts be referred to a committee of — planters from Sumter, Kershaw, and Clarendon, begging to be excused from serving on the committee himself.

This motion prevailed, and the Chair appointed the following gentlemen: Rev. H. D. Green, A. H. Boykin, A. T. Goodwin, Thomas C. Richardson, W. H. B. Richardson, Alfred Scarborough, Marcus Reynolds, John M. DeSaussure, J. J. Ingram, H. H. Wells, J. S. Bradley, William Nettles, W. E. Richardson, James McIntosh, J. J. Chandler, J. D. Blanding, J. W. Stuckey, Dr. J. C. Haynsworth, and F. H. Kennedy.

The committee having retired, the Hon. F. J. Moses, senator from Sumter, and recently elevated to the bench, in response to a call from the meeting, addressed his late constituents, thanking them for the uniform and cordial support they had given him as their senator, and affirming that if at last it should be found that he had served his God as faithfully as he had served them for twenty-five years in the senate or the State, he would look forward to the close of life without fear or concern. His remarks were eloquent and well received, and he pronounced them to be his valedictory as senator.

The vacancy thus created in the senate, it is generally thought, would be admirably filled by the election of Colonel John N. Frierson to the position. If he can be induced to accept, there is no doubt the district would feel proud and fortunate in securing the services of a gentleman who unites, with great soundness of views, varied scholarship, undeviating judgment, and inflexible integrity, a refinement and elegance of manners which would adorn any station in the land.

The committee, having returned, presented the following form for contracts, which was unanimously adopted. They prefaced their report with the following resolution, which was also passed by a unanimous vote:

"*Resolved*, That in the judgment of this committee, in all cases where it is convenient, and circumstances allow it, it is the best system of hire to pay the freedmen stated wages; and that where this rule is adopted, we recommend the following scale of wages, varying from $40 to $120 per annum."

*Form of Contracts* between planters and freedmen, as substantially adopted by the Darlington meeting, revised and adopted by the mass meeting of Sumter, Kershaw and Clarendon planters, December 21, 1865, and approved by Major General Saxton, of the Freedmen's Bureau:

STATE OF SOUTH CAROLINA,
——— *District.*

Articles of agreement between ——— and ———, freed men and women, whose names are hereunto attached:

First.—The said freedmen agree to hire their time as laborers, on the plantation of ———, from the 1st of January, 1866, to the 1st of January, 1867; to conduct themselves faithfully, honestly, civilly and diligently; to perform all labor on said plantation or such as may be connected therewith, that may be required by the said ———, or his agent, and to keep no poultry, dogs or stock of any kind, except as hereinafter specified; no firearms or deadly weapons, no ardent spirits, nor introduce or invite visitors, nor leave the premises during working hours without the written consent of the proprietor or his agent.

Second.—The said freedmen agree to perform the daily tasks hitherto usually allotted on said plantation, to wit: 125 to 150 rails; cutting grain, three to six acres; ditching and banking, 300 to 600 feet; hoeing cotton, 70 to 300 rows an acre long; corn, 4,000 to 7,000 hills. In all cases where tasks cannot be assigned they agree to labor diligently ten hours a day.

Third.—For every day's labor lost by absence, refusal or neglect to perform the daily task or labor, said servants shall forfeit fifty cents. If absent voluntarily or without leave, two

dollars a day; if absent more than one day without leave, to be subject to dismissal from the plantation and forfeiture of share in the crop. All such fines and forfeitures shall inure to the benefit of the employer and employés in proportion to their relative shares.

Fourth.—Said freedmen agree to take good care of all utensils, tools and implements committed to their charge, and to pay for the same if injured or destroyed; also, to be kind and gentle to all work animals under their charge, and to pay for any injury which they may sustain while in their hands through their carelessness or neglect; and forfeitures herein specified will be subject to the decision of the authorities having proper jurisdiction of the same.

Fifth.—They stipulate to keep their houses, lots and persons in neat condition, subject to the inspection of the employer or his agent at any time.

Sixth.—They agree to furnish from their number a nurse for the sick, also stock-minder and foreman, to be selected by the employer. They agree to be directed in their labor by the foreman, to obey his orders, and that he shall report all absences, neglects, refusal to work, or disorderly conduct, to the employer or his agent.

Seventh.—Said employer agrees to treat his employés with justice and kindness; to furnish each family with quarters on his plantation, with a quarter of an acre of land for a garden, and the privilege of getting fire-wood from some portion of the premises, to be indicated by the employer, (and to divide the crop with them in the following proportions, viz: to the employés one-third of the corn, potatoes and peas, gathered and prepared for market, and one-third net proceeds of the ginned cotton, or its market value at the end of the year.) When desired, to furnish the usual bread and meat ration, to be accounted for at the market price, out of their share of the crop. (Where "stated wages" are allowed, the *pro rata* of the crop will be omitted.)

Eighth.—Said employer agrees to furnish animals, and to feed them; also wagons, carts, plantation implements, such as cannot be made by the laborer on the plantation.

Ninth.—All violations of the terms of this contract, or of the rules and regulations of the employer, may be punished by dismissal from the plantation, with forfeiture of his or her share of the crop or wages, as the case may be. But the employer shall pay said parties at the rate of four dollars a month for full hands, deducting therefrom advances made.

Tenth.—The employer or his agent shall keep a book, in which shall be entered all advances made by him, and fines and forfeitures for lost time, or any cause, which book shall be received as evidence in same manner as merchants' books are now received in courts of justice, and shall have a right to deduct from the share of each laborer all his or her fines and forfeitures, also all advances made by him, subject to the decision of the authorities having jurisdiction of the same.

Eleventh.—The laborer shall not sell any agricultural product to any person whatever, without the written consent of the employer, until after the division of the crops.

Twelfth.—The laborers shall commence work at sunrise, and be allowed from one to three hours each day for their meals, according to the season of the year.

Witness our hands, &c., this ———.

While the planters' meeting was in progress, the freedmen were crowding into town from all quarters, and at 2 p. m. an immense assemblage of them was addressed by General Saxton and Rev. Mr. French, from a platform, near which rose, in all its tall and fair proportions the liberty pole, with the stars and stripes floating from its summit. The day passed off quietly, and notwithstanding the immense throng of all colors and classes, we heard of no cases of disorder or violence, except one instance, in which, just before sunset, a freedman was critically if not fatally stabbed by a gentleman from the country, who immediately made his escape. The cause for the act has not transpired, but the authorities will no doubt investigate and properly dispose of the affair.

F.

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WASHINGTON, *February* 3, 1866.

J. W. Alvord sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. My family resides in Jersey City; I am an officer of the Freedmen's Bureau.

Question. Where are you stationed?

Answer. At the bureau while I am in Washington.

Question. Have you either during the war or since the close of hostilities visited portions of the rebel confederacy?

Answer. Yes, sir.

Question. What portions?

Answer. I was with the Union army in Virginia during the war.

Question. And since the close of the war you have been engaged in the Freedmen's Bureau?

Answer. Yes, sir.

Question. And since then you have been stationed in Washington?

Answer. My headquarters are here.

Question. Have you visited portions of Virginia since the close of hostilities?

Answer. Yes, sir. I have visited Virginia and all the States south below Tennessee and this side of the Mississippi river. I have visited Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana. I made three tours during the year; I have been during that time under the orders of General Howard as inspector of finances and schools for freedmen in all the States lately in insurrection. These tours were made in execution of his special orders; of course, I have mingled with all classes at the south, more especially with the intelligent portion. In these various journeys on railroads, in hotels and in public meetings, I have seen every class of southern people from the lowest negroes to the State legislatures; on three or four of which I was in attendance during some portions of the session. These, in brief, are my opportunities.

Question. Now state what, among the rebel people, is the general feeling towards the government of the United States.

Answer. It is hostile, as it seems to me, in the great majority of the southern people; I mean that part of them who were engaged in the rebellion. There is evidently no regret for the rebellion, but rather a defence of it, and only a submission to the circumstances of the case as a conquered people. They everywhere defend the principles on which the rebellion was commenced.

Question. They still insist that those principles were right?

Answer. Yes, sir; they seem to feel that peace was brought about by an arrangement which allowed them the equal condition of belligerents, and in possession of all that they previously had had of government privileges. They everywhere insist upon the immediate restoration of such privileges, and that they shall be readmitted as States into the Union. They complain bitterly of the treatment they are receiving in being kept out.

Question. What great object do they seem to contemplate in their being readmitted into Congress by their senators and representatives?

Answer. They seem to suppose that by re-admission they can get political power and obtain again the supremacy which they once had, and with the exception of slavery they expect to be still a prosperous and dominant portion of our government. Slavery they have given up in the old form, but they want to subdue and keep in a low place the negroes, by some compulsion which it seems to me they are trying to effect not only privately but by all the legislation that I learned of or witnessed.

Question. Are you aware of combinations existing in those States for the purpose of subjecting the freedmen to compulsory labor, uncompensated, or not sufficiently compensated?

Answer. I do not know of any distinct combinations; there appears to be a universal exhibition of that purpose in all places and in all circles where I heard it talked of, privately or publicly. The idea was that the negro was to be kept subservient to the white race and compelled to labor for low wages. Contracts, so far as I have noticed or examined them, unless regulated by the agents of the Freedmen's Bureau, have been very much on the side of the white man.

Question. How far would they carry their power if they possessed it, to declare unemployed freedmen vagrants and to treat them as such?

Answer. I think there was a time when they wished to declare them all vagrants and to apply vagrant laws to them. That asserted vagrancy seemed to be their vindication of their legislative action.

Question. Was that a vindication or rather a policy, on the part of the slaveholders, to re-establish a *quasi* slavery among the blacks by means of vagrant acts?

Answer. I think that was so; it appeared to be a policy.

Question. State whether or not it appeared to be a general policy, or whether it was interrupted, existing in sections of the country and among particular classes.

Answer. I noticed it universally, and it led me sometimes to make the remark that it appeared to me as though such policy had been agreed upon by all the slaveholders in the southern States.

Question. If they had the power, would they or would they not, in your judgment, reduce the black race again to slavery such as has heretofore existed?

Answer. I think they would, in case they thought they could hold it there.

Question. How do they feel in point of personal regard towards the freedmen generally?

Answer. Their feelings are, as it seems to me, very much mixed; they have a kind of affection for him as an old servant; they have ill will towards him for turning against them and going with the Union army; and they have direct hostility to him as now being in the condition of a freedman claiming the rights of a freeman.

Question. If it was for them to say, would they permit the blacks to become owners of landed property?

Answer. It seemed everywhere determined upon that he should not be an owner of land. I found this quite universal in all the States, in every tour I made, and I listened to debates in their legislatures on that subject.

Question. How do they feel in regard to the marital rights of the black people—the rights of husband and wife and the rights of family?

Answer. Well, sir; I think they care very little about that matter. Their old habits of feeling still remain; they consider the relations of husband and wife not especially sacred among the blacks.

Question. In case of a war between the United States and any foreign power, such as France or England, what would be the disposition of the rebel people towards the government of the United States?

Answer. I think it would be in their hearts to join with the foreign power. I doubt whether they would dare to do it. They felt the power of our government in this war, and are disposed at present to submit to it.

Answer. Suppose it should become apparent in such an event that the government of the United States was not strong enough to retain them in their allegiance, and suppose they should get the idea that the government of the United States was so weak as to justify them in making an attempt to throw off the authority of the government, either by joining the common enemy or by declaring their own independence, what would probably be their course?

Answer. I think in the case of supposed weakness of our government they would declare their independence. I heard very intelligent gentlemen say that while they submitted to their present condition as a necessity, they still felt that the principles on which they rebelled were right, and they only wait in the coming time for another opportunity.

Question. Are you a man accustomed to careful observation as you are passing from one place to another in the country and mingling with the people?

Answer. Yes, sir; I generally keep my eyes and ears open, and I usually get into conversation with men.

Question. That is your habit of mind and intercourse?

Answer. Yes, sir. In my late tour I was with General Howard until he left Jackson for Washington. I listened to many conversations between him and the multitudes whom he met. I was with him at hotels. When he left I made a little experiment of travelling without being known, and of listening to what of natural conversation would occur. The two methods have their advantages in learning the state of feeling. I think I saw more deeply into the hearts of the people often by listening and mingling in conversation where I was not known.

Question. In case they had the power, do you imagine they would permit the freedman to remain a resident in their communities, or would they try to expel him?

Answer. They seem inclined to be rid of him. They generally wish that white laborers could be procured, and they are, here and there, making experiments with that view.

Question. Are they willing to have people from the north or from the loyal States come and settle among them and buy land and become permanent inhabitants with them?

Answer. A great many of them want to sell their land, but I do not think that they would like to have northern people come there as residents. I think they dislike us and prefer that we would stay away.

Question. Do you regard it as safe, as a general rule, for northern men to go down there and attempt to settle and become residents?

Answer. It would not be for those who favored the government and the interests of the freedmen if the military were withdrawn; it would be very unsafe.

Question. Would such settlers probably be subjected to violence and insult?

Answer. To all sorts of insult, and probably to violence in very many cases.

Question. Would they not be able to obtain justice in the southern courts if they were thus treated?

Answer. They would probably obtain a hearing, but I think they would hardly secure justice.

Question. Why not?

Answer. From the strength of southern prejudice against northern people.

Question. You think that prejudice would pervade even the juries who would be called to try the case?

Answer. I think it would.

Question. Do you think it would generally affect the decisions of the judges upon the bench?

Answer. I should fear it might. I learned of cases where the court was very partial to the old class of southerners who came into litigation with northern-born men or negroes. And this was true where negro testimony was admitted; it was taken simply as the statement of *the negro.*

Question. How do they regard the truthfulness of the negro generally?

Answer. They say he is very untruthful.

Question. Have you found the negro untruthful in your intercourse with him?

Answer. I have not. I think he is as truthful as any other class of men of the same intelligence I know he has been remarkably truthful to our northern people and to the army in all matters of information.

Question. What feeling has been created on the part of the southern whites toward the blacks in consequence of the part which the blacks have taken in the war?

Answer. They do not like them for having sided with the north.

Question. Has that become a ground of hatred, dislike, or increased distrust?

Answer. I do not think that is the sole ground. I think that that enters into their dislike as *one* of its elements. They look upon the negro as having been seduced by the northern people and as having been comparatively innocent in the course he took.

Question. What do they say generally about the emancipation of their slaves, either by President Lincoln's proclamation, by the amendment to the Constitution, or any other means?

Answer. They never have liked it. They hoped that great trouble would arise from it. They delight in all the obstacles we find to the improvement of the freedman. So it seems to me. I say this of the majority. There are very many exceptions. There are a class of men at the south, in very small numbers, who have, at heart, probably always been with us, and who are now favorable to the improvement of the negro.

Question. In reference to these obstacles to the improvement of the negro, do you think from your observation that the southern people generally are endeavoring to increase those obstacles rather than to diminish them?

Answer. I think that is a very general disposition. They oppose negro schools generally. There is a great hate apparently towards northern teachers. Whatever we do for colored schools has to be done without any consultation with the southerners.

Question. What is the great ground of objection on their part toward the education of the blacks; why do they wish to see them remain in ignorance?

Answer. From their old habits they seem to feel that the negro must not become an equal. They understand that education and property and political privileges will make the negro so, and hence they oppose everything of the kind.

Question. You think this feeling arises rather from their old prejudices to the race?

Answer. Very much so. I heard gentlemen say in the legislature at Montgomery that they were determined that the blacks should not rise to be equals with white men, and that all their legislation would be based on that determination; that they must not have titles to land; that if they obtained possession of property, the next thing would be to claim the right of suffrage and all other political privileges. They perceive that these things come along logically from each other.

Question. Did that declaration on the part of members seem to find favor with the other members of the legislature or with the audience?

Answer. A member expressed this opinion to me privately in the lobby, but it was the same in substance as I had listened to in the debate in the house, the debate being on the constitutional amendment.

Question. Did you ever find a disloyal negro in the course of your travels?

Answer. I saw one during the war, who came into our army lines and said he was with the rebels; that is the only instance that I remember. It may be said that they are universally loyal.

Question. State what is the degree of attachment which they exhibit towards the government of the United States?

Answer. Well, sir; it is unbounded. It was in Mr. Lincoln; it is now in the government, and in what they expect the government will do for them.

Question. You mean to say that universally they are the strong friends of the government?

Answer. I do. When, on the sea islands, a proposition was made to restore the lands to their original owners, there was a most distressing breaking in upon that confidence in the government which they had been cherishing. It would be impossible for any one to describe the feeling they manifested on that occasion.

Question. Have you been aware of the existence of combinations among the negroes to rise in insurrection against the white men—the proprietors of lands?

Answer. I do not think that there has ever been any such combinations. They have often told me, when I questioned them, that there was nothing of the kind. I came through a number of the States just before the holidays, and of course my curiosity, at least, was excited to know how they felt.

Question. And you conversed with them on that subject?

Answer. Yes, sir.

Question. You conversed with the intelligent portion of the negroes?

Answer. Yes, sir; with the most intelligent.

Question. Had they confidence in you as a friend?

Answer. I think they had. My work of getting up schools among them and looking after their financial concerns brought the most intelligent of them around me in every place, sometimes in large crowds. I was in Richmond on Christmas eve when there was a great deal of excitement among the white people, but I saw not the least among the blacks.

Question. What was the reason of the excitement?

Answer. The white people were in expectation of disturbances. The blacks were in their churches engaged in their usual religious services.

Question. Suppose all protection on part of the United States towards the freedmen should be withdrawn, including the Freedmen's Bureau and the presence of the military forces, thus leaving the freedmen to be dealt with by the authorities of the States solely, what would be the result?

Answer. They would suffer in all their interests as laborers; and as to attempting any education or improvement, the whole would be arrested and, I think, turned backward.

Question. Would the blacks endure it without resistance?

Answer. I should fear that there might be resistance. The soldiers of the disbanded colored regiments talk as though there would be, and yet I think, from the general quiet nature of the colored people, that they would bear long and patiently before such a thing took place. It would be only an extremity that would force them to such an insurrection.

Question. In such a case would the whites of the States, through their governments, or by popular movements, be likely to attempt the expulsion of the blacks from their limits?

Answer. I think they would attempt to destroy them, or to expel them, if they could not destroy them.

Question. In such an event would the colored men fight?

Answer. I think they would.

Question. Regarding the rebel States as they are now conditioned, and as they probably would be conditioned in the case of the removal of the Freedmen's Bureau and the withdrawal of the military forces of the United States, could you look upon these political communities as supports of the government of the United States, or as elements of weakness?

Answer. As elements of weakness, most decidedly, unless there should come a very great change over them.

Question. Looking upon them in their present condition?

Answer. Decidedly, elements of weakness. I everywhere listened to conversations which were seditious in their character, planning for the future, not for the government but for themselves, cursing the northern people and cursing the dominant party of the country.

Question. Can a Union man be elected from a congressional district in the south to Congress, generally? Is there any chance for a Union man to be elected to Congress?

Answer. I should think not. They seem determined to vote for those who have been the strongest rebels, although they can hardly hope that such men will be admitted to Congress. It is from a desire to show their pluck, and spirit, and defiance; and they think that, ultimately, Congress and the country will cower before such determination. I can account for it in no other way.

Question. Have the rebels any deposits of arms in considerable quantities, to your knowledge or information?

Answer. I do not know that they have. I hear frequently of arms being in the possession of men in all the States. I know they frequently use arms in cases of violence.

Question. Have the negroes arms?

Answer. Not generally, and yet I think some of them have arms?

Question. Do they keep them publicly in their houses so that they can be seen, or are they concealed.

Answer. It may be that some of them are concealed, but generally they are proud of owning a musket or fowling-piece. They use them often for the destruction of vermin and game.

Question. Have you ever witnessed the operations of negro troops upon the field of battle?

Answer. I have seen them as they have come in and gone out to battle, and very often in their camps and under drill.

Question. How do they behave as soldiers?

Answer. Remarkably well; they are generally as well disciplined troops as I have seen.

Question. Are they submissive to discipline?

Answer. Remarkably so.

Question. Have they sufficient intelligence to understand the drill and discipline of a soldier?

Answer. I have never seen any want in that respect. They are often more exact in the execution of orders, as I have noticed, on picket and on guard duty, than white soldiers are.

Question. How do they behave when under actual fire? have they courage and self-possession?

Answer. The officers who led them into battle have uniformly told me that they had courage to an unexpected degree. General O. B. Wilcox, who was in command of the colored troops at Petersburg, told me that he never saw soldiers stand and fight, man to man, with the bayonet, as they did before Petersburg. He said this with very great emphasis. I was with him soon after the fight.

Question. If you wish to make any other statement to the committee, to which I have not called your attention, you are at liberty to do so.

Answer. If the matter of schools and finances is legitimately before this committee, I would like to speak of them.

Mr. HOWARD. The matter of schools is.

WITNESS. I will say, as to schools, that the experiment in relation to *the capacity of the negro for education* is complete.

Question. State particularly, and clearly, and thoroughly, all you have to say on the capacity of the negro to acquire education.

Answer. We have now nearly 100,000 under tuition. I have visited their schools in all the States, and, while they have peculiarities, still I do not see but that they learn as rapidly as white children would under the same circumstances. In many schools there is a remark-

able degree of progress under the powerful stimulus which they feel in their new freedom, and in the expectation of elevating themselves by knowledge. I think that the colored children are more earnest and ambitious than most scholars.

Question. About how many schools have you visited?

Answer. Well, sir, hundreds at least. My duty was to go to the schools everywhere, and I saw not only those taught by white teachers, but I found all over the south a class of schools got up and taught by colored people, rude and imperfect, but still groups of persons, old and young, *trying* to learn. They did not seem to have patience to wait for the coming of the white teacher. I suppose there are at least 500 such groups throughout the south, many of them never having been visited by any white man before.

Question. What branch of education do they appear most readily to comprehend?

Answer. They advance rapidly in all the elementary branches, and I do not see but that they make good progress when they reach the higher branches, such as arithmetic, geography, and writing. In writing they rather excel. I had some very fine examinations in arithmetic and at the black-board. In Baltimore, Charleston, and New Orleans I have examined the higher classes in such branches as far as I should ever expect to examine white children, receiving correct answers. In New Orleans I saw a school of three hundred taught by colored persons, where the reading, writing, and recitations were quite perfect; where the exhibitions at the black-board were remarkable, and where everything was as fluent in French as in English—the scholars reciting in both languages.

Question. Tell me whether there is as much repugnance among the whites in New Orleans and in Louisiana generally to the education of the blacks as you find in the Carolinas?

Answer. I think there is less in Louisiana. The creoles have always been permitted to educate themselves, under some disadvantages. The whites, therefore, have seen an educated class of colored men, and there is less prejudice against them, although it is very strong all through the interior of the State. I saw a member of the legislature stop before one of our schools. He turned to me, as I was by his side, and exclaimed, "Well, I have seen many an absurdity in my lifetime, but this is the climax of all absurdities!" The alphabet and spelling-book, in the hands of the colored children, were a great absurdity to him.

Question. As to the religious ideas of the blacks, and as to their religious feeling, I wish you to make a remark on these two subjects—are they superstitious; more superstitious than white people who are equally ignorant?

Answer. The blacks have a strong tendency to religious faith in a Supreme Being, and they love religious worship. I think this tendency towards faith often manifests itself, on account of their ignorance, in what we would call superstition. When cultured, however, this would become intelligent reliance upon the divine testimony; it would be what we call *faith*. When they are instructed they will be a peculiarly religious people, with a great amount of conscience; with a strong purpose to do what they think is their duty, as taught in the Scriptures.

Question. Do you think they are generally as honest and truthful as whites in the same grade in society?

Answer. There have been influences to make them dishonest and untruthful. If they could be recovered from the influences of slavery, I think they would be as truthful and honest as any class of persons living. My impression is that they have a large amount of conscience, which would make them fear to offend.

Question. Have they generally among them the idea of property developed to such a degree as to enable them to determine the difference between *meum* and *teum*?

Answer. Yes, sir, they know that distinction very well; they understand what property is and its rights. They have a strong desire to accumulate property. They are, in the main, industrious whenever they can get pay, and have it promptly.

Question. Are they not as much inclined to labor, provided they can get paid for their labor, as are the low whites of the south?

Answer. Very much more so, sir. I think they will work cheerfully as soon as they can be treated properly ~~and paid~~ promptly. They do not like so well to work for their old masters. A temporary contract, even, seems to be as the shadow of the old slavery, placing them for the time being under the power of these men; which power they have so long dreaded and which they wish no longer to experience. They rove about a little on this account, seeking to change their relations. I think that, very soon, they will settle down to industry.

Question. Do you find among them a disposition to vagabondage; and if so, to what extent?

Answer. There is that which is called by such a term, but it is produced by various causes. Coming out from slavery, where they have seen a very limited state of things around them, they want to see new things. In slavery they have been separated from their relatives, and now they want to find them. The war carried them hither and thither, and many are making their way back. Then they crowd towards the large cities and towns for work, desiring to escape from the domination of their old masters. That is *one* reason of it. Another reason is, that they wish to get where their children can go to our schools. All this has made a great deal of moving about on their part; but I think that will cease as soon as arrangements are made for their universal education and improvement, and for their proper and kind treatment.

Question. Is it not likely that, in case they are permitted to become owners of lands, they will settle down and be as quiet in the possession and cultivation of their lands as white people generally are?

Answer. They will be a remarkably permanent people. They love to stay in one place, where they have always lived, where they were born, and where their children are buried. Their local associations are very strong. In regard to their labor and earnings, they have been, in the old condition, led to be improvident. They have scarcely known what money was. I speak of the great majority of them. I find, however, that they are very easily taught to save what they do not need, and they are now expecting, multitudes of them, to save money and make purchases of homesteads and lands. They relinquish pretty generally the idea that they will get much from the government; they feel they must go to work and earn and save and buy for themselves. I have been placing a savings bank in most of the large towns for their benefit. They receive that institution with great enthusiasm, and say that they will make their deposits of everything they can possibly save in order to provide for the future. They do not want to be a burden to anybody, especially to the government. We have now fifteen of these savings banks—small and in their first beginnings, but the aggregate of deposits is already some $250,000. We have paid back over $50,000 where they needed it for important purchases. We give it back immediately when they want it for such purposes. I am constantly receiving applications for such savings banks throughout the south.

Question. Have they any disposition to leave the country and go off and settle somewhere else?

Answer. I do not think they have.

Question. How strong is the negro's love of home?

Answer. I think it very strong indeed. They all seem to prefer to stay pretty near where they have always been living. That is one difficulty we have in getting them to go to distant parts where labor is called for. It is not an aversion to labor, but rather an aversion to leaving their friends and old residences.

Question. Do you think of anything else you wish to say on the subject of the colored race?

Answer. I have very great confidence, sir, that they are to be elevated, enlightened, and christianized, and to be made a very important element in the more perfect civilization of the coming time.

Question. Have you the slightest doubt about it?

Answer. Not the slightest, myself. I think they have constitutional elements of character which, when brought under high culture, will make them, in many respects, excel as a people. They are emotional, imaginative, imitative. The children in their schools write quickly and draw well. For aught I can see, with proper opportunities, they will make painters and artists.

Question. How is it in regard to their talent for music?

Answer. They have a remarkable talent for music.

Question. Do they acquire music easily?

Answer. Easily. It seems almost native to them. Universal song is heard among the colored race.

Question. Can they sing at their schools?

Answer. Universally so. The great exhibition at all their schools is *to hear them sing.*

Question. Are they allowed to sing the Old John Brown song?

Answer. Frequently, sir. We hear that very frequently, and the children very evidently understand what they are singing about.

Question. Have these people generally understood tolerably well what the occasion and object of the rebellion were?

Answer. Yes, sir. From the first they seemed to have known what was going on. I have been astonished to find how they knew its history, how they watched its progress, what their expectations were from the northern army, how they waited for its coming, often with earnest prayer to God, and with expectations of what that army was to do for them—viz., to effect their emancipation. They have understood very much more, and even now understand more, of the political condition of things in this whole government than people usually suppose.

Question. Do they not generally understand those subjects as well as the low whites of the south?

Answer. I think they do.

Question. What in your opinion has been the effect of the liberal policy of the President of the United States in granting pardons and amnesties to the rebels at the south? Has that policy increased their attachment to the government of the United States, or has it had the effect of diminishing it?

Answer. It has undoubtedly increased their attachment to the President personally; but I think they have less respect for the government itself. I saw that they came back, with their pardons, to be more insolent than ever. I think I have seen very distinctly that as they have received favors from the government they have become more and more arrogant in their demands, and less and less like uniting happily with us. I think that at first, when

their armies surrendered, they would have accepted terms very gratefully which now they are ready to spurn. The whole process of favors shown them seems to have worked badly so far as bringing them towards us.

Question. You think, then, that instead of esteeming those favors as benefactions, they have only had the effect of inflaming their ill-will towards the United States and of augmenting their defiance?

Answer. Yes, sir. They have taken them *as rights*, and have been encouraged to demand more of the same sort.

Question. How do they regard the copperhead party of the north?

Answer. With exceeding favor. I heard conversations everywhere to the effect that they must unite with that party and acquire strength to overcome the republican party. They seem to be talking about that, and planning about it.

Question. Do they appear to be willing to remain in the Union in the event of the ascendancy of the copperhead party with their assistance? Would that satisfy them?

Answer. I think they expect to remain in the Union at present. They find it very difficult to get out. They seem to have the purpose now of securing their objects *in the Union*. That is their present plan. What they will do, if unsuccessful within the next few years, is doubtful. I should myself fear another rebellion if they were admitted to all the privileges and powers they once possessed until they manifest a different disposition than they do at present.

Question. What other security does there exist at the south for the permanency of the Union and the government of the United States so great and so strong as the granting of civil and political rights to the black people? What other security so great and so strong as that?

Answer. To my mind that is our only hope. I think that by so doing the States will be brought back gradually to the possession of their old position, and the country will go on safely. This is certainly my hope.

Question. But to withhold those rights from the blacks would be, in your judgment, to weaken the bonds of the Union in that part of the country?

Answer. I think so, decidedly. I should like to have appended to this examination my report on schools made to the Commissioner of the Freedmen's Bureau, as it contains facts and statistics of interest.

Mr. HOWARD. Certainly, sir.

Witness handed to the committee a copy of the report referred to, which is appended to his examination, as follows:

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
*Washington, D. C., January 1*, 1866.

GENERAL: In obedience to your Special Order No. 84, appointing me inspector of schools and of finances for freedmen, I have the honor to report—

That I left Washington on the 6th day of October last, and travelled through all the States south, below Tennessee and this side of the Mississippi river.

The cities and large towns visited were Baltimore, Maryland; Hampton, Norfolk, Petersburg, and Richmond, Virginia; Newbern, Goldsborough, and Wilmington, North Carolina; Florence, Charleston, and Beaufort, South Carolina; Savannah, Augusta, and Atlanta, Georgia; Fernandina, Jacksonville, and Tallahassee, Florida; Mobile and Montgomery, Alabama; Jackson, Vicksburg, and Natchez, Mississippi; and New Orleans, Louisiana—most of these places both on my outward and returning journey. My whole tour extended over four thousand miles of travel. Going by land I was enabled to see, along the line, and by excursions into the interior and to the islands, much of the freedmen's condition upon the plantations. I also went among the colored troops, as I could find them in their various regimental encampments, or as detailed in companies on special duty.

SCHOOLS.

The desire of the freedmen for knowledge has not been over-stated. This comes from several causes:

1. The natural thirst for knowledge common to all men.

2. They have seen power and influence among white people always coupled with learning. It is the sign of that elevation to which they now aspire.

3. Its mysteries, hitherto hidden from them in written literature, excites to the special study of books.

4. Their freedom has given wonderful stimulus to all effort, indicating a vitality which augurs well for their future condition and character.

5. But especially the practical business of life now upon their hands shows at once their need of an education. This they all feel and acknowledge; hence their unusual welcome and attendance upon schools is confined to no one class or age. Those advanced in life throw up their hands at first in despair, but a little encouragement places even these as pupils at the alphabet. Such as are in middle life—the laboring class—gladly avail themselves of the evening and Sabbath schools. They may be often seen during the intervals of toil, when off duty as servants, on steamboats, along the railroads, and when unemployed in the streets of

the city or on the plantations, with some fragment of a spelling-book in their hands earnestly at study. Regiments of colored soldiers have nearly all made improvement in learning. In some of them, where but few knew their letters at first, nearly every man can now read, and many of them write. In other regiments one-half or two-thirds can do this.

The officers of such regiments deserve great credit for their efforts in this respect. The one hundred and twenty-eighth United States colored troops, at Beaufort, I found with regularly detailed teachers from the line officers, a neat camp school-house erected by the regiment, and the colonel, with great interest, superintending the whole arrangement. Chaplains have also been the school-masters of their respective regiments with much success, and greatly increasing their usefulness. Even in hospitals I discovered very commendable efforts at such elementary instruction. In the above camp and hospital work the teachers of the northern associations were found helping. But the great movement is among the children of the usual school age, and who are now otherwise wholly unemployed. Their parents, if at all intelligent, everywhere encourage them to study. Your officers in all ways add their influence, and it is a fact, not always true of children, that among those recently from bondage, the school-house, however rough and uncomfortable, is, of all other places, the most attractive, the average attendance being nearly equal to that usually found at the north. For instance, in the District of Columbia the daily attendance at the white schools is but forty-one per cent., while at the colored schools of the District it is seventy-five per cent. In the State of New York the daily attendance at the public schools is forty-three per cent. At the colored schools in the city of Memphis it is seventy-two per cent. In the whole State of Alabama it is seventy-nine per cent. and in Virginia eighty-two per cent. The most thorough attendance at public schools at the north is probably in the city of Boston, where it is ninety-three per cent. In the comparison, therefore, schools of colored children do not suffer (especially when we consider lax government at home, and opportunities for truancy) with the most vigorous system found among our own children. Love of their books is universally apparent. Dull and stupid ones there are, but a very common punishment for misdemeanor is the threat of being kept at home for a day. The threat in most cases is sufficient.

### TOTAL UNDER INSTRUCTION.

The whole number of pupils in the colored schools of the eleven States lately in insurrection, and including Missouri, Kentucky, Maryland, and the District of Columbia, up to the last date of reports, namely, December 1, is ninety thousand five hundred and eighty-nine. Teachers, one thousand three hundred and fourteen. Schools, seven hundred and forty. These numbers have increased, rather than diminished, since that date.

The above schools are sustained, under your superintendence, by the various benevolent associations of the north, with the exception of a few in charge of tax commissioners, and those in Louisiana, until recently supported by a military tax on the people of the State. But these associations are indebted to the government for transportation of teachers and of school furniture, for military protection, and in many cases for the occupation of buildings in possession of the bureau. The loyal people of the country will, it is believed, do much more of this philanthropic work if they can be furnished with the needed accommodations and protection. Most of the school-houses, churches, and other property hitherto occupied by them have now been returned to their former owners, and this immense system of education must fail or be greatly crippled unless permanent real estate for their use can in some way be secured.

The above associations would in many cases erect buildings with their own funds if they could obtain land on which to do it.

### VIRGINIA.

The best schools in this State are at Hampton and Norfolk and the adjacent plantations where the field could be occupied soon after the war commenced. Attainment in all the branches of a common education has been most commendable, and no abatement of zeal or slackening of progress is apparent among scholars most advanced. The higher classes are destined to go still higher if opportunity is afforded them.

In other parts of Virginia these educating efforts have commenced more recently, but with equal promise. By the efforts of your excellent assistant commissioner at Richmond, schools in their first stages are now instituted in all parts of the State. The whole number of colored children under instruction at the present time is twelve thousand eight hundred and ninety-eight (12,898) pupils, in ninety (90) schools, with one hundred and ninety-five (195) teachers, and the reports of the State superintendent are full and satisfactory.

Aside from these colored schools, I found at Richmond a very good school for indigent white children, under the care of the American Union commission, numbering three hundred and seventy-five (375) pupils, with five teachers, and fifty (50) adults in an evening school. In addition to this, the old provost marshal building, General Winder's former headquarters, is now being fitted up for seven schools for poor white children, an industrial school, and a public reading-room. The lower and the middling classes of the white population of the city favor this movement.

In Petersburg and Fredericksburg, each, the commission has a similar school, the former numbering eighty (80) and the latter one hundred and fifty (150) pupils.

### NORTH CAROLINA.

In this State there are schools well advanced at Newbern and vicinity, having had for the same reason as above time for thorough organization and progress. A vigorous system has been more recently arranged throughout the whole State into which children and even adults are crowding, making a constant demand for the opening of new schools; a general desire for education is everywhere manifested. In some instances, as in Halifax county, very good schools were found taught and paid for by the colored people themselves. Said a gentleman to me, "I constantly see in the streets and on the door-steps opposite my dwelling groups of little negroes studying their spelling-books." The aggregate for the whole State is, schools eighty-six, (86,) teachers one hundred and nineteen, (119,) pupils eight thousand five hundred and six, (8,506.) The increase of scholars during the four weeks previous to this summary was one thousand four hundred and fifty-three. We note the gratifying fact that while there is this general increase, the attendance in the large towns is decreasing—showing that the tide of colored population is now setting strongly toward the rural districts where labor is called for, and where they will have permanent settlement in life. An industrial school on Roanoke island is in successful operation. In Raleigh and Wilmington there are schools for poor white children, numbering in both places two hundred and fifty attendants.

### SOUTH CAROLINA AND GEORGIA.

In the city of Charleston the free colored people during the existence of slavery were, under various restrictions, permitted to have schools. The consequence was that some of that class were quite well educated. When the late emancipation came these schools were at once enlarged, and by the aid of northern benevolence became very soon unusually interesting; opposition of the citizens was rather to the occupying of their public school-houses by the negroes, than to their education itself.

The whites had seen in former years that free negroes were elevated in character by having learning, and it may be well to state that of the seventy-six (76) teachers in South Carolina at the present time, twenty-five (25) are natives, twenty-four (24) being colored persons. It will undoubtedly be true that as prejudice wears away white persons of the south will be willing to engage in this well paid and useful service. And as intelligence increases colored teachers will also become more numerous. The happy effect of mingling in one common and honorable employment persons from opposite sections of the country, and also of different colors, is apparent. The accomplished head master of the largest school in Charleston, numbering eight hundred and fifty (850) in daily attendance, is a colored man. In all parts of the State schools are multiplying; the whole number being forty-eight, (48,) not as large as might be expected, but some of them are immense in attendance. Two in Charleston register over eight hundred (800) pupils each, and fifteen (15) others in the State from one hundred and ten (110) to three hundred and seventy-two (372) each. I visited the principal of these schools, and can say that many hundreds of pupils bore excellent examination in reading, writing, geography, and English grammar. Some of the schools in the interior are in their first rude stage, and many are deficient in making their regular reports. The whole number of teachers is seventy-six, (76,) and of pupils ten thousand, (10,000.)

Georgia having been under the same assistant commissioner, does not differ much, in the work done and in progress, from South Carolina. The best schools are in Augusta, Macon and Savannah. It would be difficult to discriminate, though in the latter place the effort began earlier. In a very few days after the advent of General Sherman, there were five hundred (500) children under organized instruction in that city. This effort in teaching and expense was undertaken wholly by the colored people themselves. They receive from white friends only advice and encouragement.

These schools still continue, and with improvement quite creditable to the agency by which they are carried on. There are in the State sixty-nine (69) schools, and three thousand six hundred and three (3,603) pupils, with sixty-nine (69) teachers, forty-three (43) of whom are colored persons. The associations of the north are doing well here, as in the other States; but their efforts are crippled for want of buildings. In every place a crowd of pupils can find no adequate accommodation. It is also true that schools are prevented from going into the interior through fear of violence to unprotected teachers; a military police is everywhere needed. At Athens, in this State, the Union commission has a school of refugee white children with ninety-five (95) pupils. At Chattanooga there is an advanced school of this kind recently started.

### FLORIDA.

This State is not as far advanced in education as some others, most of it being more sparsely populated and the organization more recent. Notwithstanding, there are good schools in ten of the larger towns, with the same general results as above. In Tallahassee I found five schools gathered and taught by the colored preachers of the place; also a school of interesting girls instructed by a mulatto woman of education, and who said "I intend to make ladies of these girls." They will undoubtedly become teachers. At Fernandina an orphan school of

forty (40) little parentless children occupies the mansion formerly owned by General Finnigan; it is a lovely specimen of genuine philanthropy, and the lady principal deserves great credit for her self-denying labors. The total in Florida is thirty schools, nineteen (19) teachers, and nineteen hundred (1,900) pupils.

### ALABAMA.

As far as I could learn, there have been but two schools in this State under the care of the assistant commissioner. But these are large, having eight hundred and seventeen (817) pupils enrolled, with fifteen (15) teachers. That at Mobile bears a most rigid examination in all respects; it is well graded, its teachers thorough, and its discipline excellent. The progress made by the majority of the scholars is truly surprising. The school opened in May, 1865, and now there are classes in all the different readers from the pictorial primer to the rhetorical fifth reader; one class is now in fractions of Robinson's arithmetic; one class in intellectual arithmetic reciting in reduction; other classes are well advanced in English grammar and geography; the teachers publish a monthly paper called "The Acoon." This school receives help from the north, but each pupil, if able, is required to pay a small tuition fee of from twenty-five cents to $1 25 per month, no child being excluded on account of poverty. The whole amount received from this tuition has been $1,875 18. The other school is at Montgomery, and is in a very good condition, with three hundred and twenty-five pupils, who pay in the aggregate $118 per month tuition. Arrangements are in progress by your assistant commissioner at Montgomery to have a general system of schools throughout the State. Governor Parsons favors the work, and some white native teachers are willing to engage in it. But in the interior, as is true of all these States, much opposition is manifested, and military protection will for the present be needed, especially if the instructors are to be females. There are also eleven schools in the northern part of the State in the division known as the "Department of the Tennessee," which have hitherto been superintended by the commissioner of Kentucky and Tennessee. These are about to be transferred to the care of the commissioner of Alabama. They are at Huntsville, Athens and Stevenson, and are good schools.

### MISSISSIPPI.

There is a mixture of good and evil to report from this State. Your officers are indefatigable in their efforts. There are many good schools among the thirty which have been in operation. Some of these have made admirable progress, and a number, not included in the above, have started, under various auspices, in different parts of the State. There is, everywhere, the usual eagerness to learn; but in some sections "inveterate opposition" among the whites is manifested towards these schools. Two teachers, at the time I was there, were sent to one of the large towns, twenty-five miles into the country, where there was no military, and the next morning they were ordered off, and threatened if they did not go. This opposition is often openly avowed; but more generally is tacit and concealed, making itself felt everywhere in a sort of combination not to allow the freedmen any place in which a school may be taught. A superintendent in an interior town says: "The opposition to negro education is very great in my town and neighborhood." Colored men, in some instances, have paid their own money to prepare and furnish a room for a school, and then have been forbidden to use it; the white people taking it from them for their own children. These same things are true of other States, though in Mississippi such opposition has seemed to be more common than elsewhere; and yet there are redeeming features. Instances of planters have come to our knowledge who are desirous of employing teachers for the freed people. One of your officers states that "many planters are beginning to perceive that schools for the children would be an inducement to laborers to engage with them." General opposition is undoubtedly decreasing. We notice expressions of hope from those who are laboring in the State, and it is clear that a steady system of effort cannot be resisted. As I told one of the planters, "they would find it harder fighting the alphabet and spelling-book than they did Grant and Sherman." He made no reply. There are now sixty-eight (68) teachers in that State, thirty-four (34) schools, and four thousand three hundred and ten (4,310) enrolled pupils. More than half of these are considerably advanced in reading, writing, and arithmetic.

### LOUISIANA.

In this State a peculiar and very efficient system was inaugurated by Major General Banks in his General Order No. 38, March 22, 1864. That order created a "board of education for freedmen for the department of the Gulf, with power to establish common schools, employ teachers, erect school-houses, regulate the course of studies, and have generally the same authority that assessors, supervisors, and trustees have in the northern States in the matter of establishing and conducting common schools."

The purpose of the order is stated to be "for the rudimental instruction of the freedmen of the department, placing within their reach those elements of knowledge which give greater intelligence and value to labor."

Previously, the teaching of a negro had been a heinous offence. It is true that the children of free colored people, who were in good circumstances, (known as "creoles," generally of French or Spanish extraction,) when not educated abroad, or from fairness of complexion, by occasional admission to the white schools, were quietly instructed at home or in a very few private schools of their class; but for the poor, even of the free colored people, there was no school.

Almost immediately upon the above order a great system went into operation, and during the last two years there have been about 150 schools for colored children established in this State, giving employment to 265 teachers, and affording instruction to 14,000 children and 5,000 adults, of which latter class more than 1,000 were soldiers. There have been, in New Orleans alone, 19 large schools, employing 104 teachers, with an average attendance of 5,724 pupils. More than 50,000 colored people, as reported by the local superintendent, have been taught to read in that city and immediate vicinity, and now they seem to feel more deeply interested than ever in acquiring knowledge. These are great results. I visited these schools, looked over their records, heard their recitations, saw their excellent discipline, became acquainted with the majority of their intelligent teachers, and feel safe in saying that while no State has had so large an organization, no one has excelled Louisiana in the detailed perfection of their school system. The charges which have been made, that too high salaries were given to teachers, I investigated thoroughly, and found them entirely groundless. The expense of living in Louisiana is enormous.

It may be well to state that quite a number of southern white teachers have been employed. They understand the negro, and their southern origin and education enable them to combat prejudice against his education.

These teachers may not be equal in some respects to those from the north, but their willingness to bear jeers and contempt of friends and kindred, and the practical exclusion from circles which hitherto have received them gladly, entitles them to great consideration. The superintendent has aimed to select the most capable and worthy of these, but has not been unmindful of those whose loyal antecedents and consequent suffering from the rebellion entitle them to sympathy and aid.

Whenever colored teachers, with the requisite ability, have presented themselves, he has made no distinction whatever.

Much opposition has been encountered from those who do not believe in the elevation of the negro. The more, perhaps, as by the "labor order" of General Banks, to obtain his services, they were obliged to help pay for this education. A multitude of facts might be given.

It is the testimony of the superintendent that "if the military power should be withdrawn, and the State once more resume all her functions, our schools would cease to exist, and the whole moral and political influence of the people of Louisiana be brought to bear against them." The constitution of 1864 makes it incumbent on the legislature to provide for the education of colored children; but that constitution is not regarded as the law of the land, and the dominant party demands that it be set aside, as not expressing the will of the people.

A member of the legislature, which was in session while I was at New Orleans, was passing one of the schools with me, having at the time its recess, the grounds about the building being filled with children. He stopped and looked intently, then inquired, "Is this a school?" "Yes," I replied. "What! of niggers!" "These are colored children evidently," I answered. "Well, well," said he, and raising his hands, "I have seen many an absurdity in my lifetime, but this is the climax of absurdities!" I was sure he did not speak for effect, but as he felt. He darted from me like an arrow, and turned the next corner to take his seat with legislators similarly prejudiced.

It was with regret that I learned, while in the State, that the collection of the general tax for colored schools was suspended by military order. The consternation of the colored population was intense. They could not consent to have their children sent away from study, and at once expressed willingness to be assessed for the whole expense. Their part of the ordinary public school tax they were already paying, though not sharing its benefits; but they petitioned General Canby to levy an added tax upon them for their own schools. The New Orleans Tribune (colored daily paper) opposed this on the ground that it was without representation, and so did many of the rich "creoles;" but the middle and lower classes of the freedmen could not be restrained. Petitions began to pour in. I saw one, from the plantations across the river, at least thirty feet in length, representing ten thousand negroes. It was affecting to examine it, and note the names and marks (×) of such a long list of parents, ignorant themselves, but begging that their children might be educated; promising that, from beneath their present burdens and out of their extreme poverty, they would pay for it. I am happy to add that, upon the back of that petition was indorsed the name of your excellent commissioner, General Baird, asking, on behalf of these poor, that their request might be granted. I learn that this matter has not yet been accomplished, and that the schools have been temporarily suspended; the commissioner assuring the freedmen that "by the first of March the system of contracts prescribed for agricultural laborers will begin to yield a revenue," and it is expected that the schools in the country districts may then be re-established. He adds that, "in the cities and towns the mode of maintaining schools has not been so fully decided upon; but the vacation, which has become absolutely necessary

from the want of funds, will be of the shortest possible duration." If means, from any quarter, come into the hands of the bureau, I would call attention to the reopening of these interesting schools at the earliest moment. A number of industrial schools have been in progress in New Orleans and with good results.

As I did not visit the States of Texas, Arkansas, Kansas, Missouri, Kentucky, and Tennessee, I will only give the general facts in regard to them, obtained from the several superintendents.

In Texas there are ten day and six night schools for freedmen, under ten teachers, with 1,040 pupils, many of them adults. They are all self-sustaining. Arrangements have been made whereby thirty teachers will soon be obtained, and that number of schools will be organized as soon as books can be procured.

In Missouri, Kansas, and Arkansas, under the care of General Sprague, there are 39 schools, 51 teachers, and 3,444 pupils. One school has been recently closed for want of a building.

### KENTUCKY AND TENNESSEE.

The last report from these States gives 75 schools, 264 teachers, and 14,768 pupils. The commissioner says, "In addition to these free schools, the colored people have sustained many independent schools in Louisville, Nashville, Memphis, and Knoxville, largely increasing the above numbers." Several schools have been abandoned, however, lately, for want of suitable buildings, and others from the breaking up of government camps. The cold weather of winter also prevents many from attending. Much opposition has been made to educating the freedmen in some parts of those States, while in a few places (as at Athens, Alabama,) the citizens are said to be "favorable to the schools." There is a constantly increasing demand among the freed people for education. The superintendent testifies that "while the expenditure for educational purposes in this department for the past six months has not been less than $50,000, scarcely a beginning has been made in the great work."

At Nashville a square of land has been purchased by northern associations for sixteen thousand dollars, on which a high school building has been erected for teaching the children of freedmen in all the higher branches. It is expected that this institution will equal in its advantages the best schools in of the same class New England. The building was dedicated on the 9th of January last, and has now 1,100 pupils. A normal department is attached, which will prepare teachers for elementary schools through the whole State.

There is an asylum of colored children at Nashville, with sixty inmates.

A number of teachers for refugee white children have been sent to Tennessee and other places of the west and southwest. This has been done on application from the citizens of those sections. The effect of such schools is not only to benefit the children, but to produce fraternity of feeling with us among the people generally, especially the common classes. The wealthy and aristocratic look upon this effort with less favor.

In Maryland I made a brief inspection, though this State is not fully under your jurisdiction. The "Baltimore Association for the Moral and Educational Improvement of the Colored People" has sixteen flourishing schools in Baltimore, numbering, day and night, 1,957 pupils. They occupy seven buildings, and employ sixteen teachers, three of whom are colored. These schools are now crowded to their utmost capacity, and would be much larger if room could be obtained. In the several counties of the State this association has 18 schools, with 19 teachers and 1,110 pupils, 14 of whom are colored. The colored people have aided these county schools the last year by paying $2,000 of the expenses themselves. All these schools bear an excellent examination. The society of Friends has an evening school in Baltimore of 40 draymen and porters, taught by young men of the society, and who are making good progress. These Friends also aid the above association.

The American Missionary Association have five schools in Maryland, two in Baltimore and three in the country, under the care of seven teachers. With their evening schools and classes of older people they have from 600 to 700 under their instruction. All their schools are doing well.

Besides these there are seven schools in Baltimore, solely under the management of the colored people, taught and paid for by their own money. These contain, in all, 319 pupils, a considerable number of whom are adults. This is an interesting effort, and shows what the colored population will do themselves, even alongside of schools both well taught and gratuitous. In the Douglas (colored) institute, which is on a permanent foundation, the children are generally from the working classes, and their parents pay for tuition from $1 to $1 50 per month.

I found two schools in Baltimore, which have been going on more than ten years, supported from a legacy given by Nelson Willis, a colored man, having seventy-five scholars in daily attendance.

The educational work in Maryland has had much opposition, such as "stoning children and teacher at Easton," "rough handling and blackening the teacher at Cambridge," "indignation meeting in Dorchester county, with resolutions passed to drive out the teacher," and the "burning of church and school-house at Willington, Kent county." "A guard had to be placed over the school-house at Annapolis," &c.

Colored churches have also been burned in Cecil, Queen Ann, and Somerset counties, to

prevent schools being opened in them, all showing that negro hate is by no means confined to the low south.

I have thus been somewhat particular in regard to Maryland, because you are without regular official reports from that State.

In the District of Columbia there are reported 45 schools, 100 teachers, and 5,191 pupils. Some thousands of these are good readers, and also are in English grammar, geography, arithmetic, and higher branches. One thousand eight hundred and fifty-four are learning to write, and only 1,097 are still in the alphabet. There are nine other schools not reported, having 500 or 600 pupils. Twenty-one night schools are in operation, with 1,200 pupils, and, besides Sabbath schools attached to all the colored churches, there are 25 such schools connected with this bureau in a flourishing condition, having 2,320 pupils. A number of industrial schools have been started, one of which made during the last month 162 garments; another has made 100 articles of clothing. The last is a school of adult women. This whole work is a vast improvement upon the state of things here, as some of us well remember only a few months since. The superintendent, Mr. Kimbell, says, "all the teachers seem to be earnest and hopeful." One writes, "I find the children are very much like white ones, some stupid, others bright. They are rather more eager for learning, because it has been forbidden fruit to them."

The order and general character of many of these schools in Washington has much improved of late. One of them, situated in the heart of the city, and therefore open to much observation, was, a few months ago, declared a "nuisance" by the neighbors; now no complaint is made and even much praise is elicited by the good conduct of the children.

Eight or ten self-supporting schools, taught by colored teachers, numbering at least 500 scholars, are also in operation here in the district. Some of these appear remarkably well. There is an association of all the teachers of the schools with 100 members; in their monthly meetings reports are made and questions of mutual interest are discussed, and in this way the general character of the schools is constantly improved.

Thus I have given a sketch (meager, indeed, as all the facts and incidents would make a volume) of the system of education for the refugees and freedmen which has been under the general supervision of this bureau.

I may be permitted to say that from my personal observations much more is being done than finds its way into the above statistics. There are many schools not reported; evening schools for adults, of great utility, are becoming very numerous. Often they are conducted by volunteer friends of the colored man, and with a modesty which forbids making public mention of their work. Sabbath schools among freedmen have been opened throughout the whole south, all of them giving elementary instruction and reaching thousands who cannot attend the week-day teaching. These are not usually included in the regular returns. They are often spoken of with special interest by superintendents; indeed, one of the most thrilling spectacles which he who visits the southern country now witnesses in cities and often upon plantations, is the large schools gathered upon the Sabbath day, sometimes of many hundreds, dressed in clean Sunday garments, with eyes sparkling, intent on elementary and Christian instruction. The management of some of these is admirable—after the fashion of the best Sunday schools of white children with faithful teachers—the majority of whom, it will be often noticed, are colored. I do not, therefore, doubt that the footing, as given from the several States in the first part of this report, of 90,589 pupils, would be, if all was told, swollen to at least 100,000, who are now under effective instruction.

Another great feature of this educational movement remains to be noticed, and which will add a very important item to even this number. Throughout the entire south an effort is being made by the colored people to educate themselves. In the absence of other teaching they are determined to be self-taught, and everywhere some elementary text-book, or fragment of one, may be seen in the hands of negroes. They quickly communicate to each other what they already know, so that with very little learning many take to teaching. A willingness, even an ambition, to bear expenses, is also noticed. They often say, "We want to show how much we can do ourselves if you will only give us a chance."

This may seem to be an overstatement to those who doubt the character of the negro, not that they are ungrateful or unwilling to be helped, but so universal is the feeling I am describing, that it seems as if some unseen influence was inspiring them to that intelligence which they now so immediately need. Individuals are not only seen at study, and under the most untoward circumstances, but in very many places I have found what I will call "native schools," often rude and very imperfect; but there they are, a group, perhaps of all ages, trying to learn; some young man, some woman, or old preacher, in cellar or shed, or corner of a negro meeting-house, with the alphabet in hand or a torn spelling-book, is their teacher. All are full of enthusiasm with the new knowledge the book is imparting to them.

Again, I saw schools, shall I call them, of somewhat higher order. A deserted house has been obtained; there is some organization and awkward classifying larger members, better books, with tolerable exhibition of easy reading. A sample of such I met a Goldsborough, North Carolina; two young colored men, who but a little time before commenced to learn themselves, had gathered one hundred and fifty pupils, all quite orderly and hard at study. A small tuition fee was charged and they needed books. These teachers told me that no

white man, before me, had ever come near them. At Halifax was a similar school, the first of any kind which had been opened in that county since the war.

A still higher order of this native teaching is seen in the colored schools at Charleston, Savannah and New Orleans; with many disadvantages they bear a very good examination.

One I visited in the latter city, of 300 pupils, and wholly taught by educated colored men, would bear comparison with any ordinary school at the north. Not only good reading and spelling was heard, but lessons at the black-board in arithmetic, recitations in geography and English grammar; very creditable specimens of writing were shown, and all the older classes could read or recite as fluently in French as in English. This was a free school, wholly supported by the colored people of the city, and the children were from the common classes of families. They have six select schools where a better class attend. Such are not by any means common; but all the above cases illustrate the remark that this educational movement among the freedmen has in it a self-sustaining element. I took special pains to ascertain the fact on this particular point, and have to report that there are schools of this kind in some stage of advancement, taught and supported wholly by the people themselves, in all the large places I visited, often numbers of them, and they are also making their appearance through the interior of the entire country. The superintendent of South Carolina assured me that there was not a place of any size in the whole of that State but where there was an attempt at such a school. I have much testimony from those well informed, both oral and written, that the same is true of other States. There can scarcely be a doubt, and I venture the estimate that at least 500 schools of this description are already in operation throughout the south. If, therefore, all these be added, and including soldiers and individuals at study, we shall have at least *one hundred and twenty-five thousand as the educational census of this lately emancipated people.* This is a wonderful state of things. We have just emerged from a terrible war; peace is not yet declared; there is scarcely the beginning of reorganized society at the south, and yet here is a people, long imbruted by slavery and the most despised of any on earth, whose chains are no sooner broken than they spring to their feet and start up an exceeding great army, clothing themselves with intelligence. What other people on earth have even shown, while in their ignorance, such a passion for education?

It is also seen that the children of the poor whites of the south are very ready to receive instruction, and that already considerable has been done for them.

The conclusions forced upon us from the above facts are—

1. The experiment of educating the freedmen proves to be successful, and that the ignorant whites may be greatly benefited. It only remains to carry on with confidence the work so well begun.

That colored children can, at once, compete with white children, who from the first have had high advantages, need not be said. It is enough that with early bad habits, bad example, and wholly unpracticed in study, they seize upon books gladly and learn rapidly. As well endowed naturally or not, we certainly see in the majority the same brightness, the same quick ambition, as with children of the more favored color, and stimulated as they are by the novelty of study, there is at present an actual progress scarcely to be paralleled anywhere. In advanced studies or at a more mature age, pupils give no signs of having reached the limit to their capacity. I have discovered hesitation in their plans for using education. Their ardor is dampened by the well-known aversion to their hereafter occupying high position; but always when assured that as character and intelligence increase, ways and means of usefulness will be opened, they are ready to push on to new and harder tasks.

When I have told the higher classes in the schools that they will be wanted as teachers, at least of their own color, a new stimulus is seen at once to come over them, and their instructors have always assured me that such promises had inspired intense ambition.

It is probable that the tastes and temperament of the race, which are peculiar, certainly, will lead in special directions. They may not excel in the inventive power, or abstract science; perhaps not in mathematics, though we have seen commendable ciphering in colored schools; but they certainly are emotional, imitative and affectionate; are graphic and figurative in language; have conceptions of beauty and of song, and already become skilled mechanics and even artists. If so, then, why are not this people destined to honor labor, gladden social life, and when sufficiently cultivated, to enlarge art, invest ideas in harmony and beauty, give hearty good cheer to religious faith, and thus add important elements to the more perfect civilization of the coming time?

As to improvement at an advanced age, we find individuals vigorously attempting it, and many are succeeding. Colored troops have shown aptness to discipline, courage never more to be questioned, and under exceeding disadvantage a large proportion of them have become comparatively educated. A paymaster in Louisiana made the public statement that "a far greater proportion of the colored troops, which he paid off at the close of the war, signed their names than of the white troops raised in the south."

The interest which the soldiers of the colored regiments have taken in learning to read is well illustrated by the following statement made by an army surgeon in New Orleans:

About a year ago he was stationed at Fort Livingston with colored troops, and soon after his arrival, finding that his time was very little employed proportionally, he began to look around to see what he could do. Finally, the thought occurred that he might be useful in teaching the soldiers to read. He proposed the subject to the officers and they laughed and

sneered at it. Concluding that their advice was not needed, he called the soldiers and talked with them, one after another, and finding that they largely accepted the proposition, he made the following arrangement: He agreed to pick out a class of ten of the brightest and smartest soldiers in the fort and spend two hours a day in teaching them how to read, provided each of this ten would take a class of four and spend the same amount of time with them. Books were soon procured and a little school started on this method. The soldiers kept their agreement. While being taught by him they taught one another, and in a few days many of them could begin to read. When the experiment proved an undoubted success the soldiers procured a competent teacher from the board of education and had a regular school established under its auspices. A short time since the commanding officer of the fort told the doctor that the soldiers, who were his A B C pupils one year ago, now took over forty copies of Harper's and Frank Leslie's weeklies, besides other papers.

2. The good influence of the schools upon all the habits of the freedmen is apparent. As the children repeat their lessons at home parents become thoughtful, acquire many new ideas, and are led to prize their families who are thus increasing in knowledge. They make new exertions for self-support, especially for these schools, insuring both industry and economy. At Little Rock, Arkansas, after paying tuition some months, the colored people formed a school society for the city and made their schools free for the rest of the year, (the first free school in Arkansas,) paying in full the compensation of all the teachers. Besides elementary instruction, our schools teach morality and christianity, and thus, through the children, are waking up a general conscience and guiding the entire population in the ways of virtue. That class of older colored persons, having now a little learning, are stimulated to increase it by study. A group of elderly preachers in Savannah said to me with much emphasis, "We must now go to studying ourselves or these young people will all be ahead of us." They begged me earnestly to adopt a plan by which they might be brought into a class for mutual improvement.

3. The white population of the south feel the power of these schools. The major part are indignant indeed that negroes should have learning. All sorts of evil is predicted as the consequence; but a portion of this enmity is provoked by the rivalry which their own children must now struggle with. The poor whites are excited by hearing negroes read while they are ignorant, and it is my belief that they will now receive schools, if furnished them, as never before. The educated classes are not slow to perceive that their schools must be reopened or fall behind humiliated, and that new schools must now be organized on a more popular plan than heretofore. Poverty, and perhaps pride, with the want of teachers, as the public feeling now is, are the present difficulties in carrying out these convictions. Some of the religious denominations in the south, seeing there will be schools for the freedmen, are saying, "We may as well undertake the work ourselves," and have already passed resolutions adopting the education of the negroes as one of their missionary operations.

4. A class of schools is called for in which colored teachers can be taught. If dignified by the name of normal schools, they should be for training in the simplest elements of the art. The system of education for the freedmen, as a whole, must be at first very rudimental, in which the text will be found mainly in the spelling-book, and which can become, as soon as possible, universal. This people are not like pagans in ancient countries, who a thousand years hence will be mainly as they are to-day. Slaves, even in a country like this, could not be kept from many noble impulses. The war has been to them a wonderful school of knowledge and thought and of purposes, and now suddenly emancipated, these 4,000,000 are "as a nation born in a day." This great multitude rise up simultaneously and ask for an education. With it, they will at once start upward in all character; without it, they will as quickly sink into the depravities of ignorance and vice. Free to be what they please, and in the presence of only bad example, they will be carried away with every species of evil; and then, what is the actual and astounding fact? One that startles philanthropy itself. A million at least of these four millions, and mainly the rising generation, are to-day ready to engage in the study of books; they cannot well be put off. Considerations, political, social, financial, and moral, all ask that their demand be promptly met. If this million be divided into schools of fifty each we need for its supply twenty thousand teachers. Where are they to come from? The north can supply a few thousands. Perhaps the more noble here and there in the south will help us; but still at least fifteen thousand remain to be supplied from some other quarter. The great impulse to teach, among these freed people themselves, with readiness to pay expenses, gives to us the solution of this problem. If they can be, by some short method at first, helped on in study and perfected in what they already know; taught how to teach the same, how also to organize, classify, and govern a school, many thus prepared could be sent out in a very few months to commence the work. Successive classes prepared more thoroughly would follow, and, with the certificate of their instructors, no difficulty would be found in obtaining employment. I have never known among the freedmen the offer of a teacher which was not accepted.

The benefits of this plan would be—

1. Such native teachers would go everywhere with very little opposition. The interior of States could be penetrated where now no white teacher can go.

2. The freedmen would mainly support these schools themselves. If school-houses were furnished they would need no other charity.

3. The elevating effort of this plan would be universal. The better class of youth among

the freedmen would at once see an honorable employment open to them. The present schools would be stimulated with the same idea, and those of a higher grade could imitate this plan and have a normal class into which their better pupils could go.

4. It could be shown in this way what the freedmen are, as by their own efforts. This opportunity they deserve. A development system, bringing out what they can do themselves, is far better than a perpetual pauperizing, which only shows what others can do for them. If they are to be men let them be self-educated. Calumny from their worst enemies will grow silent when this is successfully commenced.

If such a system could be instituted at all the central points of the south, we could, ere long, approximate the great teaching demand now felt. This does not imply that the better schools of northern associations could not all go on and be greatly increased, The large cities and towns where they now are need them. They could rise still higher in grade, preparing pupils for all the spheres of life, and help immensely in the plan I am now advocating.

On this plan I feel sure that in a few years the whole education of the freedmen could be made self-supporting, and by that time the white population would perhaps be willing to incorporate them into some great common school system for the State. What should prevent this when these freedmen become intelligent and it was seen that they were no longer to be a public burden?

Labor also would feel the impulse. Its effects would be felt by the *employer*. Negroes now crowd into large towns, where their children can have learning. If they are to be retained as laborers, or brought back, similar opportunities must be furnished on the plantations. Hence already many instances could be given where a school in the interior has been started only from this motive. This is now being stipulated in the contracts. Liberal-minded and northern men who are preparing for crops are earnestly asking that schools be established, knowing that they concentrate and keep the people content, and greatly stimulate industry, and especially that labor is valuable just as it becomes intelligent. The head of one of the largest of the timber and turpentine enterprises in South Carolina (a German) told me that he formerly had hired *only men;* but he had now learned that he must have their families, too, and that this could only be done by allowing them patches of land, treating them properly, paying them well, and *giving them schools*. The commissioners and superintendents of schools in several of the States have been consulted on this subject, and they will give it their unqualified approval. Attempts are already making at several points to inaugurate something of the kind, either by these officers of the bureau or by northern benevolence; but a *systematic plan* is called for, and would very easily be carried into effect.

In Tennessee nearly one hundred colored teachers are at different places in a course of training. The superintendent says: "This should be the great object aimed at in the education of this people. Ten good training schools for colored teachers," he adds, "should be established in every one of the southern States, and in a few years the great demand for teachers could be met." His circular letter to the teachers of the State I beg leave here to insert:

"1. Select all the most advanced and intelligent of your pupils, say —— in number.

"2. From this class you will select all those of sufficient age, advancement, good moral character, and requisite natural qualifications for teachers.

"3. These you will organize into a separate class, for the purpose of special drill in their studies, with a view of fitting them speedily as possible for teaching.

"4. You will report to this office the names, age, advancement of each member, time of organization, character, and amount of instruction given this class, as soon as the organization is completed.

"The foregoing plan is sent you with a request that you will, at as early a day as practicable, organize such a class in your schools, with a view to supplying the great demand for trained colored teachers as soon as possible."

5. *The people of the country are strongly seconding the educating efforts of this bureau.* Northern associations were in the field almost as soon as our conquering armies gave them a foothold. They have increased in numbers and in arduous, well-directed efforts. Their several corps of teachers deserve all praise for self-sacrifice and fidelity. Your appointment of State superintendents of schools has given organic unity to these efforts, and greatly enhanced their efficiency; popular donations are rapidly increasing, and you may rely upon the continuance of sympathy and the increase of this important aid. The text-books used by the associations should be more uniform, and more promptness is desirable in the making of monthly reports. Time will perfect these details.

6. In conclusion, permit me distinctly to call attention to the fact that *this whole educational movement among the freedmen must for the present be protected by the general government.* I need not repeat what appears all through this report. Military force alone can save many of our schools from being broken up, or enable us to organize new schools. Such is the turbulent spirit of the south, that where as yet there have been no atrocities attempted against the schools, protecting power is called for to give that sense of quiet and consciousness of security which the calm duties of both teacher and pupil require.

### FINANCES OF FREEDMEN.

Poor and dependent as most of the freedmen are, I found that a considerable number had money. Among the former free people many had reached a condition above want, and in the large towns and cities there are individuals who might be called rich. These men, in some cases, purchased themselves from slavery, and are mechanics, keepers of groceries and wood-yards, butchers, market men and women, owning their own dwellings in the town or its suburbs, and some with small plantations. In Louisiana there are colored creoles who are merchants, bankers, and large planters, each handling hundreds of thousands of dollars. On the bayous back of Baton Rouge there are a number of the colored planters each said to be worth near half a million. These men are enterprising, are destined to increase in numbers and in wealth, and they seem to act unitedly and strongly for the education and advancement of the whole colored race.

Even the lower class of free blacks and the slaves had laid aside small sums of money, usually in coin, and this is now found in some secret box or old stocking, blackened with rust, no longer kept hid from fear, but cheerfully used for what they need in freedom. A considerable number had been persuaded to place these funds in the former savings banks of the south. Many thousands of dollars of such money went to Richmond to sustain the confederacy, to be lost forever to this abused people. One colored church in Savannah had two thousand dollars thus deposited.

But there are multitudes who as yet know nothing of thrift. Slavery prevented all forecasting of thought, and in general every possibility of improvement. Now, however, a change has come. There are, indeed, those who are too debauched and brutalized, perhaps, ever to be recovered. Their minds are childish and dark. But *pay for labor* puts even these to thinking of the value of things. The wants and opportunities of freedom show the worth of money and what can be done with it. Time, however, will be needed for the whole effect. Much patient instruction is called for. But in every direction industry is seen to start under the impulse of prompt reward, and if kind treatment accompanies it, there will soon be on this whole subject little to complain of.

Already homesteads are being purchased, and many more would be, if there was opportunity. The freedmen have a passion for land. Where titles can be obtained they are always purchasers. The tax commissioners of South Carolina told me they had given over six hundred "certificates of title" to real estate to *colored* men.

I know one man on St. Helena island, a slave formerly on an adjoining plantation, who now owns a farm of three hundred and fifteen acres, works twenty laborers, has twelve cows, a yoke of oxen, four horses, twenty swine, and he showed me, with very pardonable pride, his fifty-eight acres of the best sea-island cotton I saw anywhere, fifty-two acres of corn, besides a number of acres of provision crops. He had been helped some by the Union officer to whom he had for a year or more in the war been a servant; but he expected soon to be wholly out of debt. This man could neither read nor write, and his children aided him in his accounts. There are a number of men on Edisto and the other sea-islands who are only waiting the action of government in permitting them to have lands to engage in similar operations.

Such examples as the above encourage the negroes around, however poor, to form provident habits, and to imitate the same thrift. It is the universal impression that freedom is to be coupled with prosperity, and it is not difficult to induce them to save their surplus earnings for accumulation and future use.

I found that the large crowds of negroes whom I often addressed sprang forward to ideas of industry and economy, that they might save for old age, for sickness, for purchasing homesteads, or other prosperity in the future.

Their notion of having land *given to them* by government is passing away, and we hear them saying, "We will work and save and buy for ourselves." When they know this is what their prosperous friends (the Yankees) have always done they seem *eager* to follow the example.

Much fraud has been practiced in bargains and contracts hitherto made with their old masters. Some of the contracts, as drawn by the planters themselves, were purposely constructed to be misunderstood. I saw one in which it was stipulated one-third of seven-twelfths of all corn, potatoes, fodder, &c., shall go to the laborers, &c.; another that "the party violating the contract shall forfeit his right to all services and wages." It will be seen at once how blind in the first case and unjust in the second these terms were to the poor negro.

In many places, last autumn, laborers were turned off without pay, or any portion of the crops; and in other cases four or five dollars only a month were given, or even only food and clothing. The plan of these oppressors was evidently to keep the negroes in a perpetual condition of poverty and dependence. There were exceptions, of course, and I am happy to report great improvement of late in the wages given. The present year opens with the prospect that labor will be everywhere in demand and at fair prices. This is owing, in part, to the high value of the great staples of the south, and the desire of a large crop, but much more to the efforts of your bureau officers, who have everywhere insisted on just compensation.

The lien on crops for wages, or work on shares, to be had, of course, only at the end of the year, may be necessitated by the present poverty of the planters; but, in our opinion, it would be much better for the freedman if he could be paid often and in money. His immediate wants could then be met; he would work far more contentedly; and he would the sooner learn how to manage properly his own finances.

*Colored troops* have been defrauded of very large sums of money. I have spent much time and labor in ascertaining this. Almost universally the regiments complain—often unreasonably, without doubt, and from ignorance; though it would seem that they have reason, in some respects, to complain that, by the government itself, they have not been treated precisely as if they had been white men. These frauds are charged by the soldiers mainly to the bounty agents of the several States, or to enlisting and disbursing officers, and sometimes to their own regimental officers.

Moneys were undoubtedly sent by States to procure enlisted men, which only in part reached these men. They were made merchandise of, while the agent enriched himself by the balance retained. This class of frauds can probably never be effectively detected. The colored soldier was, in many cases, ignorant of money, and the bounty agent will make no confession.

Enlisting and disbursing officers had many opportunities of pocketing funds, by keeping them back from the soldier unduly, or taking them from him as in trust; the enlisted man being, as was alleged, in no condition to keep the same. Such funds, of course, were put upon a very precarious tenure, the trustee himself being only a military officer There are facts which lead to the suspicion that some of these officers are *deeply and largely implicated in this species of fraud.*

Officers of regiments have borrowed money largely of their men. This is a very common practice, and pay-day for them, in multitudes of cases, has never come. The officer may be profligate or dishonest, or if otherwise, he is off on furlough; it may be mustered out of service; and it is easy to forget borrowed money, *especially* when due the negro. I know of many cases of such indebtedness.

I need not say how suttlers often defraud; nor tell of gamblers, rum-sellers, and bad women, who hang about camps and pay tables, luring the unwary, and robbing these ignorant and yet *brave* colored men. This is a humiliating statement, and there should be some remedy. Of course, if the troops are mustered out such evils must cease, and others are being corrected. Those officers who are honest and able are recently paying back borrowed funds; others are promising to do so; but there are large sums which cannot yet be touched by the proper owners. I gathered, by your direction, papers and testimony in a number of notorious instances, and have given copies of the same to the financial officer of the bureau, action having been taken thereon which it is hoped will result in the detection of the guilty. Such action, however, as now pending, prevents my giving names or going into any specific detail.

It is respectfully suggested that a *standing* commission, empowered to call for persons and papers, and with transportation to all parts of the country, should be appointed by the War Department, to pursue every case of this kind of fraud to a final issue.

The Savings and Trust Company for Freedmen, chartered by Congress last winter and placed under your advisement, has gone into successful operation in nearly all the States south, and promises to do much to instruct and elevate the financial notions of the freedmen. The trustees and friends of the institution believe that the industry of these 4,000,000 furnishes a solid basis for its operations. Pauperism can be brought to a close; the freedmen made self-supporting and prosperous, paying for their educational and Christian institutions, and helping to bear the burdens of government, by *inducing habits of saving* in what they earn. That which savings-banks have done for the working men of the north it is presumed they are capable of doing for these laborers.

I was charged by you, in my late tour, with this subject, and can say that everywhere, privately and publicly, the freedmen welcomed the institution. They understand our explanation of its meaning, and the more intelligent see and appreciate fully its benefits. Calls were made upon me at all the large towns for branches of the bank. In fifteen of the more central places, viz., Washington, Richmond, Norfolk, Newbern, Wilmington, Charleston, Beaufort, Savannah, Mobile, New Orleans, Vicksburg, Huntsville, Nashville, Memphis, and Louisville, such branches were established. Most of these begin to make returns.

I here insert the report of the actuary at the principal office in New York of the business condition of the institution on the 31st day of January, and the amount done during that month:

| | | |
|---|---|---|
| Amount due depositors December 31, 1865 | | $201,126 55 |
| Amount of deposits received at branches during January— | | |
| Vicksburg | $5,087 00 | |
| Wilmington | 902 44 | |
| Norfolk | 491 20 | |
| Newbern | 35 00 | |
| Louisville | 4,895 15 | |
| Huntsville | 390 22 | |
| Memphis | 620 00 | |

| | | |
|---|---|---|
| Nashville | $4,259 96 | |
| Washington | 4,369 05 | |
| Savannah | 1,579 55 | |
| Mobile | 4,809 00 | |
| Charleston | 424 15 | |
| Richmond | 170 15 | |
| Beaufort | 498 20 | |
| | | $28,531 07 |
| | | 229,657 62 |
| Less drafts paid depositors during the month | | 54,704 90 |
| Balance due depositors | | 174,952 72 |
| Balance on hand at branches | 17,132 43 | |
| Balance on hand at New York | 6,577 83 | |
| United States securities | 181,600 00 | |
| | | 205,310 26 |
| Surplus (on the books) | | 30,357 54 |

But $15,000 to $20,000 of this surplus is only in statements, or drafts which have not been received at the principal office in New York, and contingent expenses not paid. Hence the true surplus, as near as we can estimate it at the present stage of affairs, (our securities being valued at par,) is about $10,000.

A dividend of 5 per cent. per annum has been declared on all sums which have been on deposit six months previous to January 1, 1866.

The trustees are encouraged from this auspicious beginning of their work to go forward with high hopes of large benefit to these millions of freedmen "and their descendants;" and if the amendment to their charter, now before Congress, shall pass, connecting the bank more intimately with your bureau, they will entertain no doubt of its perfect success.

All of which is respectfully submitted.

J. W. ALVORD,
*Inspector of Schools and Finances.*

Major General O. O. HOWARD,
*Commissioner Bureau Refugees, &c.*

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WASHINGTON, *March* 28, 1866.

Bedford Brown sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Caswell county, North Carolina.

Question. Are you a native of North Carolina?

Answer. Yes, sir.

Question. What is your age?

Answer. I am in my seventy-first year.

Question. What public positions have you held since you have been a citizen of North Carolina?

Answer. I was a member of the legislature of our State, speaker of the senate at one time, then a member of the Senate of the United States for eleven or twelve years.

Question. Since you retired from the Senate have you held public office in North Carolina?

Answer. Yes, sir; in the legislature of the State.

Question. Have you held any judicial position?

Answer. None, sir.

Question. Have you resided in North Carolina during the late rebellion?

Answer. Yes, sir.

Question. How extensive is your acquaintance with the state of public feeling among the people of North Carolina in reference to the war, its causes, and its results?

Answer. It is pretty general. I was a member of the State senate when the subject was first brought under consideration in 1860.

Question. Have you taken any personal part in the war against the United States?

Answer. None, voluntarily. I was a member of the State senate for some years. After the war commenced I declined being a candidate; I desired to take no part in it; but my constituents insisted on my going back, although I positively declined. I was a member of the convention of 1861 which passed the ordinance of secession, but was sent there contrary to my will. I was a candidate in my county in the election ordered after South Carolina had seceded. I took most decided ground against secession and carried my county. I carried my county by a vote of three to one and was elected a member of the convention, but the peo-

ple of the State decided, by a majority, that there should be no convention. When the second convention was ordered I declined being a candidate; I wished to have no part in it; but my constituents again sent me against my will.

Question. You have then been all along a non-secessionist in principle?

Answer. Always. There has not been an hour in my life that I did not regard it as the greatest political calamity that could befall the people of any country.

Question. How do the masses of the people of North Carolina now feel in regard to the government of the United States—friendly, unfriendly, or indifferent?

Answer. There was a most overwhelming majority of the people of North Carolina loyal to the United States government before secession took place. I would say that from two-thirds to three-fourths of the people of North Carolina were utterly opposed to secession.

Question. Can you give the result of the first vote upon that subject?

Answer. I think there were sixty-odd thousand cast for Union delegates in the respective counties for the first convention, and perhaps thirty thousand for secession delegates.

Question. Can you give the vote on the second occasion?

Answer. I know of no direct popular vote on the subject after the first; but the election of Governor Vance indicated that there was still a Union majority in the State even after the war commenced. He was run as a Union candidate, and was elected by a decided majority over his secession opponent.

Question. In what year was that?

Answer. I think in 1862 or 1863; probably in 1862. I think he was elected by between thirty and forty thousand majority. It is due to truth to say that Governor Vance afterwards became a war man, but he was voted for at the first election as one who was in favor of pacification and Union.

Question. Was he, when first voted for, understood to be a Union man; that is, a man supporting the government of the United States and opposed to secession and rebellion?

Answer. He was originally very much opposed to secession, though he went into the army as most men did, under the peculiar circumstances. When he was first voted for as governor it was supposed his proclivities were still for the Union, running as he did against and beating a secession opponent by thirty-odd thousand majority.

Question. Can you state any reasons why Governor Vance afterwards became a supporter of the rebellion against the United States?

Answer. If I did it would be mere conjecture, and perhaps it would not be proper to indulge in that. I have every confidence that Governor Vance accepts in good faith the situation and will prove a loyal citizen to the government of the United States.

Question. I ask you again to state how the mass of the people of North Carolina feel towards the government of the United States?

Answer. The masses of the people, I believe, at the time of General Lee's surrender, were more gratified than otherwise because they saw that the result was inevitable, and a great many of them were for peace and attached sincerely to the federal Union, and believed there was no safety out of the Union. They were gratified that the thing had been settled. They wanted it settled in some way, for they had been exceedingly harassed during the war, which was commenced against their consent in the first instance. Of late, however, it is due to truth to state that, from various circumstances, they have come almost to despair. Perhaps it is in part from the loss of their slave property, though I think they were prepared to acquiesce in that. I think it is chiefly from their long delay in being admitted to an equal participation in the Union. It has produced a feeling of discontent even among Union men. My belief is that if they could be perfectly sure that with these constitutional amendments which have been adopted, accepting the condition of things as they are now, within a reasonable time they would be admitted to political equality and to equal privileges with the other States, there would be a general feeling favorable to the federal Union. The great mass of them are exceedingly anxious to have their relations between the State and the federal government restored.

Question. Is there not a large proportion of these people who dislike and contemn the government of the United States?

Answer. There are a certain number of reckless unscrupulous men there, as everywhere in the country, who, I believe, would be willing for anything almost. For instance, some few persons would perhaps be gratified by a foreign war, but the great mass of the people of North Carolina, even including the secessionists, although they have been utterly opposed to me, and I opposed to them, yet I think a majority of the secessionists are exceedingly anxious for peace and quiet, perfectly willing to live under the laws of the United States, provided they can have political equality with the other States accorded to them. I think an overwhelming majority of the mass of the people of the State of North Carolina are perfectly willing to acquiesce in the laws of the United States on these conditions. I will go further and say, that I think the longer it is procrastinated the worse that feeling of discontent will become. I may remark that I have heard many persons say that if there was any attempt at an outbreak against the government of the United States, they would not do as they did at first—allow them to get complete military control—but would seize the opportunity to vindicate themselves against these men immedialtely.

Question. In case of a foreign war with any powerful European nation, such as Great Britain or France, and in case the war should take on such an attitude as apparently to present a fair chance for success in another attempt at secession and the establishment of southern independence, would there not be in North Carolina a pretty large number of men who would engage in such a movement if they had the opportunity?

Answer. There might be some portion of the people; but if a reasonable expectation was indulged that they could be admitted to equal political rights, I believe there would be an overwhelming majority to suppress such an attempt. There is no question about it. I will further express the opinion that the better way to remove this discontent among the people, would be to declare these States members of the federal Union—for Congress, of course, to judge of the members presenting themselves separately. If a disloyal man should present himself, claiming a seat as a member, he should be excluded, but I would admit such as came here properly qualified.

Question. Would you recommend the admission, for instance, of a representative, the great majority of whose constituents were actually disloyalists against the government?

Answer. I would if Congress should be convinced that he was loyal. I would have it depend very much upon the member himself.

Question. Should it not depend rather upon the character of the constituency he represents?

Answer. It would be very difficult to ascertain the loyalty or disloyalty of a body of men in that way.

Question. Suppose that fact was ascertained upon proof, would you recommend the admission of a member from a disloyal district?

Answer. If the district was manifestly disloyal beyond all question, it would be a justification perhaps for the exclusion of its members.

Question. Is there any considerable portion of the intelligent citizens of North Carolina who entertain the idea that there is a purpose to exclude the State permanently from the Union?

Answer. The people there have become somewhat in a state of despair. To speak with candor, a vast number of them despair of ever enjoying the equality in the federal government they once did. I do not speak in reference to slavery, because every sensible man regards that as irrevocably gone, and a vast number of those who have been slaveholders express the wish that it may never be restored again.

Question. Would the great mass of people in North Carolina generally consent to the payment of the federal debt if they could prevent it by their votes or by their representatives?

Answer. I am inclined to think they would; they know it is a matter of obligation upon the part of the United States; that the United States is pledged to it, and as loyal men they would consent to it, though tax-payers all over the Union do not regard it as a pleasant subject, and particularly those impoverished like the people of the south. In reference to the confederate debt, I do not hesitate to express the opinion that a very decided and overwhelming majority of the people of North Carolina would be utterly opposed to its payment.

Question. You speak of the confederate war debt?

Answer. Yes.

Question Is there not a large debt contracted for the prosecution of the war, by the State of North Carolina, for which the State still holds itself pledged?

Answer. No, sir; it has been repudiated by the State convention; I was a member of that convention myself, and voted with the great body of the convention, without hesitation, to repudiate it.

Question. In case a convention should be called which should repeal that clause repudiating the rebel debt in North Carolina, would not the people generally consent to the payment of that debt?

Answer. I think not.

Question. Not the State debt?

Answer. No, sir; my impression is that a majority of the people are against it, from the fact that the great mass of them considered themselves coerced into making common cause with the confederate government; the war was forced upon the people of North Carolina against their wish, and they do not hold themselves morally responsible for the debt incurred. I think if the open question of repudiating that debt had been submitted to the people they would have decided in favor of repudiation.

Question. Is not a large amount of the debt incurred by North Carolina for the prosecution of the war held by the citizens of that State?

Answer. There is. The distribution of the debt among so large a class of the people, no doubt, made many advocates for prosecuting the war.

Question. Has confederate scrip, so called, any value in the market of North Carolina?

Answer. None at all. It is not regarded as worth a cent.

Question. Is it due by its terms?

Answer. No, sir. The terms of most of the bonds were that they were payable, perhaps, six months after independence and a treaty of peace, or some language of that kind, and, of course, they never can become due. That event never has happened, and I presume never will.

Question. Have you any reason to believe there are any persons of position in North

Carolina who still have it in contemplation to renew the war or resort to other means to get out of the Union and establish a southern confederacy?

Answer. My impression is, there would be no advocates of resistance now or of renewing the war in any shape or form.

Question. You know of no combination for that purpose, open or secret?

Answer. None at all. There may be a few individuals who would be willing to avail themselves of a war with France or something of that kind; but the great mass of the people, in the event of such a war, would stand by the United States; that is my impression.

Question. Are emigrants from the northern States to North Carolina received and treated with kindness?

Answer. They are in some localities; indeed, in many localities, a strong wish is expressed that they should come among us, while in others there is a feeling among a portion of the people against them. I think the general impression is, that that is the best means of advancing the interests of our State, and I take occasion to say that such is my decided opinion.

Question. But is there not existing at present in North Carolina among the masses—I speak of the lower class of course—a feeling of dislike and hostility towards northern men?

Answer. They sometimes speak of Yankees harshly; but I am inclined to think that if any gentleman came there to invest capital in lands, manufactures, or anything of that sort, he would be kindly received if he came there *bona fide* for that purpose.

Question. Would a northern man stand as good a chance for justice in your State courts as a Carolinian, in a question of private right?

Answer. It is natural to suppose that in these excitements there may possibly be some bias in favor of the Carolinian; but I think, perhaps, the great mass of the people would be willing and desirous to do justice in a case of this kind.

Question. How do the mass of Carolinians feel in respect to the freedmen; especially in regard to their education?

Answer. Well, sir, that feeling has changed a good deal. Last year there was a great deal of feeling against the freedmen, because, in truth, they behaved rather badly after Lee's surrender Before that they had been very quiet and orderly; but afterwards they abandoned work, most of them, and became wanderers, and dissatisfied. They would not work on the farms even for pretty fair wages; but the present year they have returned to labor, and, as far as I have any knowledge, certainly in my part of the State, they are acting very well. There is a good feeling between the blacks and whites, and I believe the general sentiment is, certainly among the farmers and planters, that it is not only proper in itself, as a matter of justice, but that it is good policy to treat them with fairness and liberality. I can say, so far as those employed by me are concerned, that is my course of treatment towards them. Very few of those I owned have left me, and some I should have been glad to have had gone have remained. For instance, I have no doubt nearly four hundred loads of wood have been used from my farm this winter, and three-fourths of it at least have been used by black people, with many of whom I have had nothing to do, being the families of laborers living on my farm. They used the wood and I charged them nothing at all for it.

Question. Is there not generally among the mass of white people there a disinclination to see schools established among the blacks, and would they not be likely to break up such schools when established, if they could?

Answer. I do not think they would. There is a disinclination for promiscuous schools of whites and blacks; but I do not think they would object to schools for the blacks. Indeed, all reflecting persons must know it is better for the country that they should be educated. I do not think there is any prejudice against their education. There are some schools for blacks, which have been established in my county, and I have never heard of any attempts to break them up. Negro children would not be admitted into white schools.

Question. What is the opinion of the Freedmen's Bureau in your State, as far as your observation extends?

Answer. So far as I have any knowledge of it, I think the gentlemen who have conducted it, as a general rule, have been liberal and just both towards the freedmen and the white people.

Question. Do you think it has been beneficial upon the whole?

Answer. It was, I think, for last year. I think there is scarcely a necessity for it now.

Question. I do not speak of its necessity. What I want to inquire into is, whether upon the whole it has had a beneficial effect upon the blacks and whites?

Answer. There was a state of things last year among the blacks and whites requiring some authority of that kind, resulting from the immediate termination of the war; but it seems to me that state of things has now passed. I think the freedmen would now be protected in their rights without the intervention of the bureau. If I mistake not, our legislature have passed laws for their protection by the civil courts.

Question. Would a black man stand an equal chance for justice in a State court of North Carolina with a white man now before a jury?

Answer. If he was a man of good character, with no particular prejudice against him, I think he would. For instance, there are some negroes who are notoriously dishonest; their

existence, in some numbers, may be, to some extent, accounted for by their degraded condition as slaves. I am inclined to think a black man, with a fair character, would receive justice in our courts; indeed, I am sure of it, and for this reason: it is regarded, not simply as a matter of justice, but as a matter of policy among the white people that they should be treated with fairness, in order to produce the amicable relations between the blacks and the whites necessary to carry on the labor of the country.

Question. Are black men permitted to testify in courts of justice in your State?

Answer. I think our legislature, at its late session, authorized it to some extent.

Question. You think there is some limitation to that extent?

Answer. It is limited to some extent. I have not seen the acts of the legislature. They adjourned but a short time since; and, in fact, we have not any mail facilities scarcely in our part of the country.

Question. Is the low white man esteemed as possessing more veracity than the black man of the same grade and condition, in North Carolina?

Answer. As a general rule, they are considered as having a higher claim to credibility.

Question. What has been your experience with the two classes in regard to veracity and truth-telling?

Answer. My impression is, that perhaps the white class would be entitled to a higher grade of character in that respect, because the servitude of the negro and everything has tended to degrade his moral sense. They have not the same pride of character. The poor man has frequently a great deal of pride of character and desire for the good opinion of his compeers. Those recently slaves have not risen exactly to that. It will take some time to go through that process.

Question. As to the capacity of the negro to acquire knowledge and become educated; is he, in your judgment, much or at all inferior to the white man in that respect?

Answer. There is a difference in that respect; the negro in childhood, up to twelve years of age, is very nearly or quite as capable as the white child, but after that the superiority is considered decidedly with the white. The mind of the white man seems to grow and develop itself, while that of the negro from that time does not seem to be capable of so extensive development.

Question. What would the white people of North Carolina say to a proposition to allow the negroes or a part of them the right of suffrage? That would not be a novelty in the history of North Carolina, would it?

Answer. There is a sentiment somewhat against that, although I think there are a good many persons who would have no objections to seeing qualified negro suffrage, but universal suffrage would be regarded as very objectionable and inadmissible.

Question. Does universal suffrage exist among the whites of North Carolina?

Answer. Yes, sir; among those who have obtained the age of twenty-one and who have been residents of the State a certain length of time.

Question. Do you suppose it would be practicable in North Carolina to restrict that universal suffrage among the whites?

Answer. No, sir; there is a general sentiment in favor of it.

Question. You cannot imagine any machinery by which restricted suffrage among the whites could be established?

Answer. No, sir; I think it is a right they would never surrender if they could avoid it. Free negroes at one time voted in North Carolina, but they were very limited in number.

Question. What qualifications for the negro voter were then required in North Carolina?

Answer. Precisely the same as for white men at that time. For the house of commons, as we call it, retaining the old British parliamentary name, they were required to have been residents of the State a certain time and to have paid a *per capita* tax. For the senate, the voter must be a landholder; they have changed that now; the white man can vote for the senator without being a landholder, and the negro cannot vote at all. The unfortunate agitation between the north and south gave rise to that change, no doubt. I must say the free negroes of that day, though, voted generally for what they called "gentlemen;" they did not vote for any man they did not regard as a gentleman.

Question. Would they now?

Answer. I am inclined to think they would vote the same way; still there are such masses of them that it would be regarded as a rather dangerous experiment.

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WASHINGTON, *April* 4, 1866.

Brevet Lieutenant Colonel W. H. H. Beadle sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. My residence has been so broken up by the war that it is difficult to say where it is.

Question. Where is you home?

Answer. My home is Ann Arbor, Michigan.

Question. Did you serve in the recent war?
Answer. Yes, sir.
Question. How long?
Answer. About four years, possibly a little more altogether.
Question. In what capacity?
Answer. As an officer of infantry from lieutenant to lieutenant colonel.
Question. Where have you been in service?
Answer. Chiefly in Kentucky, Tennessee and Mississippi, and more recently in connexion with the Freedmen's Bureau in Virginia and North Carolina.
Question. Have you been acting in an official capacity in the Freedmen's Bureau?
Answer. I have.
Question. When did you commence that service and where did you serve?
Answer. The order assigning me to duty under General Howard, of the Freedmen's Bureau, was dated January 12, 1866, and I was relieved from duty March 26, 1866. My principal service was at Wilmington, North Carolina; I was superintendent of the southern district of that State; I also performed some service, but not much, at Richmond, Virginia.
Question. Have you travelled about much in North Carolina and Virginia, so as to acquaint yourself with the feelings of the people there?
Answer. I have in North Carolina, particularly in the southern district, composed of nine counties, and to some extent over the central and eastern part of the State.
Question. When did you leave Wilmington, North Carolina?
Answer. On Monday of last week, the 26th of March.
Question. What is the state of public feeling in North Carolina as regards loyalty to the government of the United States?
Answer. There is a great variety of feeling there, but to state it generally it is bad.
Question. What do you intend to be understood as meaning by the expression "bad?"
Answer. I mean that there are very few persons there who have been Union men through the war, very few indeed. There are some who, although they have been secessionists, are now willing to accept the situation entirely, but the great majority still talk against the government; are dissatisfied with the Freedmen's Bureau and the presence of the military; they feel sore, chagrined, and bitter towards the government of the United States on account of their failure to establish what they call southern independence. One person in particular said to me that when another opportunity offered "all the best men of the south would be found fighting against the government with more vindictiveness than before," on account of the bitterness caused by their failure in the last war and the dissatisfaction with the United States because they had not been treated with more magnanimity. It was one of the editors of a newspaper who talked thus.
Question. Of what paper?
Answer. The Wilmington Dispatch.
Question. Is that a secession or a Union paper?
Answer. A secession paper, unless it has changed since I left that place; though nearly all the newspapers are about the same.
Question. Did you discover that these expressions of dislike towards the government of the United States were frequent among the people?
Answer. Yes, sir; when one person made use of such expressions nearly all those around acquiesced in them, as a general thing There was not one man in a thousand (of the white citizens) who, when the government was attacked and reviled, would express disapproval of it; who would be indignant and speak for the government, or do anything but smile, if not openly approve it, (the abuse.) I understand the extreme test of loyalty is, that when a man hears his government denounced and cursed he would color up and resent it. There is not one white citizen in a thousand in North Carolina who would do that. You would seldom meet a man there who would resent an insult offered to the government of the United States, or oppose or contradict in any way any denunciation or abuse of it. His honor or feelings would not be touched by any remark against the government. As a rule this would be very general.
Question. Among what classes of persons does this feeling seem to prevail, the higher, middle, or lower classes?
Answer. It prevails among the higher and middle classes. I have found several young men, who have no families, are free from local interests, &c., who were desirous of emigrating north, and I have aided them, given them passes or recommendations as far as I could. The reasons given by these young men were, they had been compelled to enter the confederate service; had come out of it poorer than they went in; that they could not trust their politicians or leaders, and that, in the present state of affairs, there was no chance for a hard working, honest young man to do anything better than barely make a living, on account of the peculiar treatment of the labor question by the land owners.
Question. What particular fault in their labor system do you refer to?
Answer. The land owners, or wealthier class, have no interest in the permanent good of the laboring class, or do not pretend to have. Public opinion is unfavorable to the laboring classes. The young men I speak of feel this burden all the time, and it troubles them. They see no future good or reasonable chance for it. The opportunities for education are not open

to them, and they have an idea that they can find more intelligent communities in the north and do better every way. Political economy, the mutual dependence of labor and capital, are not understood. Capital has heretofore owned the labor, and they cannot now appreciate the principle that the permanent good of the wealthier class, or of the commerce and enterprise of the State, depend upon the permanent good of the laborers and producers. They have heretofore acted on a different principle, and they still do; this is the source of much trouble.

Question. Have you heard anything said among the secessionists in regard to a war between the United States and foreign powers?

Answer. Yes, sir; this assistant editor of the Dispatch, when talking with me, said in case a war should occur between this country and Maximilian or France, all the best men of the south would again be found opposing the United States, or taking part with its enemies; that they would seize the opportunity when offered.

Question. Have you heard such sentiments or anything tantamount to them frequently expressed?

Answer. Not very frequently; I have not much opportunity; my position renders men generally cautious in speaking to me. I know men talked differently to me to what they did outside; I had such things proven to me sometimes.

Question. Have you heard them expressed in any other instance?

Answer. Yes, sir; in three or four instances.

Question. By men of position and influence in the community?

Answer. Yes, sir; by attorneys at law, leading planters, or people of those classes. There is another editor of the same paper (Dispatch) who entertains about the same opinions as the one first mentioned. The marshal of the city of Wilmington, late a major general of the confederate army, and now paroled as such, declared his hatred of the government. He said, "I hate you; I do not love you; I always shall hate you." He went on to inform me how he would like to be treated, how southerners' feelings were to be hurt, and how we had better act not to hurt them, and the like. They sometimes speak of the United States, but more generally of the "Yankees," and often say "you" or "your people," and "your government," "the Yankee government," &c. Whatever they say generally means the government of the United States. I always found that they so placed their feelings, that an officer could not conscientiously perform his duty towards the United States without hurting them, and I always thought they intended to have their feelings hurt.

Question. What was this marshal's name?

Answer. Robert Ransom. He told me that he hated us, and always should hate us; that he had no love for the United States, and never should have, or something to that effect. I believe he was a lieutenant colonel of our regular army before the war.

Question. Have you any reason to suppose that there is any class or combination of persons in North Carolina or Virginia, or elsewhere in the south, who contemplate a renewal of the war, or another attempt to get out of the Union?

Answer. It would be much easier to say what I believe than what I know.

Question. Well, what is your opinion on the subject?

Answer. It is my opinion that there is an organization of some such kind; they consult with one another privately; if you hit one you hit all. There is at least a very close community of sentiment and interest among them; whether it is fully organized I cannot say. Their interests are identical, or they make them so; they talk in the same way; they urge the same reasons, and refer to one another in a fraternal manner. They are given to complimentary notices of men who have been devoted to the cause of the south or are now. This is frequent in their papers and public speeches. This seems to be the test for popularity among the better classes; obituary notices bear the same strain. One would think sometimes the war was still going on, and the deceased was just brought from some field where the south was victorious. This is particularly the case where bodies of deceased officers are disinterred and brought home; it is so in mention of all men. In their social, political and newspaper circles they exhibit very many legal "ear-marks" of an organized brotherhood, though I do not know that it exists.

Question. Suppose the United States should become engaged in a war with England or France, and the war should assume such an aspect as to hold out inducements to the secessionists to attempt again to go out of the Union, what, in your opinion, would be the course their leaders would adopt?

Answer. They would take up arms against the government as quick as they saw the opportunity.

Question. Would they join the enemy?

Answer. Yes, sir. I am perfectly convinced of that.

Question. How do the secessionists there treat the freedmen generally, and how do they feel in regard to their education?

Answer. They treat the education question badly. They do not afford any encouragment whatever to the schools established by the bureau. The papers take occasion to abuse the school mistresses and others in charge of the schools by publishing innuendoes and articles charging the school mistresses with actual crime or complicity in crime, all of which charges are untrue. For instance, the Dispatch charges the mistresses of the schools with exacting

money from the freed-children, and telling them if they cannot get the money to bring along silver spoons, and asks if that is the reason such articles are lost by some citizens? The papers ridicule the colored people and the bureau in their police reports. If a boy or a girl is found who has attended school at all and afterwards is charged with a petty offence, the papers cast slurs and innuendoes at the schools and bureau. I arrested, or ordered to report to my office, one of the editors of the Dispatch for a very scurrilous article against the school-teachers, but dismissed the case, considering it my duty to proceed regularly against the establishment and get the paper suppressed. This editor afterwards promised to retire from the paper if I would not proceed, but he has not yet, to my knowledge. They deny the teachers all social privileges, although they are of the best character, and intelligent and accomplished as most of the citizens.

Question. Are the teachers of the colored schools there excluded from society among secessionists?

Answer. Entirely. In one or two instances they have been roughly addressed, spoken to with abusive language for calling upon a colored family and recommending that a little girl be sent to school. A white man spoke very roughly to her for tampering with his servants; ordered her off abusively. This teacher was a lady who acted as a kind of city missionary, looking up needy cases, reporting them to us, getting rations for them, advising parents to send their children to school, &c. She was engaged in this work when so roughly accosted. This was publicly noticed and defended by the papers. It was a while after this that the Dispatch abused the schools as stated. These schools are free. We sometimes take cost price for books and stationery from those amply able to pay, but give all free where children are poor. The teachers and superintendents are paid by northern charity, and the whole plan is very worthy.

Question. I suppose these benevolent gentlemen who abuse the school mistresses do not themselves contribute anything for the support of any schools, white or black?

Answer. No, sir; I conclude not. There are very few schools in the State, and those in Wilmington rather poor. They certainly give nothing but innuendoes and abuse to colored schools. I think these colored schools are generally the best-conducted schools that have ever been in Wilmington. The State University, at Chapel Hill, is doing fairly for men of means, but the State has no common schools and few institutions or encouragements for the laboring classes.

Question. Have you ever visited any of these colored schools?

Answer. Yes, sir. I made it my business to interest myself in them.

Question. What progress in acquiring an education do the colored children make?

Answer. They are generally very successful. I am rather enthusiastic upon that subject. They learn rapidly.

Question. In what branches of learning do they make the most rapid progress?

Answer. All branches of an elementary education which depend particularly upon the memory. Their memory is better developed and more active than any other faculty of the mind. As witnesses the memory of colored persons is often very accurate. I have found witnesses to have wonderful accuracy in relating a common conversation or the verbal terms of a contract.

Question. Do they seem to acquire readily a knowledge of geography.

Answer. Yes, sir; I think they do. I have seen several little girls and boys from seven to twelve years of age stand before outline maps and with a pointer rapidly designate nearly all the States, capitals, rivers, mountain ranges, peaks, bays, rivers, &c., in the world, skipping about irregularly, as called by any one.

Question. Did you find among them much proficiency in history?

Answer. No, sir. That has not been studied much. They learn some Bible history very fairly in Sabbath schools.

Question. How about arithmetic?

Answer. Just fair or only ordinary. Their minds are not analytical, or those qualities have never been developed. They have never been allowed to think much or reason for themselves, so that in analogy or analysis they are slow. Their memory has been developed because other qualities were not, and this faculty had to serve for others on account of the circumstances of their former condition.

Question. What is the general character of the blacks as to veracity?

Answer. In my opinion, it is about as good as the white inhabitants, taken generally. I have known gray-headed white men to perjure themselves before me where the issue was in their interest against a colored man who had always been their slave. His (the colored man's) evidence was completely supported. I have met cases also the other way; so that generally I would take the black man's evidence for what it was worth under the circumstances, and according to the legal rules of evidence, just as quick as I would the testimony of whites generally. The race or color does not determine it at all, but all rests upon each witness's interest and character, and the white man shows his interest in his evidence just as much as the colored. I must say, however, that I think the standard of veracity is generally too low there.

Question. Have you had a professional education as a lawyer?

Answer. To some extent only. I have read elementary works but never practiced.

Question. How do the secessionists feel in regard to the blacks owning and holding land?

Answer. It is in regard to just such subjects that white testimony is unreliable.

Question. Are they willing or unwilling blacks should hold and own land?

Answer. As a general thing they are unwilling, for the reasons I have stated. They do not look on the laboring class or their late slaves with favor in such matters. The State courts are unfriendly to negroes claiming title to land. If they already have it beyond question and occupy it, there is not so much trouble, though such cases are rare. If a colored man owns property and it is in possession of some white man, the courts will do nothing for him now. In all such cases the attorneys or claimants would come to me and file the regular petition as in chancery, and not to the courts.

Question. What is the difficulty on the part of the courts? Is it an unwillingness on the part of the judges, or on the part of the juries, to deal with the case so as to do justice to the black man because he is black?

Answer. It is on account of their laws, and long practice against them as slaves. The laws of the State are unfriendly to a slave owning anything, and the opinions and decisions of the supreme court have been extremely severe and rigid on such points.

Question. By the laws of North Carolina, would a free black man be allowed to own land?

Answer. They have been; and some now do, in the shape of cheap city lots, &c., but their protection is very uncertain, and I have had cases brought before me for settlement where colored persons had great difficulty in retaining their property. It had passed into hands of agents, lessees, and others; and the colored man once losing possession, has great difficulty in obtaining redress from a civil court. Colored men, or slaves particularly, have not held property at all in their own name. It was contrary to law. If a slave purchased his time, and made money and purchased property, he usually had the title vested in his master or some white person friendly to him. These they called protectors, and these held the property in the nature of a trust for the slave or colored man. Those titles have sometimes been vested in honorable men who had some regard for the rights of the colored man. Sometimes six or eight persons would be mentioned in the deed so as to thus guarantee fair treatment for the slave. After a while these would convey the property to others. Sometimes when title was in one person only, the property would go to his estate and heirs; and as the law did not recognize the right of slaves to own property, these clauses stating that it was held in trust for the slave could be left out and a warranty deed given to other parties, entirely disregarding the rights of the slave. The colored man's interest expired at the will of the protector, and in this way many cases arise. In such cases the colored man has no protection before the courts in North Carolina.

Question Have you discovered such a prejudice against the black man in North Carolina as would restrict his rights in the State courts?

Answer. Yes, sir. There is a very general prejudice against the blacks, often bitter and controlling, but frequently not so bad.

Question. In your judgment, does that prejudice infect the judges themselves; or is it confined to the juries?

Answer. There is hardly a southern man, one who has always lived there, but is prejudiced against allowing a colored man equal civil rights, equality before the courts, in fact, (though they may do it in form.) Their rights of person and property are always unsafe, at least. The whites are generally taught, and believe, that black persons will naturally steal or lie. They generally say so. I have hardly found a Union man entirely free from these prejudices. So much is this the case that I had witnesses swear they would not believe a particular freedman on oath. I found the reason, and only one, for this specific impeachment, was that the witnesses "would not believe any nigger on oath," and this man was black.

Question. What have you heard the people there say about what is generally known as the "Civil Rights bill?"

Answer. I heard universal delight among the southerners at the probability that the bill would be vetoed, just before I left Wilmington. There was unanimous opposition to it by secessionists, and great delight at its probable veto. In regard to the "Freedmen's Bureau bill" there was much excitement, and our authority, as officers of the bureau, was defied very frequently after that was vetoed, and rarely ever before.

Question. How are white Unionists treated in North Carolina by the secessionists?

Answer. They are not treated right—are abused socially, and even publicly threatened, unless they are strong on account of their wealth and business power. Mr. Geo. S. French had a cane brandished over his head, and was otherwise abused by a secessionist, because he had always been, and was now, a Unionist. Mr. French was a native of Fall River, Massachusetts, but resided in Wilmington forty-four years—a man of property, in business there—president of the Cape Fear Bank, and a very pure-minded, upright, and inoffensive Christian man. He has suffered much inconvenience and trouble during the war; and when our prisoners came through there he helped them all he could.

Question. A secessionist brandished his cane over the head of Mr. French because he was a Unionist?

Answer. Yes, sir; for no other reason that I could learn. All the Unionists who were there during the war, and northern traders and merchants there now, tell me they will have

great trouble when the troops are withdrawn, and many of them say they will have to leave when the troops do.

Question. That they will have to leave on account of the opposition to them?

Answer. Yes, sir. On account of the enmity of the secessionists towards them. The secessionists already take mean business advantages of northern men—borrow money as agents for them, then refuse to pay, and take advantage of a stay law. By these means collection can be delayed about two years. I have met northern men who are now suffering from such dishonest business operations, and in some cases the debtor was worth fifty or one hundred thousand dollars. There is a too general lack of business faith. You cannot safely purchase cotton, naval stores, or other merchandise on samples. I have known men to sell rosin on samples, and the only barrels worth the freight were those opened as samples. The laws are slow or useless for any redress. I have known such cases as would shame the commonest street broker in New York. Collections are made more easily by the military when they have authority.

Question. How do the secessionists receive President Johnson's liberal policy of treatment?

Answer. With rejoicing. Everything favorable from the President is published with capital headings. They receive it with great satisfaction, and proceed to lampoon the "radicals," the "Yankees," and the "Freedmen's Bureau." Every friendly act by the President seems to authorize them in more violent abuse of Congress, the bureau, and everything they call radical. The papers are stronger in their denunciation, they try to overreach us by public excitement, to intimidate us by greater insolence, the courts are more grasping, the mayor's court more severe, until I could not help calling it "The confederate advance." The laws of the State retain whipping, cropping, branding, and letting or binding to service as punishments for crime. My assistant heard men say in the street that they would soon get rid of the d—d niggers when the Freedman's Bureau was withdrawn. I believe he used the terms, "would soon kill off the niggers."

Question. Have you had any knowledge of such whipping cases?

Answer. Yes, sir. I interfered and stopped the whipping of some freedmen by the sheriff of New Hanover county.

Question. Was the whipping ordered by the justices of the peace?

Answer. By what is called the county court, the court of pleas and quarter sessions, which consists of the justices in the county sitting together quarterly, with a presiding member.

Question. Has that been of frequent occurrence?

Answer. No, sir; it only occurred once after I went there. I saw it going on, stopped it, requested the court to suspend the lash, and forwarded a report, with a request that such punishment be forbidden. It was referred to the general commanding the department of North Carolina, but no action had been taken when I left.

Question Has there been any case of cropping since you went there?

Answer. Not to my knowledge.

Question. In case the federal troops and the Freedmen's Bureau should be removed from North Carolina, what, in your opinion, would be the conduct of the white secessionists towards the colored freedmen?

Answer. They would endeavor to reduce them to a system of peonage immediately. Instead of treating the laborers well, and inducing them to become contented, prosperous and trustworthy, they would try to compel for the master's interest. By controlling wages and keeping them low, they would render the colored man helpless and dependent. By vagrant acts they would try to take legal control of the labor. Even now, forced indentures are not very unusual. The court of pleas and quarter sessions of Sampson county apprenticed a large number—several hundred children—generally to their former masters, and in many cases simply upon the request of the late master. They generally took the older children only. Some of these children were at the time living and working in other counties, and the local armed police were sent after them, seized them from their employers, and forced them to go back to their former masters.

Question. Children who had parents living?

Answer. They made no particular inquiry about that. At the meeting of the court, about February 20, 1866, the former slave owners met at the court and had the children apprenticed to them. Many were apprenticed who had one or both parents living, and orphans who were amply able to care for themselves.

Question. For how long a time did they bind them out?

Answer. Until they were twenty-one years of age. Those below seven years were not generally taken, but from that to 20 years they were generally. One case was proven to me as follows: three brothers were bound—one was 20 years old, had a wife and one child, was earning from $25 to $32 per month; the next, about 17 years old, earning $16 per month; the younger, about 14 years old, was earning $5 per month, and his rations and clothes. These three were apprenticed, seized by the local police, and taken from Bladen county back to Sampson county, to their former master, to serve until they were 21 years old.

Question. Did the Freedmen's Bureau interfere?

Answer. Yes, sir; General Ruger ordered a company of troops to that section, and I sent an officer of the bureau. The assistant commissioner of the State pronounced the whole

action void by a sort of circular or proclamation. Many of these children are yet held, as they are distant from our officers, and we have to depend on white interested evidence in many cases. The apprentice system has been greatly abused. There was another case tried before me worse than this. A man named B. M. Richardson, formerly of New Jersey, took a colored boy nearly 20 years of age, drew a revolver on him, choked him, whipped him with a club, tied his hands, whipped him with a half a hoop, kept him tied six or seven hours, whipping him every few minutes with a doubled leather strap, hurting him so bad as to disable him for two days, so that Richardson's son testified that they had to rub the boy with "lobelia ointment," on account of the injuries inflicted. This was all done to compel Dan. Bagley's (the freedman) consent to an indenture of apprenticeship! Richardson confessed to one gentleman he had given "Dan" three hundred lashes or blows at a single whipping. He also wrote a letter to Dan's former master about as follows: "Dan is still with me. I like him. I had to give him one dreadful whipping. After I gave him this whipping I did not have so much difficulty in making a bargain with him. Some of the other niggers put bad ideas into his head, but I whipped it out." All this was proven beyond the shadow of doubt before me, and Richardson had full opportunity afforded him for defence. He had two good lawyers. I had the fellow arrested, and forwarded the papers, and he would be brought before a military commission if they are not discontinued. It was on this trial that a witness swore he would not believe "Ben Simpson," (freedman,) and the reason was, Ben was black.

Question. How do the white secessionists regard and speak of the acts of cruelty to which you refer?

Answer. They generally refuse to believe them, and defend the criminals by saying they know they are honorable, high-minded men, who would do no such thing. Such a recommendation generally means that such men are good southern men.

Question. But suppose they should see the act committed?

Answer. They would make no complaint as a general thing. They would, also, be unwilling to appear as witnesses. There are, however, some who accept the situation, as I have mentioned, and who want the labor question settled properly, and these would give testimony, and some such gentlemen did in this case upon my summons.

Question. In your opinion, in case the military and Freedmen's Bureau were withdrawn, what chance would the freedman have of obtaining his rights in a North Carolina court?

Answer. In the first place, he would have difficulty in getting his case before the courts; and in the second place, when before the court, all the testimony he could bring would be overborne by the testimony of a single white man, if he was what is called a good southern man, "a gentleman," as they say, "a man of honor."

Question. The freedmen would stand very little chance of getting justice?

Answer. Very little, if the defendant or other party to the action was a white man. There are some of the magistrates for whom I had a rather high respect; but all are affected by the prejudice I have mentioned, whether they appreciate it or not. Judges and jurors may have pure motives and yet do wrong through long practice under slave codes and be prejudiced from childhood. As soon as all military force or law is removed, the ultra secessionists will obtain full control of all civil affairs. Such has already become the case in Wilmington. The present mayor of the city is such. He told me he had embarked his all in the secession cause, and had not expected to save anything if the cause was lost. Now that his property is restored, he feels stronger. He pretends to a sort of Unionism, but does not show it. His marshal is General Ransom, I have mentioned, and the policemen of the city are appointed upon the test recommendation, that they have served faithfully in the confederate army. The policemen are the hardest and most brutal looking and acting set of civil or municipal officers I ever saw.

Question. A terror to those who do well?

Answer. A terror to everybody, I should think—certainly to all colored people or loyal men. I heard gentlemen living in Wilmington say they could never again have any self-respect if they should be arrested by such men, even for the most trivial complaint or suspicion. The present mayor of the city kept a whole colored family in prison thirty-six hours because their dog bit or tried to bite a policeman who attacked a boy on the street. There was no offence at all, and the family were then only released on my urgent statement of the case to the mayor and demand for their release. The question is, into what hands will the execution of the civil law pass? I was sitting in my room one evening about eight or nine o'clock, and heard loud talking upon the street. It continued, and I recognized a woman's voice. I went out and saw a woman (colored) in charge by two stout police. I waited, and they were laughing at her and she was rather noisy—intoxicated I should think. They stayed there on the street, in all, twenty minutes or half an hour; and when I stepped down upon the pavement and approached them, I heard a sharp rap which could have been heard a square. The policeman felled the woman senseless to the ground with his bâton. She was a slight woman, hardly able to handle a boy twelve years of age. I made a complaint before the mayor, but the policeman's statement and that of his comrade was better than mine. His act was approved by the court. A negro man was so beaten by these policemen that we had to take him to our hospital for treatment. These things are generally in the night-time. The policeare not uniformed, or only wear a star. A colored man some-

times does not know who attacks him, or why. The statement of the policeman is enough. I found usually the offence charged was slight, as in this case, only suspicion that he had fired a pistol in the night time. Nothing of that was proven, and the criminal was held for resisting an officer of the law. There are numerous cases of this kind in the city and country. I directed my assistant, Major Wickersham, to arrest the offending police and fine them for assault and battery. There was no protection before his honor the mayor.

Question. Did he knock this woman down with a policeman's baton?

Answer. It was a club about twice or three times as large as the usual baton; a club 18 or 20 inches long sometimes, such as boys use to play base ball with, with which you might knock a man's brains out at one blow. Your first impulse would be to walk around and avoid one of these police when you saw him on the street. There are Portuguese, Irish, and other nationalities among them, and all look bad and vicious. I appealed to the mayor to punish these two police, or particularly the one who struck the woman. I told him, to say the least, there was danger in habitual conduct like that—for the peace of the city and safety of society to prevent or punish it. The police made their statement, and other witnesses appeared to show that the woman attacked the police and all that, and I was overwhelmed. The mayor replied, "You see I always require my police to tell the whole story, even if it criminates them, and I require them to do their duty thoroughly; that his police acted in self-defence."

Question. In case the Freedmen's Bureau or the federal troops are withdrawn from North Carolina, what will be the ultimate result to the freedmen; can they live there?

Answer. The colored race, if left entirely to the control of the whites there, will be ultimately exterminated by bad treatment, the hard mode of life they will be reduced to and consequent disease.

Question. Will not the perpetual oppression of the white race produce something more terrible than gradual dwindling away of the black race?

Answer. There is great danger of that now, at times. When the freedmen were publicly whipped the others were very much excited. Freedmen of intelligence and some means of life came to me weeping at the degradation they were subjected to. They begged that I should protect their race. They said that at a word from them the colored people would have rescued the prisoner, but they prevented such attempts. I advised quiet, and they said they would keep so if their rights were protected, or if there was reasonable hope they would be. They had no sympathy with crime, but abhorred the brutalizing method of punishment. This law applies to whites and blacks alike; but the practice would be that ninety-nine blacks would be punished in this way to one white man. Such degrading punishments always fall upon the unfortunate and poor race. The whipping, heretofore left by law to masters, and done on the plantations, will now be done at the public whipping-post, if allowed.

Question. Have the blacks arms?

Answer. Yes, sir; to some extent. They try to prevent it, (the whites do,) but cannot. Some of the local police have been guilty of great abuses by pretending to have authority to disarm the colored people. They go in squads and search houses and seize arms. These raids are made often by young men who have no particular interest in hired and trusty labor, some of them being members of the police and others not. The tour of pretended duty is often turned into a spree. Houses of colored men have been broken open, beds torn apart and thrown about the floor, and even trunks opened and money taken. A great variety of such offences have been committed by the local police or mad young men, members of it. Mules and horses given to negroes by the army have been taken away, and great difficulty is experienced in getting them. Such acts greatly interfere with the efforts of the bureau to restore confidence between laborer and employer. They unsettle labor, lessen greatly the product of the country, and injure all in their ultimate effects.

Question. Is there much inclination among the negroes to rise?

Answer. No, sir. Such is not the nature of the race. They are naturally quiet when well treated. They will endure more than nearly any other people, because of their domestic disposition. There is some slight tendency toward outbreaks in Wilmington, because they think they have suffered greatly there from the police. Some colored men there told me they could not possibly avoid a difficulty with the police, though they behaved ever so carefully and correctly.

Question. Is there any system of passes now in force in Wilmington?

Answer. No, sir.

Question. Is there anything else of importance that you can state?

Answer. Nothing that I think of. There is a lack of willingness on the part of former owners to pay debts to freedmen or recognize their full rights. This arises from their long habit in owning them. They sometimes claim the right to have children apprenticed to them, for the reason that they raised them, (while slaves,) though their parents are living.

WASHINGTON, *April* 11, 1866.

Thomas M. Cook sworn and examined.

By Mr. HOWARD:

Question. Where are you residing now?
Answer. In Wilmington, North Carolina.
Question. How long have you resided there?
Answer. A year February 22d last.
Question. What description of business are you engaged in?
Answer. Publishing a newspaper, the Wilmington Herald.
Question. What was your occupation during the civil war?
Answer. I was an army correspondent for the New York Herald.
Question. Did you accompany the army chiefly?
Answer. I accompanied the army and the navy, and had a pretty extended experience of the army, having made a tour of the department on two occasions.
Question. Were you one of the principal correspondents of the Herald?
Answer. Yes, sir; we were all on a par.
Question. You regarded yourself as among the leading correspondents of that paper?
Answer. I do not know as to that; I believe I got as good pay as any of them.
Question. As a correspondent you had the confidence of the editors?
Answer. My position was such that I was sent on special expeditions whenever battles were anticipated. I was complimented by the Navy Department for my description of a battle, and I was sent for to accompany the Fort Fisher expedition.
Question. To what political party have you been attached during the last four or five years, if any?
Answer. I should say I was most in sympathy with what was termed at the north the war democrats, having been always a democrat.
Question. Have your opportunities been extensive for observing the state of public feeling in North Carolina in reference to the war and in reference to the government of the United States?
Answer. I may state, that immediately upon the surrender of General Lee, I was sent to Richmond, with a view of discovering the secrets, if there might be any, attending Mr. Lincoln's visit there at the time of the surrender, and had several interviews with General Lee, Judge Campbell, and with others high up in position in the confederacy. I remained at Richmond about six weeks on that duty, and then I received instructions to go across the country, investigating the sentiment of the people. I went by the way of Petersburg, Danville, Greensborough and Raleigh, as far as Wilmington, North Carolina. I was induced to remain there and attend to my own affairs, resigning my position on the Herald. Since then I have been on several trips through North Carolina, and have been more or less in communication with gentlemen of influence and standing in the State.
Question. Did you make any peculiar discoveries in reference to Mr. Lincoln's mission to Richmond immediately on the evacuation?
Answer. I made discoveries that were not known to the public—discoveries that I was not permitted then to make public, but which I think have since been made public.
Question. Do you feel at liberty to state any of them?
Answer. Inasmuch as they have been printed, I do not know that there is any secret about them; it was merely the details of what Mr. Lincoln did at Richmond. I think I succeeded in tracing every step he took in and about Richmond; what interviews he had, and what correspondence he entered into; all of which I have either seen in the original or in copies. I discovered that Mr. Lincoln had two interviews at Richmond with Judge Campbell. At the second interview he submitted to Judge Campbell, in writing, unsigned, a paper covering two pages of foolscap. This paper contained three points, which Mr. Lincoln considered, in his language, essential to peace, and gave his own views as to the manner in which peace might be acquired, contingent on the acceptance of those three points.
Question. Has that paper been ever published?
Answer. A synopsis of it has been.
Question. In whose hands did you see it?
Answer. I saw a copy of it in the hands of Judge Campbell.
Question. Did you ever see the original?
Answer. No, sir.
Question. Did Judge Campbell pretend that he had the original?
Answer. Not at that time; I can give you the history of it if you care for it.
Question. Give it briefly.
Answer. On the evening that the city was occupied by our army, Mr. Lincoln went up to the city with Admiral Porter; before they got there, Judge Campbell, who heard they were coming, called on General Weitzel and requested an interview with Mr. Lincoln, representing to General Weitzel that the interview might be profitable. General Weitzel rather threw him off, and Judge Campbell then went to the other general who was military governor

there. This general went with him again to General Weitzel, and the result of that interview was, that General Weitzel said, that when Mr. Lincoln came he would notify him. Mr. Lincoln came in the evening, and General Weitzel told him that Judge Campbell desired to see him. Mr. Lincoln remarked, in substance, that he had no objection to a few minutes' interview. General Weitzel sent across to Judge Campbell, whose residence was nearly opposite. He came over and was the principal spokesman; Mr. Lincoln remained quiet and let Judge Campbell have his say. Judge Campbell was very anxious to get an authority to treat for peace; he said that if Mr. Lincoln would give him authority, he would go through the lines and see Mr. Davis, and would undoubtedly effect a treaty of peace immediately. Mr. Lincoln, finally, after twenty minutes' interview, told him that if he would call upon him in the morning with some prominent citizens of the town, he would like to have a further interview with him, and then he dismissed him. Next morning Judge Campbell, who did not succeed in finding any prominent citizens, except one, Mr. McGraw, a merchant, went with him on board the Malvern, Admiral Porter's flag-ship, then lying at the Rockets, and met Mr. Lincoln. Mr. Lincoln then became more of the spokesman than on the previous occasion. He made a number of inquiries as to the sentiments of the southern people, the disposition of those in authority in the south, their wishes, views, purposes and plans. Finally, in an off-hand manner, he put his hand in the breast-pocket of his coat and pulled out a paper, unsigned and undated, handed it to Judge Campbell and said it contained all that he had to say on the subject. He delivered the original to Judge Campbell.

Question. This you got from Judge Campbell himself?

Answer. That I got from Judge Campbell himself. This original was taken and shown to a number of citizens of Richmond. It was in Judge Campbell's custody for three days. In the mean time Mr. Lincoln returned to Washington. In that interview Judge Campbell had suggested to Mr. Lincoln the propriety of calling together the legislature of Virginia—I mean the rebel legislature. Judge Campbell's own language to me was: "I suggested to Mr. Lincoln the propriety of calling together a number of the leading gentlemen of Virginia"—meaning the legislature. He contends that that is the phraseology he put it in.

Question. Did he pretend that he said "the legislature of Virginia?"

Answer. No; he pretends that he said, "a number of the leading citizens of Virginia," by which he intended to designate the legislature, although he says it was his intention to include other persons. He had proposed that in the first interview. He says that in the second interview Mr. Lincoln spoke to him on the same subject, and used this language: "I have been considering a plan of assembling the legislature of Virgmia, and if I can work it out in my own mind satisfactorily I will notify you." Mr. Lincoln added: "I consider it extremely important that the body which attempted to take this State out of the Union should repair the damage done"—or should take it back into the Union. The precise language I do not recollect. Then the interview terminated. The next day General Weitzel received a note from Mr. Lincoln, written from City Point, authorizing him to permit the assembling of the legislature of Virginia. The construction I put upon it was that Mr. Lincoln, in the honesty of his heart, did not study the language he was using, and meant the same body—the unofficial body of gentlemen of whom Judge Campbell had spoken—understanding his meaning to be the legislature of Virginia, but without recognizing it as possessing any legislative authority. He simply meant to allow them to assemble there and pass any form of a bill they pleased to recognize the authority and jurisdiction of the United States. Mr. Lincoln's idea, as I infer from the whole tenor of the interview, was that while this might not be an official body, yet, it having presumed to exercise the functions of State authority in taking the State out of the Union, that same body might, in the exercise of those presumed functions, take it back into the Union, and so satisfy the popular mind of the State. The authority came back to General Weitzel to permit that assemblage, and a call was issued for the legislature. Immediately on the return to Washington of Mr. Lincoln an order was received by General Weitzel, by telegraph, revoking the order for the assemblage of the legislature of Virginia, and required General Weitzel to collect all the papers that had passed in these interviews and to suppress them. When I went to Judge Campbell for the paper containing the three propositions Judge Campbell told me that General Weitzel had demanded the paper under written orders; that it had already been copied before it was ordered to be returned; that he notified him that he had a copy of it, and returned the original; but he did not understand that he was called upon to go about and pick up all the copies that had been taken of it, inasmuch as there had been no ban of secrecy put upon him. It was one of those copies that I returned. I then went to General Ord, who had succeeded General Weitzel, and asked copies of the papers. General Ord did not dispute their existence, but said that under his orders he did not feel at liberty to let them out. At that time the assassination of Mr. Lincoln had taken place, and I said to General Ord that it was due to Mr. Lincoln's memory and to history that these papers should be published. He advised me to go to General Halleck, stating, I think, that he had forwarded the papers to General Halleck, or had ordered them to be forwarded. I went to General Halleck, and he positively denied any knowledge of the papers. General Halleck was then at Richmond. I was then advised to see General Weitzel about them. I saw his adjutant general, who told me that General Weitzel would give them to me. I wrote a note to General Weitzel, and made an appointment to meet him on a certain day at Petersburg.

I wished to get the President's note to him authorizing the assembling of the legislature, because General Weitzel was then under a cloud in consequence of having permitted it. His adjutant general advised me that General Weitzel would be glad to have that letter published; but I was called away before I had time to go to Petersburg, and I did not see him, and did not get the letters.

Question. You say you have read a copy of the document furnished by Mr. Lincoln to Judge Campbell?

Answer. Yes, sir.

Question. Have you a copy of it in your possession or control?

Answer. Yes, sir, I have; but I do not know where it is just now. I think I have it in New York.

Question. Please state the contents of that paper as accurately as your memory enables you to do.

Answer. It is peculiarly Lincolnish in its style. It was more a memorandum than anything else. It opens without any address to anybody, in this way: "Three things are essential to peace: first, a complete disbandment of all forces in hostility to the United States; second, a full recognition of the authority of the government of the United States throughout all the territory in which that authority had been resisted; and, third, no recession by the Executive from his position on the question of emancipation as proclaimed in his recent message to Congress and in other documents." These are the ideas, I think. Then he adds: "Any questions of difference not inconsistent with the foregoing will be considered in a spirit of generosity and kindness." He speaks also, I think, in that same paper of the confiscation laws, and conveys the idea that Congress had left the power with him to execute the confiscation laws. He makes no distinct pledge, but allows the inference to be drawn that, if the south immediately concedes these points, the confiscation law will not be enforced. I think there is also a paragraph in the note which gives to individual States the right as States of accepting these terms, each State for itself.

Question. Will you furnish the committee with your copy of that proposition?

Answer. That needs another explanation. Judge Campbell, when he showed me that paper, advised me that he was not authorized to give it to me, stating as a reason for not giving it to me, its suppression by the government. I then asked him if I might take an abstract of it. He was not prepared to permit me to do so at that interview. However, he said that he would consider it and let me know the next day. I saw him the next day, and he said that I might take the leading points of the paper. I took his copy, and took off the three essential points in full as they were written, and a synopsis of the additional remarks and paragraphs. Subsequently Judge Campbell had occasion to hand me a paper which I had requested him to make up for me relating to his connexion with efforts for peace, in which he embodied a synopsis of that note more full than my own, and I think I adopted that. This paper was printed in the New York Herald of a date immediately succeeding the publication of letter giving Mr. Stephens's views. I wrote my letter to the Herald, giving the results of my examination down there, and accompanied it with a private note covering the fact of the government suppressing these papers. The Herald, which has always been careful not to publish what the government wished suppressed, suppressed my letter. Two or three months afterwards somebody had an interview with Mr. Stephens, of Georgia, and he permitted the publication of a long article covering some points connected with the Hampton Roads peace mission, which seemed to justify the New York Herald in publishing my letter. I saw it in print, but cannot state the exact date when it was published. The paper I refer to was embodied in that letter.

Question. Have you an entire copy of the document, or what purports to be an entire copy?

Answer. No, sir; I have not. I have simply an entire copy of the three essential points. During the Hampton Roads peace mission, in speaking of the treatment that should be meted out to those who had been in hostility to the government, (and in this I think Mr. Stephens concurs with Judge Campbell,) there was an anxiety manifested to know what should be done with those high in authority, and Mr. Davis's name was brought up. Mr. Lincoln remarked that Mr. Davis had made use of the expression that he would not accept a pardon from him, and said that what wasn't worth asking for wasn't worth having, but that almost anybody might have almost anything he wanted by asking for it.

Question. Is there anything else on that subject which you wish to add?

Answer. No, sir; I think not.

Question. You have resided at Wilmington, North Carolina, for many months: are you well acquainted with the state of public feeling among North Carolinians, especially secessionists, in reference to the government of the United States?

Answer. I think I am.

Question. What is the general feeling among influential secessionists in that State towards the government of the United States? Is it friendly or unfriendly?

Answer. It requires qualifications to express it. I think the sentiment is quite friendly toward the government, but they want their finger in it. They want it somewhat in their own way. They do not consider the government as friendly towards them. They claim a good deal. I think they are exacting. I think they are, perhaps, importunate in some of their demands. They go further than they are justified in going. I have told them so in

my paper on several occasions, and told them that it would be more becoming in them if they demanded less, and that they might then have more expectation of receiving something; in other words, that they were not in a condition to demand anything.

Question. You are now speaking of the influential classes of secessionists?

Answer. Yes, sir.

Question. Do you hear among them contemptuous expressions towards the government of the United States?

Answer. I think not. I have heard contemptuous expressions towards individual members of the government. I do not know that I have heard such towards any distinctive branch of the government, but towards individual members of it—perhaps, towards majorities in Congress. I do not think that I have ever heard a contemptuous expression of the President, or of the military authorities, (although I have towards certain military officers,) nor of the judicial branch of the government. I have heard them express a desire that certain questions should be submitted to the Supreme Court of the United States—a desire that cases might be made up and brought before that court. They seem to feel a confidence that they would come out right.

Question. How is the feeling among the lower classes of secessionists?

Answer. I have no sympathy with what you call the lower classes of secessionists. We call them hot-heads. They are principally young boys around the street; ex-rebel officers who have not had their blood cooled down. They have been particularly down upon me, and I have kept aloof from them.

Question. What feeling do they manifest towards the government?

Answer. I think they are not actuated by any wisdom. Their blood is fired, and they are prepared for any sort of a row they can kick up. They are opposed to the government and to anything that is good.

Question. Do they express a desire for the recurrence of a war?

Answer. Not in that way. I have heard them make remarks like this: "If these things are going on, by God we will have within five years a worse war than we ever had before. We will have a war of extermination." But if you go on and talk with those people, they will admit that they would be the exterminated party, but that they would fight rather than submit to this, that, and the other.

Question. What is it that they are so opposed to?

Answer. These questions and remarks would come up on discussions about the admission of the negro to the right of suffrage, or to full civil equality. They fear that the negro would be admitted to the jury-box. They fear that more than anything else. I do not think there is any opposition, even among these people, to negroes being admitted to testify in cases in which they are parties in interest; but they seem to have an undefined fear that this measure leaves the negro liable to do service in the jury-box, and that at any time negroes may be called upon a jury to try a white man. There is a good deal of that feeling.

Question. Are they not aware that there is no law of the United States which would require a negro to sit upon a jury?

Answer. They are not fully conversant with all the laws; and, moreover, they apprehend more what may be done than what is done already. The agitation of these questions in Congress and in the State legislature brings the matter up.

Question. Have you heard anything said about a war between the United States and any foreign government among the secessionists of any class? If so, state what their feeling is in reference to it.

Answer. I had a very long conversation on that point, immediately after the final surrender, with an officer whose name I cannot recollect—a general officer of the confederate army. We went from Petersburg to Danville together in the train. The conductor had given me a seat in his caboose car, and this officer was riding on the platform. I got acquainted with him and got him a seat inside. We conversed upon general subjects, and that subject was brought up. I asked him his views upon it. He referred to my letter, published in the Herald, relating to General Lee's private views. After Lee's surrender I had an interview with him in Richmond, and I published his views, in which there was some remark made about General Lee complaining that he was burdened with applications from his officers to end them in expatriation schemes, or filibustering schemes, perhaps, to Brazil, Guatemala, and other places. He had dissuaded them from these ideas. This officer remarked to me that upon the appearance of that letter of mine he was with a group of officers in Richmond, when the subject was brought up, and the question was, "Supposing this country should get into war with France, what would you do? and you? and you?" And he said to me that they agreed unanimously that it was their duty to support the United States. That conversation impressed itself upon my mind. I have since had casual conversations with other persons, in which various sentiments were expressed, but I do not know that I have heard any one say that he would join the common enemy, although some have said they would not support the United States in a war. I do not think I have heard any one say he would join the common enemy.

Question. Have you reason to suppose that the secessionists generally have laid aside all schemes of ultimately getting out of the Union and establishing an independent government in the south?

Answer. I am so impressed. I think it is their honest purpose to abandon all hostility towards the government. I think they are convinced of its hopelessness. I have talked with a great many on that point.

Question. Suppose the government of the United States was engaged in an obstinate war with a foreign power, such as England or France, and suppose it should become apparent in the course of it that by means of that war the secessionists would have an opportunity to get out of the Union again, do you not think they would embrace it?

Answer. That would be a mere matter of opinion. I have heard that matter discussed a good deal. My own opinion is that they would not. I suppose there might be individuals in the south who would go with the enemy, but they would be exceptional cases.

Question. Suppose they should discover that war so crippled the power of the United States as to render it impossible that the United States could still keep them in the Union by the force of arms, do you not think they would make an effort, under those circumstances, again to withdraw from the Union and to establish an independent government in the south?

Answer. My opinion is that they would not. I base that opinion upon the repeated assurances of the majority of the people that they went into the war reluctantly; that they loved the Union, but that they were dragged into the war by State-rights ideas; that they were thus committed to the war, and had to fight it out to the bitter end. They were defeated in that. Their affection to the old Union revives. They are back in the Union, and do not want any more experiences of war.

Question. This opinion is based upon your observations and experience in North Carolina?

Answer. Yes, sir. My office is a pretty common place of resort for a very good class of citizens of all political sentiments. The leading men come there in the evening and read the paper and chat. They have come to me a good deal for advice and assistance with the military, and I have been able to render them some assistance many times. I have thus got their confidence, and they talk with me quite freely.

Question. How do they feel generally in regard to allowing the freedmen civil rights?

Answer. I think they want to qualify their rights. They are willing to admit the negro to testify in courts in cases where his own interest is involved. They are willing that he should sue and be sued. They are not willing that he should have a vote, nor that he should sit in the jury-box, nor that he should hold office.

Question. Are they generally willing that he should have the capacity of acquiring, enjoying, conveying, and transmitting by descent lands and real estate?

Answer. I think they are. Since Trumbull's bill was introduced in Congress I have come out in my paper in advocacy of full negro equality before the law to its fullest extent, placing the negro in courts of law precisely where the white man stands. But I took the ground that socially, no legislation could make him the equal of the white man, and the legal rights did not confer political rights; that he was now a freed man, and under the genius of our institutions was entitled to all the privileges of that position, to sue and be sued, and to attain every right which any other man could attain before the law. My articles on that topic were very kindly received. I do not recollect that they were dissented from by a newspaper in the State, and, excepting in unimportant particulars, they were not dissented from in any conversation that I had with people growing out of them.

Question. Is there not a strong prejudice against freedmen in North Carolina?

Answer. Not among thinking men.

Question. Among the masses?

Answer. Among the classes whom I denominated "hot-heads" there is.

Question. Would those "hot-heads" generally be disposed to give the negro justice in regard to his rights?

Answer. I do not think it would make much difference whether they are or not. They are an unimportant class of the community. They are boys and young men thrown upon the world and living upon the street corners.

Question. Do you think that an ordinary jury in North Carolina could be safely relied upon to give the freedman his rights in all cases that might come before them, as willingly as they would to a white man?

Answer. I think they would. The whipping and branding of negroes, that have been commented upon in newspapers recently, are applicable alike to the whites and the blacks. The infliction of these punishments on blacks, which has led to so much newspaper comment within the last few weeks, was done under the impression that all laws that were applicable to both races might be enforced.

Question. Do you mean to say that there is a law in North Carolina allowing white men to be flogged for petty offences?

Answer. Certainly. We have no penitentiary in our State, and they flog and brand for petty offences.

Question. Have you ever heard of cases of white men being flogged and branded?

Answer. I have seen white men who had been branded. Since the criminal courts have been in session again recently, there have been no cases brought before them except a few cases of negroes. Our county court sentenced a negro to be sold into slavery, when the military interfered and demanded that the sentence should be set aside, because the law was not applicable alike to the whites. That sentence is not applicable to whites, and there-

fore the law could not be enforced. But in the case of whipping and branding, a white man convicted of larceny can be whipped or branded. This law is applicable equally to whites and blacks.

Question. They have no penitentiary in North Carolina?

Answer. No penitentiary or workhouse.

Question. They have no place of confinement except the common county jails?

Answer. Only the common county jails. When I came away the mayor of Wilmington was perfecting an arrangement with the superintendent of the Freedmen's Bureau for the organization of a chain-gang to work on the streets, to use up a large element of idle, vagrant negroes who hang around town having nothing to do, living on government rations. They were being constantly brought before the mayor's court, the mayor having authority from the Freedmen's Bureau to pass upon them, save in an exceptional case, where the agent of the Freedmen's Bureau comes in and sits with the mayor. The agent had seen so much of them that he was willing to permit this chain-gang to be formed under the circumstances. It was to be put in force immediately when I came away. I heard it both from the superintendent of the bureau of the district and from the mayor.

Question. How do they feel in North Carolina in regard to the education of freedmen, and in regard to furnishing facilities for their education?

Answer. I demanded of the constitutional convention, when it was in session, that it should incorporate into the constitution a provision for the education of the blacks, and the only opposition I received was from a man who professes to be a very strong Union man—a very wealthy man and a leading citizen of the town. I got into an animated discussion with him. He objected on the common ground of an objection to all education of labor, that old-fashioned idea which could not be removed from his brain.

Question. Did the convention pass any such provision?

Answer. It did not. I then demanded of the legislature that they should do it, but they did not have time to devote to it. But I think there is no objection to the education of the freedmen. The people object to, and find a great deal of fault with, missionaries coming there to educate their blacks. They fancy that these missionaries interfere with other matters, in the relations between the servant and his employer. They express, in this connexion, a willingness to undertake the education of the blacks themselves if they are only left alone. I think there is an element in Wilmington that would urge it and advocate it. There is a pretty large northern and Union element there.

Question. You think it probable that if these missionaries from the north would refrain from going there, the white people of North Carolina would go to work with alacrity and educate the freedmen?

Answer. No, sir; I don't think they would. But I think there is an element in that part of the State that is disposed to effect it. We are building up quite a large party there. Wilmington was settled originally from New England, although it was the most secessionist part of the State. The old residents are New Englanders, and I think they are disposed to admit the benefit that labor derives from education. On the last Fourth of July they invited me to deliver a Fourth of July oration, at which we had a very large attendance of all classes of people. I insisted in that oration that they should go to work and educate the negroes, and I illustrated the benefits of their education. The sentiment was loudly applauded, quite as loudly as anything else I have said.

Question. Is there anything else you would like to state?

Answer. I would like to say this, that if the question of the rights of States to be represented in Congress could be settled by allowing the States to be represented, and if the question should be confined to the right of an individual to represent his constituents; in other words, if any person, coming here with proper credentials as a representative from a southern district, is qualified to take the test oath, and is prepared to take it, his admission to Congress would have a very beneficial effect, in my opinion. The people down there think that Congress is obliged to admit representation, but that it has the right to judge of the qualification of its own members. They say that Congress has fixed that qualification in the test oath, and that if they send a man to Congress who is willing to take that oath, Congress has no right to exclude him. They say that that is unjust and hostile to their section. Therefore, instead of exercising the principle of loving their enemies, they feel like hating them.

Question. Could a man be elected in any district in North Carolina who could truthfully take the test oath?

Answer. There were two men elected in the State who could take the oath. In my district I advocated the election of a test oath man, and he was very badly beaten at the last congressional election. The argument that defeated him was that if he was elected he would not be admitted, that Congress would not even admit a man who could take the test oath, and that they might as well elect a man who could not.

Question. The man who was elected had been an out-and-out secessionist, had he?

Answer. Yes.

Question. Are not the persons who took part in the rebellion more popular than the Union men?

Answer. Yes, sir; decidedly so. A test oath man, as we call him, is not considered a representative man in the south.

Question. Are the masses of the people of North Carolina more friendly and genial to the government of the United States, or less so, than immediately after the surrender of Lee and the collapse of the rebellion?

Answer. I think that immediately after the surrender there was an enthusiastic friendliness to the United States. Everybody wanted to show himself to be a Union man; that he always had been such, and never anything else. That enthusiasm has died away, and I do not think there is that degree of friendliness now that there was then, although the displacement of friendliness does not give place exactly to unfriendliness.

Question. How would the masses of the people of North Carolina act, if they had the power, in reference to the payment of the debt of the United States, contracted in putting down the rebellion? Would they consent to pay it cheerfully?

Answer. I think they would.

Question. Would they not also like to pay the rebel debt, contracted to carry on the rebellion?

Answer. I think not.

Question. Why not?

Answer. The rebel debt is already extinguished. They have paid it, and now they have got to pay part of the United States debt.

Question. How have they paid the rebel debt?

Answer. They have destroyed their bonds or thrown them away.

Question. Is not the rebel indebtedness selling rather high in the market in North Carolina?

Answer. The last I heard of it, it was selling, I think, at five dollars a thousand. There have been some operations in it, for the purpose, I fancy, of meeting existing contracts, abroad or elsewhere. Parties would make a tender of payment in it to clear their skirts.

Question. Have you any idea what amount of confederate bonds is now held by British capitalists under the cotton loan, so called?

Answer. No, sir. I made some estimates, but I do not recollect them now.

Question. There is a large amount there, I suppose?

Answer. I presume there is. I tried to get hold of that very data in Richmond, but I did not find it.

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WASHINGTON, *April* 12, 1866.

Dorence Atwater sworn and examined.

By Mr. HOWARD:

Question. Where were you born and raised?

Answer. Terryville, Connecticut.

Question. What has been your education?

Answer. Common school.

Question. Did you serve in the army during any part of the war?

Answer. Yes.

Question. State in what capacity you entered the army.

Answer. As private in the 2d New York cavalry.

Question. Where did you serve mainly?

Answer. In the army of the Potomac.

Question. How long?

Answer. Forty-four months, commencing the 22d of August, 1861.

Question. Under whom did you serve?

Answer. General Kilpatrick.

Question. State whether you were made prisoner by the enemy?

Answer. I was captured near Hagerstown, Maryland, on the 7th of July, 1863, while carrying despatches to General Kilpatrick.

Question. That was after the battle of Gettysburg?

Answer. Yes.

Question. Where were you carried as a prisoner?

Answer. To Staunton, and from there to Richmond and Belle Isle. I remained on Belle Isle five months.

Question. Were you confined in Libby prison?

Answer. Not any length of time. I only stopped there one or two nights. I was in Smith's building about six weeks.

Question. What was Smith's building.

Answer. Smith's tobacco manufactory. That was where I kept the account of supplies received from our government.

Question. That is not what was called Libby prison?

Answer. No, sir; there were about a dozen tobacco manufactories there used as prisons. I kept an account of the supplies received there for the prisoners, supplies sent from the north, and the stores of clothing and rations sent by our government.

Question. Have you any reason to suppose that any of those supplies were clandestinely made way with by the rebels?

Answer. Yes, sir.

Question. What is your reason for thinking so?

Answer. Because I have seen supplies taken away by them.

Question. By the rebel soldiers?

Answer. I have seen them sent away by the officers in charge.

Question. Did you mention the fact to them on any occasion?

Answer. No, sir.

Question. Why not?

Answer. Because I did not think it would be of any use.

Question. Of what did those supplies mainly consist?

Answer. Of clothing and stores received from our government, rations the same as were issued to our army, coffee and sugar, &c. What was sent was only issued once or twice, and the rest was kept by the rebels.

Question. Did they deal in the same way with the private supplies sent by charitable persons at the north?

Answer. Yes, sir; I used to go down to the express building where these boxes sent by express were kept. The rebels used to open the boxes every time they came, and take out the citizens' clothing. They only allowed the prisoners to have what they called perishable articles. Canned fruits, or anything of that kind, they would not let the prisoners have, nor would they let them have the clothing.

Question. What would they allow them to have?

Answer. The perishable articles, and they were of no account.

Question. You remained in Smith's building six weeks; where did you go then?

Answer. I was sent to Andersonville, Georgia.

Question. How long had you been at Belle Isle?

Answer. Five months, from August till January.

Question. How far is Belle Isle from Richmond?

Answer. It is just across the river; not more than the eighth of a mile.

Question. State how the prisoners were treated and how they fared at Belle Isle?

Answer. There were tents at Belle Isle. The prisoners received rations once a day.

Question. What kind of rations?

Answer. Corn-bread; a quarter of a loaf.

Question. How made?

Answer. Mixed with water and salt.

Question. Was it ground with the cob?

Answer. I do not think it was. We also got bean or rice soup, and meat or bacon, two ounces for a ration.

Question. How much soup did they get?

Answer. Half a pint of soup.

Question. Was it well cooked and clean?

Answer. No, sir.

Question. Describe it.

Answer. It was bean-soup cooked with dirt and pods in the mass. There would be over a pint of beans in a common water-pail of soup. The rest would be water taken from the James river, and muddy. Sometimes we had sweet potatoes thrown into the kettle, all boiled into a mass, and baled out with buckets.

Question. Were many of the prisoners sick?

Answer. Yes; a great many of them were sick. They had no clothing until the latter part of November, when some was received from our lines. I saw, one morning, eight men who were frozen to death during the night. Men would be walking the streets all night to keep warm. I saw three men shot while I was there.

Question. For what?

Answer. One of them was shot for sitting down in the inside of the bank. He had just come in, and did not know that it was against the orders to sit there. The guard told him to get up, and when he got up, the guard fired and killed him.

Question. What were the circumstances in the two other cases?

Answer. One was a sergeant in charge of a working squad. He walked up to the bank to lay out some lines, and the guard shot him. Another man who was crazy ran out to the sink at night; it was against orders to go to the sink at night.

Question. How many prisoners were there at Belle Isle?

Answer. Between ten and twelve thousand.

Question. State whether there was a deficiency of accommodation for their lodging.

Answer. Yes, sir; there were fourteen of us at one time in a small bell-tent, which is used in our army for four men; we lay on the dirt all the time; we had no straw or beds of any kind.

Question. What time were these eight men frozen to death?

Answer. In December.

Question. Did you see them after they were dead?

Answer. Yes, sir.

Question. What was their clothing?

Answer. They had no shoes or stockings, hats or caps—nothing but the common army blouse and blue pants.

Question. Had they shirts?

Answer. I should think they had.

Question. How do you know they were frozen to death?

Answer. I saw them carried out, and knew that they were frozen. I saw them in the street before they were taken away. I saw also men whose feet and legs, up to their knees, were frozen.

Question. Were many frozen, either to death or partially?

Answer. Not any more that I know of, except those that I have spoken of.

Question. Were those facts made known to the officer in charge of the prisoners?

Answer. Not that I know of.

Question. Were they not made known to the surgeon in attendance?

Answer. The surgeon probably knew of them, because the bodies were carried to his tent or by it.

Question. Did you notice any improvement in your treatment by the rebels after that?

Answer. No, sir.

Question. State whether any prisoners died of starvation at Belle Isle.

Answer. I think there did.

Question. What was the general appearance of the prisoners there in the months of November and December—healthy or the reverse?

Answer. They were very poor, weak, ragged, and barefooted.

Question. What effect did this diet produce on their systems?

Answer. It produced diarrhœa and scurvy.

Question. What effect did it have on you?

Answer. It produced diarrhœa.

Question. Did you get any medical treatment?

Answer. I went out three times to see the surgeon. It was hard work to get out. We could not get out more than once a week, and we did not have medicine enough part of the time.

Question. Were the prisoners removed from Belle Isle that winter?

Answer. Yes; in the months of February and March.

Question. And you were removed with them?

Answer. Yes, sir; they came to Richmond, and I joined them there.

Question. Where were you all taken to?

Answer. To Andersonville, Georgia.

Question. How long did you remain a prisoner at Andersonville?

Answer. Eleven months. I left there February 2, 1865.

Question. Describe the treatment and fare of the Union prisoners at Andersonville.

Answer. They were enclosed in a stockade, which at first contained about eighteen acres, about one-fourth of which was taken up by a swamp. They had no tents, and no quarters there except some made by prisoners with blankets and brush, and some mud huts. Sometimes we received corn bread, ground cob and all, baked, or just the meal sent in without being cooked, and the men had to cook it themselves. They got bean or rice soup, bacon and fresh meat in small quantities, not to exceed two ounces to the ration.

Question. Did you have much fresh meat?

Answer. No, sir; but once a week.

Question. What was the quality of the fresh meat you did receive?

Answer. Very poor.

Question. Which was it—beef or pork?

Answer. Beef.

Question. What was the quality of the soup?

Answer. The soup was cooked in water in which bacon and fresh meat had been boiled for two or three days. The water was not changed; it was dirty, as the bacon had been boiled in it just as it was taken from the ash-house; the beans were boiled in it with pods and dirt.

Question. Was it filthy?

Answer. Yes, sir.

Question. Was this kind of soup used habitually?

Answer. Yes, sir; every day.

Question. This kind of bread, made of corn ground with the cob, was it furnished you habitually?

Answer. Yes, sir; bread was furnished to part of the camp, and meal of the same kind to the other part; they could not cook enough of it for all.

Question. State whether many of the prisoners were ill.

Answer. Yes, sir; all of them would have been considered fit for the hospital in our army

Question. What diseases did they complain of mainly?

Answer. Diarrhœa and scurvy were the most common diseases.

Question. Could you eat that kind of bread?

Answer. We had to, or else eat nothing.
Question. Did the men swallow the cob which was found in the bread?
Answer. Yes, sir.
Question. Did you hear of any remonstrance on the part of the rebel military authorities there against giving such bread to the prisoners?
Answer. No, sir.
Question. Nor as to the soup?
Answer. No, sir.
Question. State whether there was a great deal of sickness among the prisoners.
Answer. Yes, sir; they were nearly all sick.
Question. Did deaths occur frequently?
Answer. Yes, sir. In the month of August, 1864, the deaths averaged a hundred a day. The hospital was almost kept full continually, with 2,500 patients.
Question. Was the hospital within the stockade?
Answer. It was, at first—for the first three months; afterwards it was moved outside.
Question. What was the quality of the water that you used there, and how was it obtained?
Answer. The water ran through the middle of the stockade in a small stream.
Question. How much current had it?
Answer. Not enough to wash away the filth from the middle of the stockade. The sinks of the rebel camps were situated on its banks up stream. The rebel soldiers used to wash and bathe in the stream. The cook-house was also on its banks, and the grease from it could be seen on the water. Afterwards there were some wells dug by the prisoners, but they were filled up again by orders of the rebels.
Question. Did the prisoners obtain water by digging wells?
Answer. Yes.
Question. And these wells were filled up by order of the guard?
Answer. Yes, sir; nearly all of them.
Question. In what direction did this stream flow?
Answer. From west to east.
Question. And through that stream was drained the filthy water from the slope occupied by the rebel camps outside the stockade, and the sinks which they used?
Answer. Yes, sir.
Question. And the current of that stream, sluggish and dull as it was, brought down through the stockade the filth which thus ran into it?
Answer. Yes.
Question. And the Union prisoners were compelled to use the water, thus corrupted, for their own culinary purposes, and for drinking and washing?
Answer. Yes, sir.
Question. Was any remonstrance made against their treatment by the Union prisoners?
Answer. Yes.
Question. To whom, and by whom, and what was the result?
Answer. Prisoners spoke to the captain in charge, Wirz; but nothing was ever done to remedy the evil.
Question. As to lodging, and protection against the damp and cold, what were the provisions in the stockade?
Answer. Nothing. If a prisoner had a blanket or piece of tent when he went in there, he made use of it as a shelter. A great many of the prisoners dug holes in the banks, or made mud and brush huts.
Question. Was there any brush or trees inside the stockade?
Answer. There were a few pine trees when we first went there, but these were all cut down by the prisoners.
Question. Did they make a request to be supplied with tents or covering of any kind?
Answer. They requested to be allowed to go out and get brush and sticks enough to build quarters, but they were not allowed. They did not get wood enough to cook their rations with.
Question. How did you supply yourselves with fuel to cook your rations?
Answer. Details of two or three men from each squad of a hundred went out to get wood. I have seen men eat meal stirred up with water without being cooked, because they could not get wood to cook it with.
Question. Have you seen them eat uncooked meat?
Answer. No, sir; the meat was generally cooked before it was sent in.
Question. How many prisoners had you in the stockade at one time?
Answer. Thirty-three thousand.
Question. The masses of men nearly covered the whole area inside the stockade?
Answer. Yes, sir, all of it that could be occupied; part of the swamp could not be occupied.
Question. Was that swamp marshy and muddy?
Answer. Yes, sir.
Question. How large a portion of the area of the stockade was of that description?
Answer. One-fourth of it.
Question. That was so marshy that the men could not walk or stand in it?
Answer. Yes, sir. The stockade, which was at first eighteen acres, was afterwards en-

larged by nine acres, making it twenty-seven acres. That was in the latter part of August. I think.

Question. Who, besides Wirz, had charge of those prisoners?

Answer. There was a Lieutenant Davis who had charge at the time Wirz was sick; he was the only one. General Winder was in charge of the prison; his headquarters were there at Andersonville.

Question. Did you ever see him?

Answer. Yes.

Question. Did he ever come into the stockade?

Answer. Yes.

Question. Did you ever see him inside the stockade?

Answer. Yes.

Question. How often?

Answer. I never saw him inside the stockade but once.

Question. How did you know it was Winder you saw?

Answer. Because I had seen him in Richmond while I was there.

Question. So that you had no doubt of his identity?

Answer. No, sir.

Question. Did you ever witness any acts of cruelty on the part of Wirz towards prisoners?

Answer. Yes, sir. When prisoners were received there after the battles of Spottsylvania and the Wilderness, I have seen them compelled, although wounded and sick, to stand in line for two or three hours; and if any of them attempted to sit down he would draw his revolver and threaten to shoot them. I saw one man whom he shot while running away. He shot him through the leg.

Question. Relate the incident?

Answer. He was a man on parole whom they called Frenchy. He ran away. Wirz started after him with the man who had charge of the hounds. They caught him in the swamp, and Wirz shot him through the leg and brought him back again.

Question. Is there any other act of his that you think of?

Answer. He had a chain-gang there, which had at one time twelve men attached to it, with a large ball in the centre and a chain running from that large ball to the leg of each prisoner, with a small ball and chain attached to the other leg. It commenced with two men chained to the ball, and they kept on adding others to it. Each time a new man was put in they had to walk a mile to the blacksmith's shop, having to drag this ball and chain through the hot sand. One man died with the chain upon him.

Question. Was that treatment inflicted as a punishment for misconduct?

Answer. Yes, sir; for running away and trying to escape from the stockade.

Question. Did you witness any other acts of cruelty toward prisoners?

Answer. I recollect Wirz having two men bucked and gagged in the hospital, who had charge of a ward, for not reporting men who ran away. He used to have men put up in the stocks, where they would have to stand with their heads through the stocks for two hours; then they would change positions and lie on their backs with their feet up in the stocks, in the sun, without any shade.

Question. Was that a very painful punishment?

Answer. Yes.

Question. Do you think of anything else as to his treatment of prisoners?

Answer. No, sir.

Question. Did you keep lists of the burial of Union prisoners there?

Answer. Yes.

Question. Relate in what way you kept those lists?

Answer. On the 15th of June, 1864, I was paroled and detailed by the surgeon, Dr. White, to keep the record of Union soldiers who died daily and were buried there. According to the lists which I kept, there were buried there, from 29th February, 1864, until my release, 12,636 Union prisoners.

Question. Relate minutely how you kept those lists?

Answer. As the prisoners died a label was pinned upon each, giving his name, rank, company, and regiment, and date of death; this was sent with the body to the cemetery; as the bodies were placed in the trench, the sexton took off the labels and brought them to me. A list was also sent to me from the hospital.

Question. Were these labels numbered?

Answer. They were, at first; but afterwards we numbered them after they came in. The list received from the hospital steward was compared with the labels to see that they agreed. The names were put on the register in rotation, as the bodies were buried.

Question. Did you make the register from those materials?

Answer. Yes, sir.

Question. For whose use did you make the register?

Answer. For the rebels.

Question. What became of the register?

Answer. It was afterwards captured by General Wilson—a part of it.

Question. Did the register consist of more than one volume?

Answer. Yes, sir; there were a number of volumes—five, I think. At the same time that I was keeping the register I made monthly and quarterly reports. The monthly report was for the surgeon general at Richmond The quarterly report was said to be for our government. It was said that it was to be sent to our lines.

Question. Who said so?

Answer. The surgeon in charge, Dr. White, told me so, and his successor, Dr. Stephenson.

Question. Do you know whether those quarterly reports ever reached our government?

Answer. I have been told since, by the assistant adjutant general, that they did not.

Question. State whether you made any copies of your register, or of the lists of the dead.

Answer. About the latter part of August I began to copy the lists of deaths from the register. I thought that if our government was aware of the numbers that were dying there, it would make some efforts to exchange the prisoners. I did not think the reports that were made out were received by our government.

Question. And as a precaution against that, you made copies of your register?

Answer. Yes, sir.

Question. Was it known by the rebel officers that you were making those copies?

Answer. No, sir.

Question. How did you conceal the fact from them?

Answer. I used to copy them when the surgeons were out of the office. I did not attempt to copy them while they were in.

Question. How far did you copy them?

Answer. Up to the 1st of February, 1865. I left on the 2d.

Question. And where did you begin?

Answer. I began from the 27th of February, 1864.

Question. Those copies you have now in your possession?

Answer. Yes, sir.

Question. You produce them here on your examination?

Answer. Yes.

(Witness here produces the copies of the register, written on coarse buff paper, closely ruled, and of large folio size.)

Question. These are the copies which you actually made there at Andersonville?

Answer. Yes, sir.

Question. Did you copy them correctly and carefully?

Answer. Yes, sir.

Question. How did you manage to conceal those papers while you were there?

Answer. I kept them hid in my tent, in a box which I had under my bunk.

Question. And when you came away, how did you manage to carry off the papers with you?

Answer. I carried them away in my bundle. I went on parole from there. That was probably the reason I was not searched before leaving. I was going from Andersonville to Columbia, S. C., to keep the records there, at the hospital about being built.

Question. And you carried these copies along with you in your bundle?

Answer. Yes, sir.

Question. There was no attempt made to search you, or examine your bundle?

Answer. No, sir.

Question. You took them to Columbia?

Answer. No, sir; we did not get to Columbia; Sherman got there before us. I was paroled at Andersonville to go to Columbia, S. C.; that is, that I should not attempt to escape. We went to Wynnesborough, and from thereto Salisbury prison. I remained there over night and started next day for Goldsborough. From Goldsborough I was paroled again regularly for change, and went to Wilmington, N. C. I remained there two or three days and came to Annapolis, Maryland.

Question. Where were you exchanged, if at all?

Answer. I do not know whether I was ever exchanged at all or not.

Question. And you brought these papers along with you in your bundle?

Answer. Yes, sir.

Question. And no one examined your bundle on the way?

Answer. No, sir.

Question. Did you show these papers to any one on your way to Annapolis?

Answer. No, sir.

Question. Did you open your bundle?

Answer. Yes, sir, on the steamer coming from Wilmington to Annapolis, to get some articles which I had in the bundle.

Question. When did you first exhibit these papers, and to whom?

Answer. At Annapolis, Maryland, to the adjutant in charge of paroled prisoners there; I do not recollect his name.

Question. Did you deliver them to him?

Answer. No, sir.

Question. Did he examine them?

Answer. Yes. The reason I came to show them to him was this: I made application to

the Secretary of War for a furlough of thirty days, in order to get the lists published, and the adjutant certified on my letter that he had examined these rolls, and that my statement was true.

Question. Did you ever get an answer to that letter?

Answer. No, sir.

Question. Did you stay at Annapolis?

Answer. I received a furlough next day from the colonel in charge. The reason of my making application to the Secretary of War was, that my time had been out seven months, and soldiers whose time was out were not entitled to furlough. They were to be kept there and discharged.

Question. Where did you go?

Answer. I went to my home in Terryville, Connecticut.

Question. Taking the papers with you?

Answer. Yes, sir.

Question. Did you show them to anybody in Connecticut?

Answer. My father showed them during my sickness. I was taken sick the next day after my arrival, and was sick until I started for Washington, on the 13th of April. On the 12th of April I received a letter and telegraph despatch from the War Department, asking me to come to Washington and bring my records, and stating that if the records were found acceptable I should be suitably rewarded. I started on the 13th of April, and came to Washington with the papers.

Question. To whom did you report?

Answer. To the Assistant Adjutant General, Colonel Breck.

Question. What took place between yourself and Colonel Breck?

Answer. Colonel Breck stated that he had been authorized by the Secretary of War to pay me three hundred dollars for the records. I told the Assistant Adjutant General that I did not wish to sell them, but wished to get them published.

Question. What reply did he make?

Answer. He said that if I undertook to get them published, the War Department would call them contraband matter and confiscate them.

Question. State all that took place.

Answer. He said I could have till nine o'clock next morning to make up my mind whether or not I would take three hundred dollars for the records.

Question. Did you produce them to him?

Answer. When I first called at his office Colonel Breck was absent, and I left them there. I told him that if he would give me three hundred dollars and a clerkship, and give me the records back again as soon as they were copied, he could take them and have them copied. He agreed to that proposal. I was then discharged from my original enlistment and was to enlist in the general service in order to get the clerkship.

Question. Did you so enlist?

Answer. Yes. I was sworn in afterwards. Then I was permitted to go home, and return for duty the first of June.

Question. Did you go home?

Answer. Yes. While at home I made a draught of the Andersonville cemetery, giving the first and last number of each grave, showing how the men were buried, and stating that if the government would furnish headboards and materials, I would have them lettered and erected at Andersonville instead of doing clerical duty. To that I never received any reply.

Question. Did you come back to Washington?

Answer. Yes; the first of June I entered on my duties at the War Department.

Question. What took place then?

Answer. Before coming to Washington I telegraphed to Colonel Breck asking if the rolls were copied, and received an answer, "not yet." After my arrival, I went to him several times asking if the rolls were copied. He told me they were not. I then asked him to let me take out sheets to copy them after business hours. He said he would have to see General Townsend about that. Some days afterwards I met him and asked him if he had seen General Townsend. He said he had not. I then wrote him a note asking if he did, or did not, intend to give back my Andersonville records. I had promised that they should be published in the best manner, for the benefit of the public. He returned my letter with an indorsement by Colonel Breck, stating that he had fully explained the matter to General Townsend, and that General Townsend said the lists should not be copied for any traffic whatever. I saw Colonel Breck in a day or two afterwards. He asked me if I had received his note? I told him I had. He wished to know if that was satisfactory. I told him it was not, and that I should see further what could be done about getting them. That was all that was said about them until the expedition was started for Andersonville.

Question. By whom?

Answer. By Miss Barton. The original records captured by General Wilson were found deficient in one book containing about two thousand five hundred names. I told Captain Moore, assistant quartermaster, who had charge of the working party, that my records would supply this deficiency. He went to the War Department and got an order from Colonel Breck to get these records, and they were sent to Andersonville.

Question. With whom?

Answer. With Captain Moore. While at Andersonville these records were in my possession nearly all the time. I went with the expedition, in company with Miss Barton. I went to designate the graves; and these copies were in my possession much of the time, with the exception of the time that the missing portion, containing about two thousand five hundred names, was being copied.

Question. Were the graves marked while you were there?

Answer. Yes.

Question. So as to compare with those records which you had copied?

Answer. There were boards marked according to the numbers. I cannot say whether or not they were erected right.

Question. According to the numbers in your register?

Answer. Yes.

Question. Was not the purpose to mark them in accordance with your numbers?

Answer. Yes, sir.

Question. What, then, became of those copies of yours?

Answer. When the work was done, the records were in my possession, and were brought by me to Washington. On my arrival at Washington I reported to the War Department. Colonel Breck asked me if I had the Andersonville record that was copied by me. I told him I had. He asked me if I had returned them to Mr. Henry, of the War Department, who had charge of them. I told him I had not. I asked him if I could keep them, as the rolls had been copied according to the agreement with the War Department. He told me that if I would pay back the $300 that was paid to me I might keep them; otherwise I must give them up. I asked him if he did not agree to give them back as soon as they were copied. He said he did; but that I was going to set myself up in business by publishing them, and that they did not consider themselves bound by the agreement.

Question. What then occurred?

Answer. I then started to go to see Secretary Stanton. He said he inferred from what I said that I did not intend to give up the rolls. I told him I did not; that I would go further to see about it. He said I would not go any further than the old Capitol unless I would give them up. He sent to the provost marshal, and had a guard come and arrest me.

Question. Where were you then sent?

Answer. To the guard-house below the War Department. I remained there two days and nights, and then I was sent to the old Capitol prison.

Question. How long did you stay there?

Answer. I stayed there about a month.

Question. Were charges preferred against you?

Answer. Charges were preferred against me by the Adjutant General for larceny, and I was tried before a court-martial.

Question. Larceny of what?

Answer. Stealing the records that were copied by me at Andersonville while I was a prisoner.

Question. Have you a copy of the charges with you?

Answer. Yes.

(Witness produces a copy of the record of the court-martial, which is attached to his testimony.)

I was convicted before that court-martial and sentenced to be imprisoned for eighteen months; to pay a fine of $300, and to remain in prison till the fine was paid and the rolls given up or returned to the War Department; to be dishonorably discharged from the general service, and to forfeit all pay and allowances due.

Question. Were you committed to the penitentiary?

Answer. Yes.

Question. Where?

Answer. Auburn, New York.

Question. How long did you stay there?

Answer. A little over two months; from the 26th of September until the last of November.

Question. How did you get away?

Answer. I was released under the general pardon of the President.

Question. Then you came back to Washington?

Answer. No, sir; I went to New Haven, Connecticut, and found that the records of Andersonville had never been published. I immediately went to work and arranged them alphabetically according to States; and they were published by the New York Tribune association.

Question. State, with positive truth and accuracy, so far as you are able, how these papers came into your possession at Andersonville when you were there on the expedition with which Miss Barton was connected.

Answer. I was looking for missing men on Miss Barton's first rolls. I was requested by her to do so. There was a sick man in the tent which I occupied, and I was taking care of him, and at intervals I was looking for missing men on her rolls. These copies were in my

possession all the time, with the exception of the time they were being copied by Captain Moore's clerks; the 2,500 names. That was at Andersonville.

Question. Who put them into your possession?

Answer. The first day after our arrival there I copied names for the letterers from the original record, and that night, when I got through, I took charge of those records and put them in my tent.

Question. Those records were then in your possession while you were copying them?

Answer. Yes.

Question. Was Captain Moore present?

Answer. No, sir.

Question. Was that in Moore's tent?

Answer. No, sir; it was in the office.

Question. Who brought them into the office?

Answer. Myself.

Question. From where?

Answer. They were carried in a large box, with the other records, and the box was brought into the office from the depot.

Question. Who opened the box?

Answer. I think I opened it.

Question. Had you the key to it?

Answer. No, sir; it was nailed.

Question. Did you open it by the authority of Captain Moore?

Answer. Yes, sir.

Question. And you brought them off with you?

Answer. Yes. The box that was sent there with the original registers was taken away by a captain on General Wilson's staff for the military commission that was trying Wirz. There was no place to put mine, as the box was taken away. No question was ever asked about these copies till I came back to Washington.

Question. Who appeared against you as witnesses on the trial at which you were convicted?

Answer. Colonel Breck, Mr. Henry, (a clerk in the War Department,) Captain Moore, and two of Captain Moore's clerks.

Question. Were those clerks at Andersonville on that expedition?

Answer. Yes, sir.

Question. Were they the only witnesses?

Answer. I think there was a Mr. Hess, of the War Department.

Question. And was their testimony the only evidence given against you?

Answer. Yes.

Question. Were those copies produced before the court on your trial?

Answer. No, sir.

Question. Where were they then?

Answer. I do not know.

Question. Were they in your possession or control?

Answer. They were under my control.

Question. Did you ever pay back the $300?

Answer. No, sir.

Question. Is there anything else that you wish to state?

Answer. Nothing else that I think of.

The following is a copy of the court-martial record referred to in the foregoing testimony:

*Proceedings of a general court-martial convened at Washington, District of Columbia, by virtue of the following Special Order:*

Special Order 174.—(Extract.

MILITARY DIVISION, DEPARTMENT OF WASHINGTON,
*Washington, D. C., July* 19, 1865.

A general court-martial is hereby appointed, to meet in this city, on July 25, 1865, or as soon thereafter as practicable, for the trial of such persons as may be brought before it.

DETAIL FOR THE COURT.

Lieutenant Colonel Jeffrey Skinner, 2d Connecticut heavy artillery; Captain O. F. Bliss, 2d New York heavy artillery; Captain S. M. Kinney, 2d Connecticut heavy artillery; Captain H. E. Richmond, 4th New York heavy artillery; Captain C. R. Bannan, 1st Connec-

ticut heavy artillery; Lieutenant H. Barber, 15th New York heavy artillery; Lieutenant J. Talcott, 1st Connecticut heavy artillery; Lieutenant M. R. Blodgett, (judge advocate,) 4th New York heavy artillery.

* * * * * * *

By command of Major General Augur.

R. CHANDLER, *A. A G.*.

Lieutenant J. Barber, Lieutenant Colonel J. S. Skinner, and Captain S. M. Kirney relieved from the detail. Lieutenant Colonel Lamoreaux, Captain Ball, and Lieutenant James Buckle detailed in their stead by the foregoing authority.

The court met, September 3, pursuant to the foregoing order and adjournment. Present: All the members of the court, and the judge advocate.

The court proceeded to the trial of Private Dorence Atwater, general service United States army, who was called before the court, and, having heard the order appointing the court read, was asked if he had any objection to any member named in the order, replied in the negative.

The members of the court were then duly sworn by the judge advocate, and the judge advocate was duly sworn by the presiding officer of the court in the presence of the accused.

The accused applied to the court to be allowed to introduce H. H. Mason, esq., as his counsel; which application was granted, and he appeared as counsel for the accused.

The accused was arraigned on the following charges and specifications:

CHARGE 1.—Conduct to the prejudice of good order and military discipline.

*Specification.*—In this: that Private Dorence Atwater, general service United States army, did, unlawfully and without authority, seize and take from the tent and quarters of Captain James M. Moore, assistant quartermaster United States army, certain property of the United States, then and there in the proper charge and custody of the said Captain J. M. Moore, to wit: a certain document, consisting of a list, written upon about twenty-four sheets of paper, of federal prisoners of war, who had died at Andersonville, Georgia; the same having been prepared by said Atwater while a prisoner at said Andersonville, and sold and disposed of by him to the United States for the sum and price of three hundred dollars, and did appropriate and retain the said property to his own use. This at Andersonville, Georgia, on or about the 16th day of August, 1865.

CHARGE 2.—Larceny.

*Specification.*—In this: that Private Dorence Atwater, general service United States army, did, unlawfully and feloniously, take and steal from Captain James M. Moore, assistant quartermaster United States army, certain personal property of the United States, being then (and) in the proper charge and custody of him, the said Captain J. M. Moore, and of the value of three hundred dollars, to wit: a certain written document, consisting of a list, written upon about twenty-four sheets of paper, of federal prisoners of war who had died at Andersonville, Georgia, which said list had been prepared by said Atwater while a prisoner at said Andersonville, Georgia, and sold and disposed of by him to the United States for the sum and price of three hundred dollars, and did appropriate and retain the said property to his own use. This at or near Andersonville, Georgia, on or near the 16th day of August, 1865.

SENTENCE.

The court does, therefore, sentence him, Dorence Atwater, general service United States army, to be dishonorably discharged from the United States service, with loss of all pay and allowances now due; to pay a fine of three hundred (300) dollars; to be confined at hard labor, for the period of eighteen (18) months, at such a place as the Secretary of War may direct; to furnish to the War Department the property specified in the 2d specification as the property stolen from Captain J. M. Moore, assistant quartermaster United States army, and to stand committed at hard labor until the said fine is paid, and the said stolen property is furnished to the War Department.

L. B. LAMOREAUX,
*Brevet Lt. Col. 2d N. Y. Art'y, President of Court.*
M. R. BLODGETT,
*Lt. 4th N. Y. Art'y, Judge Advocate.*

The proceedings, findings, and sentence in the foregoing case are approved and confirmed The sentence will be executed at such place as the Secretary of War may designate.

C. C. AUGUR,
*Major General U. S. Vols., Commanding Dep't.*

WASHINGTON, *April* 19, 1866.

Major Henry C. Lawrence sworn and examined.

By Mr. HOWARD:

Question. Please state your age, residence, and usual occupation.

Answer. I am fifty years of age; my residence is in Warren county, Illinois, and my usual occupation is that of a farmer.

Question. Have you been in Virginia, North Carolina, or South Carolina at any time during the last eighteen months?

Answer. I was assigned to duty last summer under the Freedmen's Bureau, went to North Carolina early in September, and remained there until the middle of last month.

Question. Where were you stationed in North Carolina?

Answer. Until about the first of December I was stationed at Warrenton, as assistant superintendent for Warren and Franklin counties. Since the first of December I was stationed at Fayetteville, as assistant superintendent for Cumberland and Bladen counties, on Cape Fear river.

Question. What called you to Washington at this time?

Answer. I was ordered to report here.

Question. By Genoral Howard?

Answer. I had applied to the War Department to be relieved, and Adjutant General Townsend sent orders to me to report here.

Question. Was there any particular reason why you asked to be relieved?

Answer. It was solely with reference to my own private affairs. It was a preliminary step to leaving the service; I had not been at my home in Illinois for over four years.

Question. Was your examination before this committee suggested by Senator Reverdy Johnson?

Answer. I presume it may have been. A member of the House of Representatives, who is an old acquaintance of mine, told me he should speak to Mr. Johnson to have me summoned.

Question. Who was that member of the House of Representatives?

Answer. Hon. Robert S. Hale, of New York.

Question. To what political party have you belonged?

Answer. I have never been very much of a party man. I was a "liberty party man, and I have always acted with the constitutional anti-slavery party, whatever it might be. I was a free-soil democrat, and a republican from the start.

Question. During your stay in North Carolina what did you find to be the feelings of the secessionists towards the government of the United States? Was it friendly, or was it the reverse; or what was it?

Answer. I can hardly say th ' they manifested any special feeling on the subject, either of friendship or enmity. They knew, of course, that it was to be their government hereafter. Their immediate feelings depended upon the view they took of the action of the government towards them. I can hardly say that there was any feeling manifested towards the government, except that of submission.

Question. Did you mingle freely with the people of North Carolina?

Answer. I did. The position I held was such that it brought me into intimate contact with the people. My office was daily visited by people, blacks and whites. Besides, I travelled about the country a great deal within my districts, seeing the people on the plantations, both whites and blacks.

Question. What do the most intelligent of the white people seem to think about the right of the State to secede and go out of the Union?

Answer. This was very apparent to me, that they had generally been educated in the political doctrine that a State had the right to secede. I believe, however, and every gentleman there, with whom I ever conversed on the subject, expressed the opinion, that the large majority of the people were opposed at the time to the exercise of what they believed to be a right, and almost universally they seemed to me to have accepted the doctrine that the primary allegiance of the people was due to the State. And, consequently, when the State took action, although at the time that action was taken they regarded it as a sort of usurpation of power and not sanctioned by the people, yet having been done under legal and constitutional forms, they felt bound by it, and bound to sustain the State. The members of the old whig party, whom I met, all avowed themselves as opposed to secession, and yet nearly all said that when the action of the State was fixed by the convention they all went in and supported the cause of the rebellion as ardently and heartily and with the same sacrifices as those did who were originally in favor of it.

Question. How are Unionists treated in that part of North Carolina where you have been?

Answer. I never heard of any outrage being committed upon any man on account of his having been a Union man. In fact, there were very few such that I ever found there. I understand you to refer to men who maintained throughout a hostile attitude towards the rebellion.

Question. Have you noticed that Unionists have been elected to office there?

Answer. You mean those who were original Unionists?

Question. By Unionist I mean a man who was all along attached at heart to the cause of the Union.

Answer. While I was in Fayetteville there was a city election held there, and some such men were elected to office at that time. I think they were all men who had belonged to the old whig party, and were opposed to the rebellion, and I have no doubt were all the while opposed to final separation, though they may have given aid and comfort to the rebels.

Question. Had they aided and assisted in the war on the part of the rebels?

Answer. Yes, sir; the most of them; I know very few men there who did not; very few indeed.

Question. Do you call a man a Unionist who took part in the war against the Union?

Answer. I do call a man such who took part unwillingly and by compulsion—being at heart opposed to it. I think a great many men were obliged to take part in the rebellion who did not, at heart, desire its final success. I have no doubt that very many of those who did sustain the rebellion under the idea that they were under obligation to follow their State, even while they desired a measure of success, did not wish a final separation from the Union.

Question. Although they fought against the Union?

Answer. Although they fought against the Union. There were men elected to the confederate congress from North Carolina as peace men.

Question. As peace and independence men, were they not?

Answer. They were known there as peace candidates.

Question. What, in its length and breadth, was meant by the words "peace" and "peace candidates?"

Answer. I cannot pretend to say what was meant. I do not know that I ever saw a platform of their views. But I can say this: one of the present members elect to the House of Representatives of the United States Congress, a gentleman whom I know by reputation only, was a peace candidate for the confederate congress in 1863; I think it was in the district of which Warren county forms a part. He received, however, at that election, as the peace candidate, but one vote in that county, though last fall he received within fifty of the entire vote of the county. And yet he had been in the military service of the confederacy, although he had opposed secession. He was one of a very small number, less than half a dozen, I think, of whom Governor Worth was another, who, in the legislature, opposed the calling of a convention to act on the question of secession; and he opposed it until the State had gone out of the Union; after that I think he was in the rebel service.

Question. And held a commission as an officer?

Answer. I presume he did; I have heard him called Colonel Turner. Subsequent to that he was a peace candidate for the confederate congress.

Question. What do you understand to have been the distinctive feature of that peace candidacy? Did the candidate favor peace upon the ground of separation and independence from the United States for the State of North Carolina, or did he propose a peace by means of a settlement with the United States, under which the State would come back into the Union as it was before the rebellion?

Answer. I inferred that these peace candidates were supported as men who were in favor of an adjustment of difficulties, and a reconstruction of the Union.

Question. What adjustment—what reconstruction did they propose?

Answer. I cannot say; I understand that all that the war candidates for the confederate congress desired was a peaceable separation from the federal government, but separation at any cost. These peace candidates being opposed to them, I infer from their antagonism to those who wanted a peaceable separation, that they were in favor of peace and reconstruction.

Question. But you are not able to say what were to be the terms of reconstruction, or compromise, or adjustment, about which you have been speaking?

Answer. Of course not: I can only give my conclusions. They would probably have varied with the varying aspects of the war.

Question. So far as you have observed, and so far as you have heard from credible sources of information, are the Union men protected in their rights in the courts of justice in North Carolina?

Answer. The courts had only just been restored to the exercise of their functions as I came away. The only authority which was exercised and recognized in the State previous to that was the federal authority, enforced through the War Department by means of provost marshals and officers of the Freedmen's Bureau. I think there is every disposition to protect everybody there under the laws by those charged with the administration of justice.

Question. Would a jury of secessionists in North Carolina be likely to render an unbiased and impartial verdict in a case between a Union man from the north, for instance, and a secessionist of North Carolina?

Answer. I cannot say they would in every case. I do not know how far individual or sectional prejudice might influence jurymen to disregard their oaths.

Question. Do you not think there would be some danger of injustice in such a case?

Answer. I do not think there is much danger of that kind; I do not think that northern men who are living in the State apprehend anything of the kind, else they would not risk their rights by remaining there.

Question. I will only say that in this you differ widely from multitudes of others who have been in that State.

Answer. Of course I desire it to be understood that my sphere of observation was limited to four counties; but I think I studied the condition of things very closely in those four counties, and I know of no reason why it should be different in those counties from what it is generally throughout the State. I know nothing that makes them exceptional in any respect.

Question. What is the conduct of the secessionists there towards the freedmen?

Answer. I think the freedmen are pretty much an object of indifference to them as a class. The people, as to immediate means, are about all on one common level of poverty through a great part of the State. They have their lands, of course, but they are burdened with debts, and their lands are unsalable and unproductive without labor. The country is very bare of stock and produce. Labor is in demand to an extent far exceeding the supply. This makes the rate of wages good. I think the property owners are far more dependent upon the laboring classes than land-owners at the north are. Hand-labor does nearly everything there. This immediate dependence upon the freedmen for their labor will secure good treatment to the freedmen.

Question. Without the Freedmen's Bureau, and without any United States laws for their protection?

Answer. I believe that with their State laws, putting them upon the same footing with white citizens as to their civil rights, the freedmen will have all the justice that can be secured to them by law in any way.

Question. Do the laws of North Carolina put the black freedman upon the same equality as the white man in regard to rights?

Answer. They do, with this distinction, which does not in fact operate against the freedman, that in suits between white persons, and in which white persons only are interested, the freedman cannot be a witness. I suppose he can be a witness by the consent of the parties, but not without. I heard, however, that feature of the law very strongly and generally condemned after it was enacted. I think that in the punishment for crimes there is one crime, that of an attempt to commit rape upon a white woman, the punishment of which is more severe for the black man than it is for the white man. I think that is the only distinction between them in the statutes for the punishment of crime. You were inquiring of me a few minutes since in regard to the security of northern men. I am somewhat acquainted with General Abbott, of Maine, who was on duty there some time last year; he is now largely engaged in the lumber business, in Bladen county, I think, near the South Carolina line. I met him in Wilmington a short time before leaving the State. I said to him that I expected to go north soon, and might expect to be asked as to the security of northern men down there. He said to me, "Tell them that a northern man is just as safe anywhere in the State of North Carolina as he is anywhere up north."

Question. Did you believe that?

Answer. General Abbott made this qualification: said he, "I do not say that a man cannot come here and act so without sense and discretion that he will get into difficulty with the people; he can do that anywhere. But a man who comes here and attends to his own business, and does not take some pains to make himself odious, I think is as safe here as anywhere else." And I think so, too. I know of men who are settled there on plantations, and not a soldier within fifty miles of them, who have reported to me that they had no more trouble of any kind there than they would have had anywhere else, and those men had been soldiers in our army, too. In fact, I hardly met a northern man down there who had not been a soldier in the federal army; and they are scattered generally about the State.

Question. Are not the freedmen subjected to very severe corporal punishments, such as whipping, putting in the stocks, bucking, and other cruel modes of punishment?

Answer. Do you mean by judgments of the courts, sir?

Question. Yes, sir.

Answer. There were no courts in session from the time I went there until some time in February.

Question. Have there been sessions of the courts since February?

Answer. Yes, sir.

Question. Have any cases come to your knowledge where, by judgments of these State courts, freedmen have been subjected to such severe corporal punishments?

Answer. Only such punishments as are inflicted without regard to color, and such as white men have always been liable to by law.

Question. You hardly answer my question. I will repeat it. Are not the freedmen subjected to very severe corporal punishments, such as whipping, putting in the stocks, bucking, and other cruel modes of punishment?

Answer. I know of instances where whipping was inflicted as the punishment, that being the punishment prescribed by the laws upon conviction of crime for white men as well as blacks, and being adjudged to both by the same courts at the same terms.

Question. Do you know of any cases where such punishments were inflicted upon white men?

Answer. I do not know of any by personal observation. I have heard of such cases from undoubted authority.

Question. At what court was that?

Answer. At a court held by Judge Buxton, I think, in Harnett county. I was subsequently informed by lawyers who were present at the court, one of whom spoke of himself as having been engaged in the trial, that a white man was convicted of stealing and sentenced to receive thirty-nine lashes, which were inflicted upon him. He was said to have been a confederate soldier in the war.

Question. What was the name of the lawyer who gave you this information?

Answer. I heard the fact spoken of by two or three lawyers. The one who spoke of having been engaged in the case—I do not remember whether as prosecutor or as counsel for the defence, though I think he was the prosecutor for the circuit—is Mr. Haigh, of Fayetteville, a son-in-law of Hon. George E. Badger, formerly United States senator from that State. Perhaps I am wrong in saying that Judge Buxton held the court in Harnett county; it may have been an inferior court, at which Judge Buxton did not preside. I think he held a court there about that time; and when you first asked me the question I had the impression that he was necessarily the presiding judge. At a subsequent court, held in Fayetteville, while the grand jury was in session, I was informed that a white man and a black man had been arrested, against whom the grand jury had found bills for larceny, and that probably both would be convicted. I requested of a magistrate connected with the court that they should defer any action upon the indictment against the negro until I could communicate with Colonel Whittlesey, the assistant commissioner for the State of North Carolina, in regard to his trial being proceeded with by that court instead of by the Freedmen's Bureau. I wrote to Colonel Whittlesey and received in reply a copy of a circular which he had just issued for the instruction of his subordinate officers, providing that in cases where the law made no discrimination against the colored man in the mode of trial, or in the degree of punishment, such trials were not to be interfered with by officers of the bureau, but were to be allowed to proceed before the courts. I so notified the court through some gentleman connected with it. I think I sent the circular itself to them. At that term of the court a negro man, though not the one to whom I referred as having been indicted by the grand jury, was convicted of stealing and was whipped. There is no penitentiary in the State of North Carolina, and therefore whipping and the stocks, and the old English common-law punishments, are the ones generally made use of there. In the cases of indictment for larceny to which I have referred, the negro escaped, and the white man got clear by some technicality. Had either been convicted, he would doubtless have been whipped thirty-nine lashes. Soon after I read in a Wilmington paper of the whipping of a number of men, colored and white, who had been convicted of crime. I never heard of any cases of bucking or putting in the stocks by civil authority.

Question. So far as you have observed, how do the secessionists of North Carolina feel with regard to the education of the blacks?

Answer. I think they all recognize the necessity of the blacks being educated and elevated, by all available means, as a necessity of society.

Question. Have you heard any secessionist say he would be willing to contribute anything in the shape of taxes for the education of the blacks, or to contribute out of his own means in any way for that purpose?

Answer. I do not know that I have. I never asked any one that question.

Question. Have you ever heard any one make any such remark, or intimate any such willingness?

Answer. I cannot say that I ever heard the proposition discussed. At present I suppose most of the schools there are maintained through the benevolence of northern people and the Freedmen's Aid Society.

Question. How do they speak of the education of the negroes; in respectful terms, as if they were willing to see that process go on, or do they speak of it sneeringly and contemptuously, and in tones of discouragement?

Answer. I think all intelligent and good citizens favor it. There is undoubtedly a certain class who, being themselves very ignorant, do not want to see the negroes advance above them in point of intelligence and education. Education is not generally diffused in that State. The population is so very sparse that it seems almost impossible to keep up common schools. While the negroes can be educated hereafter, and probably will be in towns and villages, I do not think the great mass of them who live scattered through the country can be reached by any system.

Question. Do you think the whites will be willing to contribute to the education of the blacks?

Answer. While some would by a fair system of taxation, I think that a great many would insist that the blacks should furnish the means for their own education

Question. Would not that feeling be almost universal?

Answer. No, sir; I do not think it would, because I think there are so many of the most intelligent and good men of the State who look upon it, as we regard it here at the north, as a social necessity, instead of a mere individual or class interest; something that is necessary for the welfare of society at large. I think they would look upon it that money spent in the education of the negroes would be saved from the expense of punishing and maintaining criminals.

Question. Have you ever heard any leading influential man in North Carolina talk upon that subject in that way?

Answer. I was more in contact with the common people than I was with the leading men.

Question. Then, do you mean to say that you have not heard any leading man talk in that way?

Answer. No, sir; but I have never heard them discuss any particular plan. I have frequently heard them speak of it as a necessity for the good of society—something that must be accomplished.

Question. The lower classes would be opposed to it, of course, would they not?

Answer. I do not think the mass of them would. I think individuals might show hostility to it, as they did to negroes being admitted to testify in the courts.

Question. You think there might be individuals of the lower classes found who would object to the education of the blacks, but that would not be true of the lower classes generally.

Answer. I do not think it would, from this fact: I know of schools that have been started in the country neighborhoods where there happened to be a considerable number of freedmen, and the schools were taught by southern white men. The schools were not started at the instance of the Freedmen's Bureau or the Freedmen's Aid Society, or sustained by them in any way.

Question. Black schools taught by southern white teachers?

Answer. Yes, sir; and there are also schools taught by black teachers, and those were in neighborhoods where there was nothing to repress any hostility towards them; nothing of government authority, certainly.

Question. Mention some black school in North Carolina which was taught by a southern white teacher.

Answer. There was a school twelve miles from Fayetteville, in Cumberland county, in the immediate neighborhood of Murchison's mills, which was burned by our army.

Question. What was the teacher's name?

Answer. I cannot recall his name; I never happened to see him. I stopped at his schoolhouse one day, but the school had been dismissed for the day, and he was not there. I left word that I would be glad to see him if he came into Fayetteville.

Question. Do you know him to be a man southern born and bred?

Answer. I was afterwards told by gentlemen residing in that neighborhood that he was such a man, and I think, though I am not positive, that he had been a soldier in the confederate army.

Question. Did you ever see him?

Answer. No, sir, I never saw him, but I saw the children going away from the schoolhouse. I met a crowd of children with books, all seeming to scatter from one building; there were about thirty there at that time. I stopped and asked them who taught the school, and some other questions. The teacher of the school which is sustained by the Freedmen's Aid Society in the city of Fayetteville, in which there were some two hundred and fifty colored pupils, also told me of another school in the county taught by a white man, a native of the south, but he did not mention his name to me, and I cannot tell in what neighborhood the school was. He told me there were seven schools in the county, and that all but his own were taught either by southern white men or by black men; and the schools not being interfered with, seems to me to be evidence of the feeling of the people on the matter.

Question. Do the secessionists contribute anything to the support of the black schools?

Answer. I do not know that they do, and I do not suppose they do, because those schools are all "pay schools," as they are called, except the one in the city of Fayetteville, taught by teachers from Philadelphia, Mr. and Mrs. Dickson.

Question. How are the teachers of the black schools received socially among the secessionists? Are they received and treated kindly and with respect?

Answer. I do not think that much social courtesy is extended to northern men generally down there.

Question. My question was how the teachers of black schools, whether from the north or the south, are received socially by the secessionists?

Answer. I know one colored teacher of a school in Warrenton, and two colored teachers in Fayetteville. I think they were treated like other respectable colored people—with kindness and civility—by the secessionists, but of course they were not received socially by them. I do not think the social standing of the southern white men who taught black schools was affected by their occupation. I presume they did it for the sake of the pay entirely, and not at all from philanthropy, and were respected as all other men are there who endeavor to support themselves by honest labor. Of northern teachers I knew only Mr. and Mrs. Dickson, at Fayetteville, and, very slightly, one northern lady at Raleigh. I never heard Mr. Dickson, the white teacher in Fayetteville, speak of any disrespect shown to him. I think he did feel that there was a want of courtesy towards him. He was a clergyman, and naturally expected some courtesies from other clergymen, and I think he once expressed his disappointment to me at not receiving such degree of courtesy as he expected. He had not, however, been there long.

Question. Were you received with respect?

Answer. I was never, in any single instance, treated with any want of respect.

Question. Were you frequently invited by the secessionists, in the neighborhood where you were stationed, to visit them in their houses socially?

Answer. No, sir, I was seldom invited, and only visited two families in the town of Warrenton, or but two in the town of Fayetteville; but I was almost universally invited by the better class of the country people to visit them; and, as I travelled about my districts a great deal on horseback, I frequently did so, and I was always treated with hospitality and politeness. I could hardly make any such distinction among them as secessionists and Unionists. They were nearly all at least compromised, almost every man of them that I came in contact with.

Question. They had all been engaged in the rebellion?

Answer. Yes, sir, very nearly so. However much they had opposed it at first, when the State had taken its action there was co-operation in it on their part, and material or moral aid given, though of course not always willingly. All had to contribute of their means.

Question. How do they feel in regard to the indebtedness of the United States contracted in carrying on the war? Are they willing to pay it?

Answer. If they could get rid of it without feeling it dishonorable to do so I suppose they would be glad to, but I do not think they anticipate any such thing. They look upon it as something that they must pay their share of.

Question. How do they feel with regard to the confederate debt?

Answer. That was a question that occurred to my mind frequently, and I asked gentlemen sometimes if they thought, upon the question being submitted for the action of the people, that a majority of the people would vote to tax themselves to pay the rebel debt, and I was told, whenever I asked the question, that they did not think a majority would. I do not think that the mass of the people have any sympathy with the cause of the rebellion. The poorer classes looked upon it as a slaveholder's movement. I think the poor whites would be as much opposed to slavery being re-established as we in the north would.

Question. And still that class is the class which treat the blacks more contemptuously than any other class. Is that not true of them?

Answer. They have perhaps none of those sympathies towards them the former masters have. I do not know of any cases of difficulty that to me seemed to have their origin especially because of the difference of race. I do not think there is such a prejudice there against the blacks on the part of the poor whites as there is in our cities at the north. I think that public opinion at the north loses sight of one fact: that is, that the men at the south who were original Unionists, and the most opposed to secession, are not any more in favor of any extension of privileges to the blacks than are those who were the most extreme secessionists. The man whom I recall as the most bitterly opposed to extending to the freedmen the right to testify is one of the very few men who denounced the rebellion all through, and who I presume could take the test oath in Congress.

Question. Who was he?

Answer. Mr. Morgan Powell, of Warren county. He was more decided than any other man whom I met in his opposition to the extension to the negro of the right to testify.

Question. How do they feel there in regard to negroes voting?

Answer. I have no idea that any considerable number of the people favor it at present. Indeed, they are very strongly opposed to it. I heard occasionally a gentleman say that he had no objection to the extension of a restricted sufferage to those who had a certain degree of education and a certain amount of property.

Question. Is there any particular fact that you want to speak of further than you have already done?

Answer. No, sir. I do not present myself here as the advocate of the people in any sense.

Question. If you have any further to say about the social treatment generally of northern people you can do so.

Answer. I know a considerable number of northern men who are in business down there. I do not think they find any such prejudice against them because they are northern men as operates to their disadvantage. At least, if there is on the part of the whites, there is a prepossession in their favor on the part of the blacks, which compensates them for it in its results in a business point of view. I cannot say, because from my limited observations there I am not prepared to say, what is the degree of social good feeling that is manifested towards northern men. I heard occasionally some remarks from some ladies that led me to think that they had prejudices against the white female teachers in Raleigh. I think I have heard that those teachers received very little civility from the people there. But I was not stationed in Raleigh, and can only draw my inferences from the casual remarks I have heard.

Question. Have you any business relations in North Carolina?

Answer. None at all.

Question. What rank have you held in the service?

Answer. Brevet major and assistant quartermaster.

# PART III.

# GEORGIA, ALABAMA, MISSISSIPPI, ARKANSAS.

## SUB-COMMITTEE.

Mr. IRA HARRIS, (of New York,) United States Senate.
Mr. GEORGE S. BOUTWELL, (of Massachusetts,) House of Representatives.
Mr. JUSTIN S. MORRILL, (of Vermont,) House of Representatives.

Mr. BOUTWELL, from the Select Joint Committee on Reconstruction, reported the following evidence.

# TESTIMONY.

WASHINGTON, *January* 22, 1866.

Mr. Albert Warren Kelsey sworn and examined.

By Mr. HARRIS:

Question. Where do you reside?

Answer. My parents reside in Belmont, Massachusetts, six miles from Boston.

Question. What is your age?

Answer. I am twenty-five years of age; in my twenty-sixth year.

Question. What is and has been your occupation?

Answer. I was in the naval service prior to and until 1863. Since then I have been occupied as a commercial correspondent, engaged in ascertaining the amount of cotton in the southern States, for an association of New England manufacturers.

Question. And this employment has taken you into the southern States?

Answer. Yes, sir.

Question. How long a time have you spent in the south?

Answer. I went south in 1861 in the service of the United States, which service I left in 1863. I have been in the south the greater portion of the time for the last four years.

Question. How much have you been in the south and where since the war closed?

Answer. During the last five months I have been in all the cotton States and in Tennessee. I landed at Savannah, Georgia, on the 1st day of August last, and went as far as San Antonio de Bexar, in Texas. Previous to that time, while engaged in planting cotton, I was along the Mississippi river, from Cairo to New Orleans, principally in the State of Mississippi.

Question. What States have you visited or resided in since April last?

Answer. South Carolina, Georgia, Florida, (although in South Carolina and Florida I passed over but a small portion of the States,) Alabama, Mississippi, Louisiana, Texas, and Tennessee.

Question. You have been in Georgia, Alabama, and Mississippi during the past year?

Answer. Yes, sir.

Question. As those are the States with which we are more particularly concerned at present, I will ask you to state, without particular interrogatories, what you know in relation to the condition of things in those States since the surrender of Lee.

Answer. The sentiment of the people differs very decidedly in different States, so that what may be true about Georgia would not be true about Mississippi.

Question. What is the state of things in Georgia?

Answer. If you will be kind enough to particularize a little more, I shall be able to answer more intelligently.

Question. What is the condition and sentiment of the people in relation to their loyalty, their attachment to the Union, or their aversion to it?

Answer. So far as my experience and observation extend, loyalty to the Union, as it is understood at the north, is something that one very rarely meets with in the south; only in the cases of individuals. As a sentiment diffused among the population, what we in the north term loyalty is almost entirely unknown, so far as my observation extends. The people there have no attachment to the Union, none of the feelings which we deem patriotic. They do not respect the flag of the country, the government, or the memories of the past. It seems to me that they have very little of what we have been taught to consider loyalty to the government. It is only on very rare occasions when you may hear some old man speak with reverence and attachment to our institutions common to both sections of the country. I can now remember of but one instance during my last journey through the south, and that was an old gentleman in Mississippi, who I am convinced was sincere in his expressions of regard for and attachment to the Union and the country as a unit. But such instances are very rare, and more particularly among the younger members of the population. When they speak of the Union it is usually either with unmitigated severity and denunciations or else with indifference, as of something they do not appreciate, to say the least of it.

Question. Is this true of Alabama and Mississippi, as well as of Georgia?

Answer. It is even more true of Alabama and Mississippi than it is of Georgia. In Georgia the sentiment of the people is not so bitter; they do not seem to be influenced by vindictive feelings to such an extent as in Alabama and Mississippi. Nowhere did I find southern feeling so intense as in Alabama and Mississippi.

Question. I understand that you have travelled extensively over those States?

Answer. Yes, sir, somewhat so; I could give my routes of travel.

Question. Do so.

Answer. I landed at Savannah; went up the Savannah river to Augusta, Georgia; from Augusta I went across the State to Atlanta; from Atlanta down to Macon; from Macon to Albany, which is the terminus of the railway leading toward the south; from Albany I rode across the country as far as Thomasville; and from there I went to Quitman, where I remained several days—longer than at other places. I then went to Doctortown, on the Altamaha river, which was the terminus of the railroad leading towards Savannah. There I took the steamboat and went down the Altamaha river to Darien, and from there to Savannah. I then went into the State of South Carolina for a short time, entering Georgia again at Augusta, and going across to Atlanta again.

Question. How long a period did this occupy?

Answer. I was not all this time in Georgia; I went into Florida, and also into South Carolina, for a brief period.

Question. Embracing that, how long?

Answer. Upwards of a month; very nearly six weeks, I should think. I was travelling rapidly most of the time.

Question. During this journey did you see and converse with many of the people?

Answer. Yes, sir; and among them some of the best people in the State, to many of whom I had letters.

Question. All classes of people?

Answer. Yes, sir. My mission was purely a commercial one. No one had asked me to inform myself of the tone and sentiment of the southern people, but I had a curiosity to do so, and tried in every possible way to ascertain their sentiments. Thus I talked with everybody, from the negro to the wealthiest man in the State.

Question. And do I understand you to say that all the people manifested a universal disloyalty to the Union?

Answer. All the white people. I cannot at this moment call to mind one single instance, when I reached their genuine sentiments, that the people expressed or seemed to feel a sincere attachment to the Union. They might "accept the situation," as they termed it; they might signify their willingness to remain under this form of government; they might appreciate certain advantages which resulted to them from the government, but love for the Union there was none. That is my experience.

Question. Now, in relation to Alabama. How much opportunity for observation had you in Alabama?

Answer. I went into Alabama directly from Georgia some time in September.

Question. What was your route in Alabama?

Answer. From West Point, which is in Georgia, on the west side of the Chattahoochie, I went to Montgomery, Alabama; from Montgomery I went down the Alabama river to Selma; from Selma I went northward, by the way of Blue mountain, which is not the name of any town or village, but the terminus of the railway, where I took a coach and went to the town of Jacksonville. I then returned by Blue mountain to Selma; from Selma I then went to Demopolis, where I took a steamer and went down the Tombigbee river to Mobile, and from thence to New Orleans.

Question. How long did that occupy?

Answer. I reached New Orleans, I think, on the first of October. I should probably have remained longer in the State of Alabama had it not been that the condition of society there is not safe for a traveller. On the 25th of September the boat on which I was going down the Tombigbee river was fired into, the steamer Belfast. We were hailed from the shore by a band of guerillas, who ordered the captain to cut loose a flatboat loaded with cotton which he had in tow, and the captain refusing, or rather not doing so, we were fired upon. And I had one or two other not so rough experiences. But from what I heard I concluded I would not remain longer in the State. I did not spend so long a time in Alabama as in Georgia.

Question. And was the sentiment against the Union which you discovered there still more universal than in Georgia?

Answer. I should say it was different, in that the people appeared to be less civilized; those I met seemed to be rougher than in Georgia. I may be doing them injustice, for I had not so good opportunities of general observation as in Georgia. I had a letter to Mr. Thomas Metcalf, one of the wealthiest men in the State of Georgia, and through the kindness of a nephew of his and others, while I was in Augusta, my visit was made very pleasant. I had letters to gentlemen in Alabama, but they were off the line of my route, and I did not find them; and my own personal experience may have been different because of that, but it was such as to lead me to believe that the people of Alabama were about the least civilized portion of the people of the south. The fact that they seemed to have less education and less refinement served to make them seem to have more intense feelings. The distinction I was going to make is that they seemed more polite in Georgia. Whatever their real sentiments may have been, they toned them down when expressing them to me more than they did in Alabama. I do not know but they felt as bitterly in Georgia as they did in Alabama.

Question. What opportunities have you had for observation in Mississippi?

Answer. I resided there for some time, and cultivated cotton.

Question. During this last year?

Answer. Not within the last year. I have visited the State, however, since I was in Alabama. I was there as late as November last, I think.

Question. What part of Mississippi did you visit?

Answer. I landed at Vicksburg, and then went on up to Skipwith's landing, where I used to plant. There is no town or village at that point. It is in the most sparsely populated district in the State. I then returned to Vicksburg, and went from there to Jackson, the capital of the State. From Jackson I went to Meridian, near the Alabama line. From Meridian I went northward to Corinth, and from there to Memphis, Tennessee. Returning from Memphis, I went by Granada, Mississippi, through Jackson, to New Orleans.

Question. What can you tell us in relation to the condition of the freedmen in those States?

Answer. The wealthy men of the south, it appears to me, see an opportunity to make money by means of the present free-labor system, and are very anxious to avail themselves of it; and a very large proportion of the old planters will do justice to the freedman and give him good wages, certainly as long as the high price of cotton continues; but this is entirely a matter of interest with them. The overseers and the lower class of whites, it seemed to me, lose no opportunity of abusing the blacks and treating them horribly. I am convinced that in very many respects the slaves in Mississippi—I suppose it is so in the other cotton States, but I noticed it more particularly in Mississippi—are worse off now than when they were slaves. If a negro man is able-bodied, strong, and willing to work, he can generally make a living. But if he refuses to work in the cotton-field, and is not a mechanic, and tries to set up for himself, he has not much of a chance given him. He is sure to be marked, and is not very safe there.

By Mr. BOUTWELL:

Question. Can you give any particular facts which tend to show the state of public feeling there, or relate any experiences of your own? If so, I would like to have you give them.

Answer. I could give innumerable acts of cruelty practiced on the freedmen which were told me. On my arrival at Skipwith's landing, I met a gentleman whom I had previously known, and who I understood had leased, prior to the conclusion of the war, some of General Wade Hampton's plantations. With him was a gentleman from New York. They told me they had rode over to the place, and although no actual resistance or violence had been offered to them, they saw several men, "scouts," as they expressed it, hanging around the place, and their surly looks and general demeanor convinced them they had better leave. I know they communicated their terror to me, and we all lay there together in one little hut, with the impression that we were liable to be fired at at any moment. While I was there an agent of the Freedmen's Bureau came there, and several negroes came to him with complaints of the manner in which they had been treated.

On one occasion an overseer called on us, and we got to talking of the danger of a negro insurrection. I asked him what reason he had for thinking such a thing was possible. Said he, "It is not half an hour since four negroes raised their axes against me." I asked him how that happened. He said, "I told old ——— to go out into the field and bring up the cattle, and he said he would not do it. I took up an axe, (admitting that he was the first to do so,) and as soon as I did it his daughter, who was there took up an axe There were others present and they picked up axes, and I had to run for my life." He said, "The girl was standing close to me, and I just shoved out my axe that way"—making a motion with his arm—"and knocked in all her front teeth, and I had to run for my life." That seemed to him evidence that the negroes were ripe for an insurrection. He seemed to think it strange that the girl should resent having all her front teeth knocked in by an axe. At another time a negro boy came down to make some complaint. Two or three overseers were there, and got at him and asked him what he had come there for. Speaking fairly to him at first, they got his story out of him; pumped him. They told him then they wished he was dead; that he ought to be killed; that for three cents they would shoot him; and with a great many oaths they frightened him off so that he did not see the agent. There was an ex-colonel of engineers, Colonel Bissell, who had a wood yard on an island opposite to Skipwith's landing. I heard them making threats against his life if he dared to set his foot on shore there. They said they would get him yet; and several negroes he had employed at that point have been killed. I know the general feeling among northern men there is that they are not safe; that they are liable not only to be robbed, but to be killed at any moment. That, however, would not perhaps be a fair example for the whole State, for that is a district of country, lying westward of the Yazoo and Sunflower, where it is very thinly populated and where there are a number of Texan scouts who were there even before the close of the war. Those scouts are thieves and murderers, who claim to be confederate soldiers when you get hold of them. A great many men have been killed there; some of them native southerners; some of them shot down in cold blood while I was there. A party of thirteen rode up to a place known as Duncan's plantation. Coming across an old negro, one of them accosted him, "Old man, have you got any money?" He said, "A few dollars." "Have you got it with you?" "No; it is in the house." "Go in and get it." He went in and got it, and when he was handing it to the fellow he shot him dead out of mere wantonness. Such

deeds as that are not uncommon and have not been for the last few years. The life of a negro is not worth much there. I have seen one who was shot in the leg while he was riding a mule, because the ruffian thought it more trouble to ask him to get off the mule than to shoot him. There is a very large class of such people in Alabama, Mississippi, and Louisiana. I had expected to find Texas in a much worse condition, but I found it much safer there than in Alabama and Mississippi. Particularly in Alabama the people have been rendered desperate. The crops the past year have been very poor. The rust and the army worm have destroyed their cotton crops, and there is much want and suffering among the people.

Question. Do you know anything of the purposes or expectations of the people in either of the States you have named concerning their future relations to the Union?

Answer. I can speak only of individuals and what I observed previous to the meeting of Congress. I travelled with Mr. Alcorn and others in Mississippi, and at one time I occupied a room with a General Gardiner in Jackson, Mississippi. General Gardiner was a very liberal-minded man, and said he wished that negroes should be permitted to testify. Those particularly who have been prominent in this contest, who now consider themselves whipped, and are anxious to win back their former positions and places under the government, many of them seem anxious to conciliate, and are fair-minded men. So far as I could discover they seemed desirous of doing their best; but there are a great many politicians there who seem to think they can easily regain power and position in the Union, and that affairs after all are not so bad for them as they might be.

Question. Did you travel through those States as a northern man?

Answer. I travelled through all the States as a northern man except in Texas. By accident there I fell in with a party of Englishmen, and a negro claimed to have known me as an Englishman. For a time I did not deny it, but took advantage of it. But even in Texas, before I left, I announced myself as a northern man; and in Georgia, Alabama, and Mississippi I always hailed from the north. I have heard a great many people out there express their opinion as to the policy they ought to pursue. The feeling seemed to be quite common among the better-informed classes, particularly those who had been north, that they could easily win back their old position, such as it had been before the war, with the exception of the abolition of slavery. That policy they adopted, or a part of it. But the most of them seemed to imagine that in time they would obtain compensation from the government for whatever losses they had sustained. Many of them have prepared already claims against the government. I understood that the late Hon. Thomas Corwin had charge of a great many claims, and a great many of the people were coming north to urge their claims.

Question. What was the foundation of those claims; for what sort of losses?

Answer. For property taken by the Union armies during the war; property burned or in some way destroyed.

Question. Do you know whether the freedmen are allowed to purchase land or lease it to any extent?

Answer. I cannot speak with any certainty about that. I should say that the general feeling was that they ought not to be permitted to do it. I believe individuals sometimes make arrangements with them for cultivating their lands. I have heard of two or three instances where a widow, or some person who was not able to carry on the place, had made arrangements with a negro to do so. But it was spoken of as *sub rosa* entirely. The negroes were carrying on the place and working just as they pleased, retaining a certain amount of what they raised, and making the rest over to the owner of the place. But those were private arrangements. I do not think the law permits them to do so yet, but of that I cannot speak with certainty.

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WASHINGTON, *January* 25, 1866.

Brevet Major General Edward Hatch sworn and examined.

By Mr. BOUTWELL:

Question. Where is your place of residence?

Answer. In Muscatine, Iowa.

Question. Have you been in the military service of the United States during the late rebellion?

Answer. I entered the military service in 1861, and have been through the various grades, from captain to brevet major general of volunteers.

Question. Have you been in the States of Georgia, Alabama, and Mississippi, or either of them, since Lee's surrender?

Answer. Immediately on the surrender of Lee my troops were put into Mississippi, as far south as Aberdeen. I had a post there, and also at Pocolona, Corinth, Tupelo, Iuka, and Barnesville, and I also had troops occupying Tuscumbia and Waterloo, in Alabama. Afterwards, in July, I marched to Montgomery, having posts at Montgomery, Selma, Montevallo, and Talladega. I had small commands administering the oath (though very little of it was ever done) in fifteen northern counties in Alabama, in what was called the Talladega district.

I had my troops in small detachments at a great many posts. And I have been through the northern and central portions of Georgia, marching through there three or four times since the war with small detachments.

Question. Confining yourself to Mississippi; are you acquainted in that State?

Answer. I knew Mississippi very well before the war, and I have been in the State a great deal since.

Question. Will you state any facts within your knowledge tending to show the loyalty or disloyalty of the people there?

Answer. Excepting in a little of the northeastern portion of the State of Mississippi I never knew any loyalty in that State; at least such has been my experience in that State. I think there is generally an intense hatred towards our people, which hatred extends to the government.

Question. What indications did the people give of the hatred of which you speak?

Answer. Their greatest antipathy seems to arise from the fact that the negro has been employed against them, and that they cannot control them now as they please. They seem to consider that their greatest trouble. They apparently think that they cannot make the negro work except by corporeal means. Upon going through the State some time after the surrender, even when the negro was under our protection, or supposed to be, I found bands of "regulators," many of them lately soldiers in the rebel army, going about the country to see that the negroes worked. They apparently had no faith in the negro's working without compulsion.

Question. When did you leave Mississippi?

Answer. Part of my troops left there early in August; some of them remained there till quite late in August before they were all removed to Alabama.

Question. Was there any change of public sentiment in Mississippi during the time you were there, either for or against the government?

Answer. I think it grew more bitter than it was immediately after the surrender; that is my impression. The northeastern part of the State had a great many loyal men, and a great many from that portion of the State enlisted in our army. And after the surrender a great many refugees returned there, men who had been driven off from that part of the State. The county of Tishemingo was a county from which we recruited a great many men for our army. Some went with General Sherman and some went into Tennessee regiments.

Question. How are the Union men regarded and treated by the disloyal portion of the people?

Answer. I do not believe the Union men could remain there if there were no federal troops there to protect them. There is a great deal of private enmity and intense personal dislike to them, and I do not think they would be allowed to remain there.

Question. Is there any expectation among the people that they will be made up the losses they have sustained in slaves and property by the operation of the Union armies during the rebellion?

Answer. Yes, sir; and as evidence of that, I will state that I saw in a paper to-night that the grand jury of Oxford county had found a bill against General A. J. Smith for burning the court-house there. They say they expect pay for a great deal of the property destroyed.

Question. Did you hear much said upon that subject while you were there?

Answer. Yes, sir; and I have met one man here with claims in his possession for $125,000. They argue that if they are in the Union we are responsible to them for their property which has been destroyed.

Question. What is the disposition of the people there towards the colored population?

Answer. The poorer classes of the white people have an intense dislike towards them. So far as any love, or regard, or care for the negro, or the slave, I have never seen any of it, and do not believe it ever existed, except so far as his former money-value may have caused care for him. There are men in Mississippi who understand this thing, who are willing to accept the state of affairs as they are now, and to employ the negro and pay him a fair reward for his services. But a great portion of the people of Mississippi, including many planters, are not of large enough views to understand this matter. Their views are too narrow. They wish to control the negro and his labor in such a way that he will be compelled to remain with them for never less than a year, and upon their own terms.

Question. According to your observation, what is the disposition of the negroes in reference to working, if they can be assured of pay for their work?

Answer. We have always found them very ready to work. I have seen no instance where they were not willing to work when they have been assured of their rights. The superintendent, who by the way was a northern man, of the work of opening the Mobile and Ohio railroad, told me that the negro men whom he had to work for eight dollars a month and army rations worked as well as any men; that men never worked better. We issued the rations to those negroes working on that road. We issued no rations to indigent negroes, though we issued a large amount of rations to indigent whites; also a large amount of confederate corn that we had taken, and I run one or two mills to grind corn to feed them. We never issued a ration to an indigent negro while I was there.

Question. Why not?

Answer. They never asked for any. I stopped issuing to the whites, but they made so many complaints that I was ordered to commence issuing again. They were in a starving condition, as the armies, the confederate as well as our own, had gone over the country and nearly eaten it up. I have always found the negro ready to work when he was assured that he would be paid according to his contract.

Question. As a general thing, would northern men be kindly received who might go to Mississippi to live?

Answer. No, sir; there is a very intense antipathy towards northern men in all Mississippi, with perhaps an occasional exception. I have heard them say openly that no northern man should come there and work their plantations and live among them, unless he was an overseer under them, or something of that kind; that he could not come there and expect to own a plantation. There is no doubt at all that there is an intense hatred felt towards northern men. They may from policy sometimes perhaps consent to use a northern man for some purpose. But in the portion of the State where I have been I have seen no evidence of good feeling towards northern men.

Question. Is the disposition among the people of that State to encourage the negro to purchase land, or to discourage him from purchasing it?

Answer. From all that I heard the people say, I should say that the disposition was to discourage the negro from purchasing land. The owners of the large plantations do not wish to cut up their plantations at all, and all the good land in Mississippi is generally owned by the large planters. The small planters generally have poor land, hilly land, while the large plantations are generally bottom lands. In other words, there is in the central portion of the State considerable rich land called "hummock lands," which is generally held in large plantations. The valley of the Tombigbee contains a very large negro population, and the planters have always hoped to work their plantations with the negroes since the surrender. I suppose that at one time they found a great deal of trouble in doing so. The negroes were afraid to contract with their old masters for fear they would be brought into slavery again, although they knew they were free. Their masters wanted to work the negroes for $75 a year, although they used to pay $200 a year for their work. The negro was shrewd enough to understand the difference in price, and thought it strange he was not worth as much as before. We found the negroes willing to go to work on their old plantations whenever they were assured that they would be paid. I myself told the negroes at the time of the surrender that it would be much better for them to go back on the plantations to work, and that they would be secured under their contracts as long as I was there and the troops were there; and a large portion of the negroes did so. This was some time before the Freedmen's Bureau took charge of them.

Question. How does the state of things in Alabama compare with the state of things in Mississippi?

Answer. In the mountain region of Alabama there are a great many loyal people; people poor, but loyal. We recruited two regiments there. Between them and the people of the other portions of Alabama there is a great deal not only of animosity in regard to the question of secession, but of private animosity. The loyal men in that part of the State may be strong enough to protect themselves, as they have gone home with their arms. But their families have suffered everything during the war. I have found a great deal of outlawry in Alabama, and I doubt if the civil authority alone, however much inclined to do so, could control that feeling now. Their seizing a steamboat the other day is an instance of what I mean. The poorer classes of white people there, as a general thing, cannot read or write. In the matter of granting paroles, it was found that not one in six could write his name. They have a most intense hatred of the negro, and swear that he shall never be reckoned as a part of the population.

Question. What is the state of public sentiment generally in Alabama in reference to the national government?

Answer. The bitterness there towards the government, for some months after the surrender, was so great that it is difficult to say whether there is any good feeling towards it. I have always heard them finding fault; never expressing themselves kindly towards the government; at the most only as rather obliged to accept things as they were. They seem to expect that when the troops are eventually withdrawn they will control matters in their own way. In August I sent a detachment of troops from a company to arrest, if possible, or drive away a party of men who had, as it were, picketed a road in the hope of catching Governor Parsons, whom they had made threats they would kill. Yet he had been very lenient towards them in all his dealings with them. I have never heard them express any good feeling towards the government. They have submitted because they could not help it. While travelling about the country there in citizen's clothes, I have often heard them say that something might turn up when they would have their turn again. A rebel soldier who has fought through the war is by-far the best man in the country, and the most willing to accept the state of affairs as they are, and the most ready to go to work. The worst class of people there are those who have been in the bands of guerillas—the irregular bands of rebels.

Question. Does there seem to be any expectation in Alabama that they will be paid for their losses?

Answer. I do not know whether they expect payment or not. They sometimes discuss the question; but it always seemed so absurd to us that we laughed at the mere idea

of their getting anything. I know there are a great many claims upon the government, for I have seen a great many of them; and I suppose they would not get up their claims if they did not think there was some chance of their payment.

Question. What would be the effect upon the Union men and negroes of removing the troops and the Freedmen's Bureau?

Answer. I think it would be the most unfortunate thing for the State itself that could be done. I do not believe a sensible man in the State would like to have all the troops removed. They might like to have the negro troops removed, because of their antipathy to seeing them carrying muskets; but I do not think they would object to having white troops there. If they were removed, I think the result in the case of the negro would be, either that they would reduce him to some state approaching slavery or peonage, or they would drive him out of the State. And they would stop emigration by that, because they could not go there and get along without labor. It would, therefore, be very unfortunate for the State.

Question. So far as your observation extends, do the people have a disposition to educate and elevate the negro, or is it their disposition to degrade him and keep him in a subordinate position?

Answer. There is no inclination among the people to educate him; they are the rather opposed to that. In fact, there is not much inclination to educate the whites, who need it quite as much as the negroes. There is very little difference in regard to intelligence between the poor whites and the negroes. I have never seen any inclination among the people there to help the negro. They want his labor, but they want it in their own way, and at their own prices; that seems to be their determination. I have heard a great many men of property in Alabama say they should be sorry to see the troops go away. They might be glad to see the black troops go, but they seem to think it would be very bad to take away the white troops.

Question. Had there been, at the time you left, any organization of State militia, either in Alabama or Mississippi?

Answer. No, sir; not when I left.

Question. In what portions of the State of Georgia have you been?

Answer. I went through Georgia down through Atlanta, near Andersonville; thence across to Montgomery, Alabama. I went back, once, to Atlanta through Chattanooga, and I once went through the northern part of the State; through Kingston, Rome, and that part of the country.

Question. Did you hear any expression of feeling by the people, either favorable or unfavorable, in regard to the Union or the national government?

Answer. I never heard any in favor of it. They seemed to think they were crushed: to feel as if they were what might be called a subjugated people; not a part of the people of this country, but a subjugated race. At first they seemed to take the thing very well, and appeared to be glad the war was over; glad to have peace on any terms. To give some idea of the feeling of the people: I was once travelling in the cars there, in which was a woman and her family travelling on government transportation. My wife was with me, and I was paying my fare, for, being on short leave of absence, I did not think myself entitled to government transportation. This woman, travelling at the expense of the government, turned to us and said: "This war never will be over in our feelings; I will teach my children and they shall teach their children to hate the government." I have heard a great deal such talk. I have become so accustomed to it that it would strike me as very strange there to hear anything in favor of the government. I do not remember hearing any such thing. Very few of the people appear to acknowledge that they were wrong. They regret the war, but do not acknowledge that they have ever been wrong. They still believe they had a right to secede.

Question. What has been the effect of granting pardons and amnesties to these people? Has it been favorable or otherwise upon the public sentiment?

Answer. I think it has been very unfavorable to the government. It has had this effect: At the close of the war the owners of tracts of land were willing to sell their lands, not knowing what would be done with them. But since pardons have begun to be given, as a general thing they have declined to sell, believing that they could get northern capital to come in and work their lands and work the negroes. At one time there was a great deal of fear in regard to property; they said they expected all their property would be confiscated and lost to them. But after pardons began to be granted, they began to feel safe again. They say to me now: "You will not dare to confiscate our property, or to hang Jeff. Davis, or anybody else." Immediately after the surrender they were certainly penitent enough. But I found a vast difference in a month or two.

Question. How would it be in Georgia with northern men who might go out there to live? Would they be well received, or otherwise?

Answer. I do not think they can live there after our troops shall have been taken away.

Question. How would it be with Union men who are natives of the country, should our troops be taken away?

Answer. They would suffer more than the northern men, what few there are of them; there are not a great many of there. The feeling towards them is more bitter than towards

northern men. During the last few months I have been there, I have never known any good feeling exhibited towards the government, or towards the north, anywhere there. The confederate soldiers seem to accept the state of things as a fact; but they are very bitter, though not so much so as the women and the owners of land who remained at home.

Question. Are there within your knowledge any facts in relation to cruelties practiced upon the negroes?

Answer. Yes, sir; I have known negroes to be killed without any provocation at all. In Knoxville, in September last, I heard a shot fired; I did not see the man fall, but I know a negro man was killed, and a white man was afterwards arrested—the one who had killed him. I was one night going into town, when a house was attacked in which lived some negro women of the families of some men belonging to a negro regiment. The negroes were attacked, and some of them were wounded. And to give you some idea of the antipathy to the negro, what was singular was that this attack was made without provocation by some Tennesseeans who had been in our army. I know of instances, not from personal observation, but from reports of what occurred around where I was. There were a great many instances reported at General Stoneman's headquarters, when I was there, of murders of negroes, committed without any provocation.

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WASHINGTON, *January* 26, 1866.

Brevet Brigadier General George E. Spencer sworn and examined.

By Mr BOUTWELL:

Question. What is your age, residence, and occupation?

Answer. My age is thirty years; I reside at present at Decatur, Alabama; I was formerly a lawyer.

Question. How long have you resided at Decatur, Alabama?

Answer. Since the surrender of Johnston's army. I have been at Tuscaloosa most of the time since that surrender, but I consider Decatur my residence.

Question. What has been your acquaintance with the people of Alabama, and for how long a period?

Answer. I have been acquainted there for nearly four years. I recruited and raised the first and only loyal regiment of Alabamians in the federal service—the first regiment of Alabama federal cavalry.

Question. In what part of the State was that regiment raised, and when?

Answer. In the northern and western parts of the State, in 1862.

Question. Where did you reside previous to your residence in Alabama?

Answer. In the State of Iowa.

Question. State generally what opportunities you have had since Lee's surrender for obtaintaining information concerning the condition of public sentiment in Alabama.

Answer. I have been constantly in the State, a large portion of the time travelling. I resigned my commission in July last. I was then a brevet brigadier general in the federal army. Since then I have been in the State constantly till I left to come here, a large portion of the time travelling. I have been at Tuscaloosa more than at any other place. I find the sentiment of the people hostile to the government of the United States. They consider their interests inimical to those of the country. That is the case with all but the loyal portion of the people. About ten per cent. of the people are loyal, and they are intensely loyal. In the large slaveholding counties the treatment of the negro is terrible in the extreme. In Pickens county several negroes have been murdered. One man was murdered in September last, on a Mr. Edding's plantation, near Providence, Pickens county. The foreman of the plantation, a colored man, was taken out and murdered, and his body mutilated after he was murdered, because he was dissatisfied with the wages they were paying him. That was the only excuse made in the neighborhood that I heard. The people there sustained the murderers, and no efforts were made to arrest the criminals. At the circuit court at Tuscaloosa, in November, three negroes were sentenced to be hung for grand larceny; another was sentenced to ninety-nine years' imprisonment in the penitentiary for stealing a horse. In the central part of the State the roads and public highways are patrolled by the State militia, and no colored man is allowed to travel without a pass from his employer, which pass must state that the negro has the permission of his employer to go, or that he is travelling on business for his employer. At Eutaw, in Greene county, a month since, there were a large number of negroes in jail, the most of them for the most trivial offences. One woman had been in jail for about three months for breaking a plate; a man was in jail for throwing a stone at a sheep; another for letting down a man's fence. It was understood that he had driven through the man's lot and left his fence down. During the last year of the war General Sherman's escort was from my regiment. The lieutenant commanding that escort was born and raised near Milledgeville, Georgia. After he was mustered out of the service, in August last, he returned to Milledgeville, but was allowed to remain only six hours there. He was mobbed in the streets of

Milledgeville, and was charged with being responsible for everything that Sherman's whole army did in Milledgeville. His friends and relations made him leave to save his life.

Question. Is it or not within your knowledge that combinations exist among planters to regulate the rates of labor among the negroes?

Answer. I will state what I know to have been done there. At Foster settlement, in Tuscaloosa county, Alabama, the planters this year formed a combination, and refused to give the colored hands on a plantation more than one-eighth the net proceeds of the crop. A Mr. Beale, a planter there, had made an arrangement to give his hands one-sixth of his crops. The people then called a meeting, sent for Mr. Beale, and told him he must change that arrangement; and a committee went from the meeting down to the plantation, and told the negroes there the arrangement must be changed, and forced them to change.

Question. Is there a disposition among the white people there to educate the negroes and improve their condition?

Answer. I should say that the disposition was not to educate them.

Question. So far as you know are the negroes disposed to work at fair compensation if they can be assured of their pay?

Answer. I think they are. I am strongly of that opinion. I have always said everywhere that there is more disposition among the negroes to work than among the white people.

Question. What is the disposition exhibited by the negroes in relation to intellectual and moral improvement?

Answer. It is better than you could expect.

Question. Have you observed any change in public sentiment, either for or against the government, since Lee's surrender?

Answer. The greatest change. It is almost impossible to describe the change. Immediately after the surrender of the armies of the confederacy the people were willing to accept the condition of things as they were. They only asked to be allowed to live there. But now they are haughty and overbearing and insolent, and they do not propose, if they can help it, to allow any one to associate with them politically, socially, or commercially, unless he has been a rebel, or has given the rebellion his support, or comes up to their standard. They never speak of a federal in any other way than as a "Yankee."

Question. Are there any indications as to whether they mean to support the government in good faith?

Answer. I do not think they do. They say that when they get power they will repudiate the national debt. That is common street talk.

Question. Do you know whether or not they intend to make any claims on the government for losses that they have sustained?

Answer. They do.

Question. Is it a matter of common conversation among them?

Answer. It is a matter of general conversation everywhere. I have had claims offered to me to the amount of several millions of dollars to take to Washington, but I have invariably told them that I did not consider that the claims were good for anything, and I have endeavored as far as I could to discourage them. I have no belief that they would be paid.

Question. If the people were left entirely free from military restraint or control to elect members of Congress, and were assured that the men they elected would be received here, what class of men would they elect?

Answer. The elections this year show that. No man unless he comes up to the full standard of a secessionist can be elected to any office outside of five counties in Alabama?

Question. Which five counties are those?

Answer. Marion, Winston, Walker, Fayette, and Randolph. They could poll a very good Union vote in some other counties. But in the counties I have named, which were nonslaveholding counties, the Union men have a very large majority. It is respectable to be a Union man there, but in the other counties it is not.

Question. To what do you attribute the change of sentiment against the government since Lee's surrender?

Answer. To the policy of the administration.

Question. In what particular?

Answer. In appointing secessionists and rebels to office, and in pardoning them. One gentleman returned from Washington with his pardon, and in conversation with me about a week after he said that a republican form of government was a failure; that he was firm in the belief that the United States government could not exist ten years.

Question. What was his name?

Answer. William H. Jemison, of Tuscaloosa.

Question. How would northern settlers be received in Alabama as landholders and farmers or planters?

Answer. That would depend entirely upon the locality.

Question. I mean outside of the five counties you have mentioned?

Answer. They would be received very coldly. The general wish of the people is that they shall not come. The election in the fourth congressional district—and that has been my observation everywhere—was upon the test-oath issue; that it should not be taken. The can-

didates made the issue that they could not take it. It is considered disgraceful for a man to be able to take the test-oath.

Question. Do you mean that a man who cannot take the test-oath would be supported?

Answer. Yes, sir. And in that district the man who could not take the oath was elected by five thousand majority. He said that he thanked God that he was not able to take it, and he insisted upon the stump that President Johnson did not want anybody elected who could take it. It was insisted that that was the President's policy.

Question. If the United States troops were to be removed, and the Freedmen's Bureau suspended, what would be the effect upon the colored people?

Answer. They would be in worse slavery than ever. I consider that the colored people there to-day are worse off than they were when they had masters. The masters had an interest in them to the extent of so many dollars, and would protect them. Now the general disposition is to mistreat them in every possible manner. The laws of the legislature, which they passed, show that. The arming of the militia is only for the purpose of intimidating the Union men, and enforcing upon the negroes a species of slavery; making them work for a nominal price for whoever they choose, not allowing the negroes to have any choice, any way. They say the government dare not hang Jeff. Davis. In Madison county, a Mr. Gurley, who, I believe, was the first guerilla of the war—who went into that business as early as 1862, when General Buell was marching his army through the northern part of Alabama, paying even for the rails his soldiers took—this Gurley was elected sheriff of that county as a reward for commencing guerilla warfare. This Gurley is the man who murdered General McCook.

Question. Have you been in any of the other rebel States?

Answer. I have been up and down the Mobile and Ohio railroad this summer, from Columbus, Mississippi, to Mobile, and I have been at Columbus considerable.

Question. What is the result of your observation at Columbus and on the line of the railroad?

Answer. The same as in Alabama. I have travelled on that railroad a dozen times, but never travelled it without hearing people brag of the amount of government cotton they have stolen; they speak of it with feelings of pride. That is the case all over that country. In the large cotton producing country there is a large amount of government cotton.

Question. Do you understand that this cotton has been stolen by the rebels?

Answer. Large quantities of it by the people there; the balance of it by the government agents; the majority of the sub-agents were rebels, and many others were an irresponsible set of men. About two weeks since, as I was travelling on the Mobile and Ohio railroad, a lady came in and sat down beside me. She took up a newspaper which had an article in it about the trial of Jeff. Davis. Glancing at the caption of the article, she looked up at me and said: "I will tell you what I think of Jeff. Davis. I think he was a greater and better man than Jesus Christ. Don't you think so?" I state this to illustrate the feeling there.

Question. What positions in the military service have you held during the war?

Answer. Captain, colonel, and brevet brigadier general of volunteers; I was in General Sherman's army.

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WASHINGTON, *January* 27, 1866.

Brevet Brigadier General George E. Spencer was recalled, and added the following to his testimony of yesterday:

Several soldiers and persons in the employ of the government were indicted by the grand jury of Walker county, for burning the jail, and releasing some prisoners during the war, by order of Major General Dodge, of the federal army. They are now under indictment, and the authorities there have attempted to try them. I procured an order from General Grierson for their release.

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WASHINGTON, *January* 26, 1866.

Judge William H. Smith sworn and examined.

By Mr. BOUTWELL:

Question. What is your age, and where do you reside?

Answer. My age is thirty-nine years, and I reside in Randolph county, Alabama.

Question. How long have you resided in Alabama?

Answer. About twenty-five years.

Question. Where were you born?

Answer. In the State of Georgia.

Question. What is your opinion of the condition of public sentiment in Alabama, in reference to the Union and the national government? Is it favorable, or unfavorable?

Answer. I think it is very unfavorable, especially among those who were original secessionists, and many of those who espoused the rebel cause afterwards. A great many who

went into the rebellion have the same hatred to the government as ever, and manifest it in every possible way. As an evidence of the feeling I will state my own case. I was originally a Union man, and refused to take any part in the rebellion; stood out against it until I was compelled to leave home. The governor of the State ordered me to be arrested and tried for treason, and sent a force of cavalry to take me; but I made my escape. After the war closed, I went back home, and found the rebels apparently very glad to see me, and very humble. They said at that time that all they wanted was to be permitted to live in the country, and they would be satisfied. They appeared to be that way for some length of time, until the recent election in the State for governor, members of the legislature, and congressmen. Since that time they have been very bold, very intolerant, and manifest the most perfect contempt for a man who is known to be an unequivocal Union man; call him a "galvanized Yankee," and apply other terms and epithets to him. In travelling on the cars you can hear such language used every day by people; or I can where I am not known. Where I am known personally they avoid the use of such language, generally; but I very frequently hear it where I am not known. I frequently hear men say that this matter is not yet over; that they will yet have their independence; that the negroes shall yet be returned to slavery. They say, however, that they do not expect to go to war against the United States again on their own account. But if the government becomes involved in a war with any foreign power, which they hope will soon be the case, they will take up arms against the United States. This is common talk among them. Then the character of the legislature of Alabama furnishes, I think, strong evidence of disloyalty; that they do not accept the result of the war in good faith. The house of representatives is sitting in Montgomery now without the United States flag over them. There is not a United States flag in the building where the legislature is in session. They are passing bills to allow crippled rebel soldiers to peddle without a license, but never notice the federal soldiers whose condition is the same. And when the rebel General Bragg passed through Montgomery, a resolution was passed inviting him to take a seat in the hall of the house of representatives. When General Thomas passed through there, they did not notice him at all. They show their contempt boldly and in every way for the federal government and its officers. This is manifest to every man there. They still persecute Union men and negroes. They whip the negroes, shoot them, hang them, kill them, now, for offences that under the old slave code they would not hang a white man for. A Judge Dorothy, down there, decided that the old free-negro code applied to the freedmen, and they hung a negro there under it. In the election the question was whether a man could take the test-oath or not. If he could, they would not vote for him; if he could not, then he was all right. The rebel General Battle made speeches there in which he said that he contemned and spit upon and scorned the oath. So I was informed and believe. And a Mr. Ligon, who ran against him, according to common report, said that he could not take the oath, and that he would suffer his right arm to rot off before he would vote for any one that could take it. Yet he was supported for Congress by Governor Parsons. George Reis, a man who could take the oath, ran in that district; and the objection that the secessionists and rebels had against him was that he could take the oath. I overheard a conversation between some gentlemen in Montgomery. I did not know them, and I presume they did not know me. It was when the candidates first came out for Congress, and they were discussing the question of whom they would select for members of Congress. One man observed that he was an original secessionist, but he thought they should accept in good faith the condition of affairs, and send to Congress the most unobjectionable men they could find; that it would be better for them. Several of the others spoke up and said that that would not do; that that was not the correct view of the matter; that it was their interest to represent in Washington that there was not a decent man in the south who could take the oath, and that unless the men who could not take the oath were admitted into Congress, there could not be a decent representation obtained from the south. These men say they must make that issue now, and not elect a man who can take the oath, in order to make that impression at Washington; else they will be disgraced forever, and their children after them. That is the way they talk. You can frequently hear observations of that sort among the rebels; that is, if you are not known to be a Union man. Where I am known I never hear anything of that sort; but where I am in a crowd of strangers I hear these things. And it is very conclusive evidence to my mind that they are not loyal, but that they intend to fight this matter over again, in a different way. They claim, openly, publicly, and boldly, that the President is their friend; that he is standing as a wall of fire between them and the radicals at the north, and that they must sustain the President. And they say more: that he thinks more of a man in the south who has fought for the rebellion than of a southern man who stood by the government. They claim that they are the friends of the President, and that he is their particular friend.

Question. What proportion of the white people of Alabama are truly loyal?

Answer. I think there are some ten or twelve thousand truly loyal men in the State—men who are voters if they had any encouragement and support; but they are cowed, not organized, and have not the spirit to say anything—all but a few of us, who will speak out. But I think there are that many truly loyal men in the State, if they could have the protection of the government; but if the rebels are to be restored to power in the State, to be rewarded by seats in Congress for their treason against the government, there will be no loyal men in the State; either they will leave the State or they will join the rebel party. In that case the

Union man will have to do one of two things: if he cannot be protected by the government in the expression of loyal sentiments, he must join the rebel party or he must leave the State. For myself I wish the protection of the government. I will never join the rebels; and, as a matter of course, if they are restored to power I must leave the State. In my opinion I could not go to Montgomery now if the federal troops were withdrawn without being hissed out of the capital of my State, if nothing worse was done to me. It is known there that I joined the federal army and was with General Sherman in all his campaign through Georgia, South Carolina, and North Carolina.

Question. Has there been any change in the public sentiment in Alabama towards the government since Lee's surrender?

Answer. I think the feeling against the government is a great deal more bitter now than it was when Lee surrendered.

Question. To what do you attribute that?

Answer. To the character of the appointments that have been made and the manner in which the patronage of the government has been bestowed. The rebels have had all that in their hands, and they think they have power again, and it emboldens them. I can see no other cause for it. They say they will soon have the control of the country again; that they will have a united south, and with the demoratic party in the north, and the President to help them, they will soon have the control of the whole country again. I was talking with Governor Parsons the other day, just before I left Montgomery. I talked to him as if he was a Union man, although I am satisfied he has gone over to the rebels. I said to him, in substance, this: "Governor, the course we should pursue here is to make war on these rebels. As for the poor, deluded common soldiers, I have sympathy for them; but as for the rest, we must put them down. The people must blame some one for this great wrong, and if the government does not put a mark on the leading rebels and blame them, the people will blame the government. But if these men are rewarded for their treason against the government, the plain, simple-minded men will say that the government must be satisfied that they have not done wrong or it would not reward them." "Well," said the governor, "I agree to that; but let us wait until we get the State reconstructed." "What do you mean by that?" I replied. "Do you mean, wait until these men are all in power? That would be too late. We Union men will then all be driven out of the country." And I feel confident that that would be so; and that is the opinion of every truly loyal man in the State with whom I have conversed, and I am just from Montgomery and have seen a great many.

Question. What is the opinion of the loyal people of Alabama in reference to representation in Congress, if at the same time the national troops are to be withdrawn from the State and the people left entirely to the local and State authorities?

Answer. Those that I have seen do not want to be represented by rebels, by the men now elected; and they do not want the troops withdrawn either, for they are the only protection and security loyal men have in many parts of that country.

Question. Have you held any office, civil or military, within the last four or five years?

Answer. I have never really held any military office. I had authority from General Grant under which I recruited and rendered service to the army in that way, and I was with Sherman in his campaign, though I had no commission whatever. I recruited for the first Alabama cavalry, which was commanded by General Spencer, and then I recruited for the second regiment, which was never completed. I was with the army, all the time engaged in recruiting. I may have recruited five or six hundred men for the federal service.

Question. Have you ever held any civil office?

Answer. Governor Parsons, while he was provisional governor, appointed me judge of a circuit. I accepted the office because I felt like harmonizing if he would do right. But I have resigned for several reasons. I found I could not hold court without being insulted by the rebel lawyers in their speeches, in which they were upheld by the authorities. They did not direct their remarks directly to me, but they would make some allusion to the rebellion and glory in it, which I did not like to hear; and the legislature elected a man for solicitor of the circuit who had been a very violent rebel, in favor of hanging Union men. I did not feel that I ought to hold office under the circumstances, and I resigned. I did not feel that I ought to give my sanction to what was going on by holding position under the authorities then in power. I was not in accord with them, and to hold office under them I felt would place me in a false position.

Question. What is the disposition of the negro to work, if he can be paid fair wages?

Answer. I have heard some complaint of their unwillingness to work, but I have seen none of that spirit manifested by them. Where I live they have shown a commendable spirit in that respect; they have been anxious to contract to work. I live in a loyal section of the State, as much so as any portion of the State. The county in which I live furnished over five hundred men for the federal army; a majority of the people of that county are loyal. The negro is treated with justice there. I have seen no misbehavior on their part. Before Christmas, I believe, the negroes in some parts of the State did refuse to make contracts to labor. The planters in some of the lower counties proposed to give an able-bodied hand but twenty-five dollars a year, and as a matter of course the negroes refused to take that. But the negroes are behaving themselves, so far as I have seen, better than the white people, or at least as well.

Question. Do you know anything of prosecutions against Union officers or soldiers for acts done under orders during the war?

Answer. I do not know of any such cases of my own knowledge. I have heard of them in other parts of the State. There were none in the circuit I was on, that I remember, except that in St. Clair county there were, I think, some Alabamians indicted who had joined the federal army, and who had come into that country with a scouting party. I will not be sure of that, however, though that is my impression. I do know another fact, that true bills and indictments have been found against a great many Union men in Alabama—against hundreds of them—and they are not all free from them yet; and those indictments have all grown out of this war. The only reason and foundation for those indictments is the fact that the men are not secessionists. A Union man is liable to be accused of anything, of larceny, burglary, or anything else, and although there is not the least foundation for the charge, an indictment is found against him, simply because he is a Union man. Such has been the case. During the war some four or five hundred persons in my county were indicted for disloyalty to or offences against the confederacy. Of course all that went by the board with the confederacy, except the feeling that is left. When I held a court there I "*noll-pros.'d*" all those cases. Still the feeling is left, and the people talk about building monuments to the rebel dead, and hold meetings for that purpose.

Question. Have you any knowledge of the purpose of the people of Alabama in regard to the national debt?

Answer. I have heard but little said about it. I know that the rebels do not want to pay it. But so far as I know, all the Union men are in favor of paying it. I do not know one Union man who is not in favor of paying it. But the rebels are opposed to it, and depreciate the national currency and talk against it, and predict that it will go down as the confederate currency did.

Question. Have any steps been taken in reference to claims upon the national government for losses sustained by the operations of our armies during the war?

Answer. I have heard a great many talk about claims, but I do not know what has been done.

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WASHINGTON, *February* 7, 1866.

Judge William H. Smith recalled and examined.

By Mr. BOUTWELL:

Question. Do you desire to add anything to your former statement?

Answer. There is one thing that has come to my knowledge which I will state. During the rebellion there were in Alabama what were called "home-guards," who murdered a number of Union men, without trial by court-martial or any trial of any kind. And after Lee's surrender they murdered a number of other men in the same way. After the provisional State government was set in operation the grand juries of two counties found true bills against these parties for murder. The legislature has passed a law authorizing the governor to pardon before trial and conviction, with the view, I have no doubt, to shield these men from punishment. One reason for my thinking so is the fact that Mr. William Barnes, a lawyer, who was engaged to defend some of these men, was the man who introduced that bill in the legislature.

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WASHINGTON, *January* 26, 1866.

Mr. J. J. Gries sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside?

Answer. In Morgan county, Alabama.

Question. How long have you resided in Alabama?

Answer. About twelve years. I have lived in the south for thirty years. I have been a slaveholder, and have owned large property in the south.

Question. What are your views of the present condition of the public mind in Alabama, in reference to the national government? State any facts in your possession indicating the state of public sentiment there.

Answer. The public sentiment is very bitter there—as much so as, in fact more so than, before the surrender. The extreme leniency of the government has been the means of spoiling them like children, I think. Men who are known to have given aid and assistance to the national government, or to have a feeling in favor of the Union, are hardly recognized in Alabama. I think that among the people of Alabama there are a great many people who are truly loyal, but they are afraid to admit it. The officers who were appointed over us after the surrender were all rebels. The President was misinformed. He was lied to directly; that is the only proper word to use. We have since obtained evidence of his being told posi-

tive falsehoods about the men appointed. Of course the poor men of the country look to the appointments, and when they see those appointed who have been advocates of the rebel cause they consider it the strong party. If some unmistakable notice could be given to the people there, which could only be done by the appointment of loyal men, I think the tone of sentiment would be very greatly improved. As it is now a great many are timid. Governor Patton was a financial agent of the confederate government during the whole rebellion—cotton agent and tax agent. Governor Parsons was an officer of the rebellion. There has not really been a single Union loyal man appointed to any office whatever, and for that reason I think the people are excusable. They do not know what is right or wrong; they are ignorant, and can judge of affairs only from these appointments. General Grierson told me that he had reported to headquarters a great many cases of outrages there. Union soldiers have been imprisoned without any cause, or rather for acts committed under orders during the war, and it took the strong arm of the military to get them out of prison. In Cherokee county they had to pull down one jail, for the sheriff refused to deliver up the soldiers. The same thing has happened in several other counties, and now they are more courteous. They are all very anxious that the military should be withdrawn, when, as they say, they will have it all their own way.

Question. What proportion of the people of Alabama are really loyal, and would be so if left entirely to themselves?

Answer. I ran for Congress, and in my district 4,200 men voted the loyal ticket under all these disadvantageous circumstances. In the next district the loyal ticket got 3,000 votes. I know that the truly loyal people of Alabama, those who have always been loyal, who have never wavered, never flinched at all, have a strength of from 12,000 to 14,000 votes.

Question. What is the full vote of Alabama?

Answer. I think it is from 80,000 to 90,000 votes, and I think that under all these circumstances we have from 12,000 to 14,000 Union votes.

Question. In what part of the State is the largest loyal population?

Answer. In the northern part. We raised there 4,000 troops for the national army. Colonel Spencer commanded the 1st Alabama regiment, which was General Sherman's escort on his march from the mountains to the sea. There are ten counties in Alabama that are truly loyal. There is one county that has not one rebel in it at all; they had to leave, the sentiment was so strong against them. That is Winston county. I have the statistics of the strength of every county in the State.

Question. Will you furnish a copy of that to the committee?

Answer. I will do so.

Question. What would be the condition of the loyal men of Alabama, and of the negro population there, should the Union troops be withdrawn?

Answer. They could not live there at all. Take my case for instance: I have been driven from my home for three years, though I married one of the aristocracy. Governor Patton married a sister-in-law of mine. In the mean time I have been assisting and aiding my friends in various ways, not any way connected with the war, but humanely furnishing them supplies, particularly women; granting them favors, protecting the country against raids, and saving their property. I have lost everything I had; I have hardly a dollar left. When I returned they took by civil law all the corn raised on my place, partly by my freedmen. They took it by false testimony. The case has been decided in my favor again, but the corn is all gone. If the fountains are impure the streams cannot be pure. Every judge in our State is a rebel. Judge Smith, who is here, was appointed, but could not serve as a judge, had to resign because he was a Union man.

We could fill a book with facts of wrongs done to our people there. I am sorry to say that the sufferings and wrongs of our people are not known in this country at all. I have a petition, signed by 400 persons, to the President not to remove the military at present, and not to organize the militia on a rebel basis as they had commenced to do it, with the same rebel companies as before, under the very same old commanders. The Union men do not like to see these same men who have been fighting them organized and armed by Union authority to domineer over them again. The petition also asks for some assistance from the government for the people there. A great many were driven out, could make no crop, and were robbed by friend and foe almost. They ask that the Freedmen's Bureau shall give them some assistance.

You have no idea of the strength of principle and devotion these people exhibited towards the national government. People were hung or driven off; their houses burned down; their wives and children driven off; and still they would not deny their allegiance to the national government. I saw a beautiful woman who had walked sixty miles in the sleet and snow, with an infant on her breast, her house having been burned over her head. There have been hundreds of such cases. It would be an act of humanity to assist these people—an act of charity which would never be forgotten.

Question. Is there any assistance rendered to the people in the way of supplying them with rations and clothing?

Answer. There is by General Howard; but it is distributed through the rebel office-holders. The judge of probate is generally a rebel, and he will not assist "the damned tories," as the Union people are called.

Question. The assistance does not reach the Union men?

Answer. In many cases it does not; in some cases it does. My wife has distributed a great many rations for the poor people there. Governor Patton is a much better man than Governor Parsons was. Governor Patton has vetoed some of the laws passed against the freedmen. He is more of a national man, and he may become all right.

Question. What would be the feeling of the loyal people of Alabama, in regard to representation in Congress, if, as a consequence, the Union troops were to be withdrawn from the State, and the entire population left to the control of the State authorities as before the war?

Answer. I think the time has not yet arrived for that. The people cannot yet see the visible power of the government right before them without the troops. It is impossible in one day for a whole population to change their sentiments. But I think time will work wonders. There are thousands of poor confederate soldiers who were Union before the rebellion, and are heartily tired of the rebellion now. I could raise a thousand men to fight the rebels. But we want peace, not a Mexico here.

Question. According to your observation, what is the disposition of the freedmen in reference to working if they can obtain fair wages?

Answer. They are exactly like white people; if you treat them well they will work well. I have no difficulty with them myself. I could hire a thousand of them if I wanted them. But I have been entirely ruined by this rebellion, as nearly all Union men there have been. There is a kind of innate feeling, a lingering hope among many in the south, that slavery will be regalvanized in some shape or other. They tried by their laws to make a worse slavery than there was before, for the freedman has not now the protection which the master from interest gave him before. If the laws proposed the other day in Montgomery had not been vetoed by Governor Patton, there would have been a worse kind of slavery than ever, and it is so in all those States.

Question. What is the disposition among the landholders with reference to paying the laborers fair wages, and allowing them free competition as in the north?

Answer. It depends all upon the men. There are some who act very honorably; others do not. Still the freedmen will have to be guarded for a while, and the Freedmen's Bureau will have to throw some protection around them.

Question. Is there any combination among employers to regulate the price to be paid for labor?

Answer. Not that I know of. But they would not tell me if there was, for they know I am reporting everything to the government. I have been a slaveholder, and my former slaves are with me yet. There are a great many men who treated their slaves kindly, who still retain them. We need teachers in our country. I am trying now to get teachers to go out there.

Question. How would northern teachers be received by those who sympathized with the rebellion?

Answer. In our section of the State they would be received very well, and I hope that teachers will be sent out there.

Question. Has there been any change in the public sentiment in Alabama since Lee's surrender, either for or against the government? If so, what has been the cause of the change?

Answer. At the time of the surrender I found the people entirely willing to submit to anything and to everything. I was sent for by General Thomas to reorganize civil law in that part of the country. The people then would have accepted any terms and every term. If I give the cause of the change in feeling I would blame the President. I do not want to raise an issue with him, because he is a friend of mine. He has been deceived. We wanted another man appointed governor, the most brilliant man in our party. But Governor Parsons, who had acted with the rebel party and could not take the oath, was appointed governor, and now he is elected United States senator. I think it has been the mistaken policy of appointing men not loyal that has produced the change in public sentiment.

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WASHINGTON, *January* 27, 1866.

Mr. Mordecai Mobley sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In this city at present.

Question. Is this your usual residence?

Answer. I have resided here since the winter of 1862. I am an employé of the government.

Question. Where is your home?

Answer. I am from Iowa; that is my home; the town of Dubuque.

Question. In what department are you employed?

Answer. The Interior Department—the General Land Office.

Question. Since 1862 you have visited what rebel States?

Answer. Last October and November I visited Arkansas, Tennessee, Mississippi, and Alabama.

Question. What places in Arkansas did you visit?

Answer. Little Rock.

Question. Any other town of consequence?

Answer. No, sir; my business was there. I went there on board a boat, and staid there two days and returned to Memphis.

Question. State the results of your observations while in Arkansas as to the condition and temper of the people of Arkansas.

Answer. Nothing occurred during my visit there; no incident worthy of note. I was at a hotel there—one of the leading hotels in the south. During the day my business was in relation to the land office. At night I mixed among the people at the hotel.

Question. You had no great opportunities of observing the feeling of the people?

Answer. No, sir. I heard them talk, was introduced to some, and knew some gentlemen there, but I heard no disloyal sentiments expressed.

Question. What was the date of your visit there?

Answer. Early in November, 1865.

Question. You transacted your business and left?

Answer. I transacted my business and returned to Memphis, Tennessee.

Question. What was the result of your observations at Memphis in regard to the loyalty of the people and their respect for the government of the United States?

Answer. At Memphis I remained a few days. I have a son-in-law who has been there two years, and my wife is there now. On the 13th day of the month I made my report to the Commissioner of the General Land Office, as to Arkansas, in regard to opening a land office and consolidating the district. I was unwell while at Memphis, and staid in-doors. I had, therefore, no opportunity of mixing among the people and hearing anything. On the 16th of November I started from there to go to Montgomery, Alabama.

Question. What did you discover there?

Answer. I would like to state facts that occurred on the way. The object, I suppose, is to show the temper and disposition of the people of the south. When I started on the cars at Memphis I was somewhat surprised to see no northern men on board; they were all southern people. I travelled that day to Corinth, Mississippi, and there waited some hours for the train of the Louisville and Mobile road. I took that train; I had no conversation on the train; I only observed that they were all southern people.

Question. How could you tell that?

Answer. From the peculiar dress and habits, and the peculiar pronunciation of certain words. A northern man can be known from his dress—his hat. Nearly all the people in that section dress in homespun—rough sheep's gray clothing, butternut and walnut; and wear slouched hats. I was dressed like a northern man; they could all tell in a moment that I did not belong to the south. I expected to see a great many northern people travelling, but found none. The train did not leave Corinth till near morning, and when daylight opened I saw the same class of people on the car, and was surprised to see no northern men, at least none that I could identify as such. Part of that day I rode alongside of a Georgia man, and we conversed freely on the subject of the late war.

Question. Was he an intelligent or an ignorant man?

Answer. An intelligent man.

Question. A man of property?

Answer. That I do not know. He was on his way back to Georgia, and appeared to be a planter.

Question. Did he say he was a planter?

Answer. He did not. I remarked to him that I thought the southern States were precipitate in this matter, and were to blame for going out of the Union; that they ought rather to have sought their rights in the Union; and if they had had a convention of all the States I thought the matter might have been settled without this civil war. He admitted that. And most that I talked with said they were opposed to secession, but still they were carried on with the leaders. Said this man in the course of the conversation, "What are you going to do with the negro?" Said I, "Nothing at all; they must remain in these States. You need them—you need their labor." "Well," said he, "we don't want them here." Said I, "Sir, they must stay here; they cannot be colonized. All you have to do is to treat the negro with justice, give him a fair compensation for his labor, and they will stay here; and, moreover, the negroes of the north will come down here." Said he, "We don't want them here; we want the government to clear them out."

Question. Did he in that connexion refer to the local feeling of the place where he resided as being in favor of the expulsion of the negro?

Answer. Yes, sir; he was from the State of Georgia. The next day I started off in company with him and others in the direction of Montgomery. The first point we arrived at was called Demopolis, on the Tombigbee river. There I noticed on the cars, on the second day, a man whom I had seen the day before. I judged him to have been an officer in the confederate service, about thirty years of age, one of those resolute, daring, desperate looking men.

He had lost his right arm, close up to his shoulder, and two fingers of his left hand. He had a brace of revolvers buckled around him. We were detained at Demopolis; we had to cross the river and take the cars for Selma, which is about fifty miles from Demopolis. When the train came in, it was a platform gravel train; the passenger train had got off, and about a hundred of us had to take the platform cars, with all our "plunder," (baggage.) We had to get such seats as we could on trunks and boxes. I got a seat on some casks. This man that I described with one arm got boisterously drunk before we started. He was a planter, I was sure, and lived between Demopolis and Selma. I was so unfortunate as to get a seat in close proximity with him, and also to a man whom they called "Bruce." They were both drunk. The bulk of the passengers were behind me, and I could not well get away. While they were drinking, the man they called Bruce looked up to me, and seeing my clothes, said, "Do you belong to the confederacy?" Said I, "No, sir." "Where do you live?" "In Washington." "Do you know B. B French?" (Commissioner of Public Buildings.) "Yes, sir," said I. "Well," said he, "Mr. French knows me very well; he and I used to be in business together." We finally started; I saw no northern man on the train. This fellow with one arm drew his pistol and was shooting at different objects along the road, from the platform of the car, for amusement—shooting with his left hand. At the first station we took on some negroes. They were lying around loose at all the stations Among other "plunder," one of them had a string of chickens.

Question. By plunder you mean baggage?

Answer. Yes, sir; whatever they had. The string of chickens lay right close to me. I was between the chickens and these two drunken men. While the cars were in motion this fellow with one arm stepped before me and took one of the chickens by the head and swung it around his head with the whole string until he screwed off the head of the chicken, and threw the pile down on the platform. He laughed, and others laughed. He picked up another and went through the same operation. The negro that owned them dared not open his mouth.

Question. The negro was close by?

Answer. Oh, yes, sir; he was just beyond and saw it, but dared not say a word. When the man took his seat the negro picked up his chickens and took them forward—what was left of them; two of them flew off the car. Well, just after the man had done that, he swung his arm right over my head, and said "I can whip any damned Yankee aboard of this train; I don't care a damn whether he has Yankee clothes on or not;" and repeated, "any damned Yankee on this train I can whip." I knew that was intended for me, but, under the circumstances, I did not even look up. He finally stepped back after that flourish and banter and sat down behind me. There was a negro sitting on the platform within reach of this fellow, and he reached out and took hold of the negro's hat and jerked it violently off from his head. The negro looked rather sour. Then he drew back and struck the negro as hard a blow as he could with his fist, and then tried to kick him off the platform while the car was in motion. He did not accomplish that; the negro was a little too far off. Directly afterwards the cars stopped and the negro jumped down, ran forward, and got another seat out of his way.

Question. Did no white man offer to interfere and protect the negro or his property?

Answer. No, sir; no person dared to interfere in any way.

Question. Did you hear any remonstrance or entreaty?

Answer. Not a word. The truth of the matter is, the southern people don't care anything about it; and, besides, it would not have done to interfere with a man as desperate as he was with his pistols about him. At the next stopping place we got rid of him, and I was very happy when he got off. That night we got to Selma. I found the hotel full of people, a great many of them going to Montgomery. I saw there a large gentleman whom I had noticed on the platform cars, and I took a seat by him and entered into conversation. He told me that there were about twenty members of the Alabama legislature there going on to Montgomery, and they were very anxious to get there the next day, (Sunday,) because the legislature convened on Monday, November 20. I told him who I was, and what my business was.

Question. State in general terms what your business was.

Answer. It was to see if the archives of the land office in Montgomery could be found, and to report, from the best information I could get, whether we could consolidate the districts, or whether we should open more than one office in the State. A register and receiver had been appointed in Montgomery. I told him this, and that I was on special service for the government; and I asked him to give his opinion in regard to the consolidation, looking to the interest of the government and the convenience of the people. He gave me his opinion. Then we talked about our political troubles. I told him that I had always been a Henry Clay whig, and that I had slid into republicanism and Unionism. He was a very intelligent man, and a member of the legislature. Said he, "Sir, I, too, was a Henry Clay whig. I pleaded against secession. I told our people that the only guarantee we had for slavery was found in the Constitution of the United States, and that the very moment we cut loose from that we were gone, and the institution of slavery would be destroyed. But we were forced into secession, and the result is just as I foresaw it. Now, here is this great mass of negroes thrown upon us, and we must legislate in regard to them. And my view is—and I have discussed it before my people, and presented it to leading men, and they did not object to it—that the best method under all the circumstances is this: (Our people are a little afraid, by the way,

that the northern people may think that they see in it some attempt to re-enslave the negro, and it may embarrass us in our reconstruction, or in our efforts to get back into the government.) Now, there are three classes of people for whom I propose to legislate. I propose to take first the able-bodied class, and apply to them a vagrant law, making no distinction between white and black, and to provide that any person who is found loitering about without the means of support shall be tried for vagrancy, and if found guilty, to be sold for twelve months, the proceeds to go into the county treasury. That, I think, will stimulate this class to go to work, and it will be penalty enough. Then I propose to take hold of the class of minors with an apprentice law, and provide that the masters shall educate them so as to read and write, and when they are of age give them a good suit of clothes, a horse and saddle and bridle, or a hundred dollars in money, and some little outfit. Then there is a third class of little children and old, decrepit men and women, who have no means of supporting themselves. I propose that every county shall have its poor-house, where this class shall go and be supported at the expense of the county, and that a farm shall be provided where all who are able shall do a little work, and so help support themselves." Said I, "That will do; it will be perfectly satisfactory, I think, to the people of the north, the great body of whom have no unkind feelings towards the people of the south, but only ask that you shall do justice to the negro. We do not care how rigid your laws may be to make the negro work; only give him a fair chance, and protect him as you protect the white man. If you can enact that into a law, I think it is the best plan I have heard suggested."

Question. Did you get the name of the gentleman?

Answer. Yes, sir; it was Smith, of Choctaw county. I see that he has not been able to get it through the legislature since I left. The next day I got a seat in the stage. I found eight members of the legislature inside and one on the outside. I did not want to talk, but to let them do the talking. They did not know who I was until twelve or one o'clock, when a man who sat in front of me could not stand it any longer, and although my appearance was against it, presuming that I was a member of the legislature, as I was going to Montgomery, he said, "What county are you from?" Said I, "No county at all; I don't belong to your State." "Where do you reside?" he inquired. "In Washington city," said I. I had heard these members talk a half a day, and they had all been leading or active men in the rebellion. We were right along in the trail of Wilson's raid, and some of them fought against Wilson, embarrassing his progress all they could. They compared notes, to some extent being strangers to each other, and showed the different positions of troops in different places. They compared notes in reference to the results of the elections in the State of Alabama, and after that the whole thing was summed up by the most intelligent of the men, whom they called doctor, (I did not get his name,) who said that not a single county in the State had returned a "tory" delegation to the legislature.

Question. What did he mean by tory?

Answer. He meant Union men, or men friendly to the United States government. There were a few in the different counties, but they were powerless. I set that down as a fact of some importance, and I inferred from it that if only that class of men that I saw can be elected to the legislature in the southern States, no other class could be elected by the same people to the Congress of the United States, nor would such legislatures send true Union men to the United States Senate.

Question. Did you understand from the conversation with these members that any of them had had Union competitors at the previous election?

Answer. No, sir; I did not. They inquired about one county in particular, (Marion,) where the Union men were perhaps stronger than in any other, and the result was that not a Union man succeeded in that doubtful county. So that not a single county elected a Union man. They treated me politely when they found out where I was from and before, but that did not check them in their talk. They all felt alike. They considered themselves in the right and the north in the wrong. They all believed in the right of secession, and that they had acted only in defence of their constitutional rights. They admitted no justification on the part of the north, but regarded the destruction of their property as vandalism. They looked upon their own side of the case alone.

Question. Did you hear them make use of any bitter or contemptuous expressions towards the government?

Answer. Not these men, but I could see that the state of feeling in all of them was that they had been outrageously abused and oppressed, and their property destroyed without any justification whatever.

Question. Did any of them speak of the rebels having struck the first blow in the war?

Answer. No, sir; that subject was not discussed. We got to Montgomery that night, and the next morning the legislature convened. The hotel where I put up was filled with members of the legislature and citizens. I went up to the State-house in the morning. They were organizing the two houses. I did not stay but a little while. I did my business—all I could do there—and was ready to leave the next day.

Question. Did you see the United States flag in or about the capitol?

Answer. No, sir. I have seen published statements since that these southern States were all right, and that the flag of the United States was waving on the capitol of Mississippi and Alabama. There is not a word of truth in it. There was no United States flag at either of

those capitols, and is not, I am sure, to this day. At the hotel that night I listened as much as I could. I heard three men, who appeared to be members of the legislature, talking on the subject of reconstruction. One of them said, "Gentlemen, we have done everything the President told us to do. Why does he come down with further tests and ask us now to adopt this constitutional amendment about the negroes' freedom? Why not let us in? We have done all he told us to do in the first place." And, said he, naming a certain prominent man in Alabama, whose name I am sorry I can't remember, "That man was at Washington city just before our election, and he told me that when he left there Andrew Johnson shook him warmly by the hand, and told him to go home and return the right kind of men to Congress and all would be well; that he would ask Congress to repeal the test oath, and if they refused to do so he would bring all the power of the government to bear to compel them to do it." Well, I thought that a very rash speech, if President Johnson had made such a one, and I had my doubts about it. But it came so straight from that man that I could not well doubt it. But on returning to Memphis I saw a synopsis of the President's message, in which he said nothing about the test oath, and I concluded that there was a mistake about it, or that if the President did tell the man so, he was afraid to tell Congress so.

Question. Were you in Montgomery after the President's message was delivered in December last?

Answer. No, sir; the message had not reached Montgomery when I was there; on my return to Memphis I saw the synopsis. At Montgomery a Mr. Edwards is in the land office—a very loyal man—who spent four years in the service in the war. He told me he had his wife and daughter there; but, said he, "We are insulted at our boarding-house at the table on account of our being northern people. All these people are bitterly opposed to the government. We have no sympathy here at all I, Mobley, would not stay here for the best farm in the State. A northern man can't live here."

The next day I got a chance to turn my face homeward. I went to the captain of the boat to get a state-room. He said he would have to put me in with somebody else. Said I, "Do the best you can." I gave him my name, Mobley, and he asked if I was from Dubuque? I told him I was. Then he said, "I know you; I used to be second clerk on the steamboat Lamartine, where your son-in-law was first clerk; my name is Kinney. There was a large man standing by, and hearing that I was from Dubuque, and that somebody was to be put in with me, said, "Put me in with him; I am from near Chicago; there are three of us here." I said, "That will do—all right." I went out on the guard and said, "Sir, what are you doing here?" Said he, "We are looking after a cotton farm." Said I, "You are very rash; you northern men can't live in this country. These people have no sympathy or friendship for you; they will injure you in person and property. You are not only risking your money, but your lives, and my advice is to get out of this country just as fast as you can. The only way northern men can live here is by coming in large columns. The people of all this country, from all I can gather, have a deadly hatred of northern men." On the cars as I passed along I heard a southern man say, "One of our men is worth all the Yankees that were ever born." We passed on; they stopped in Alabama, still clinging to the idea that they would buy a cotton farm. They were the only northern passengers I saw. One of them had been a colonel. He had talked with leading men, and they had encouraged him in introducing northern capital and skill as the only way to recuperate the condition of the southern States. But I saw how the man was deceived, and told him so, as to the temper of the masses.

Mr. Kinney took me up in his state-room when the boat started, and told me that when the war broke out he was running a boat from New Orleans to Memphis. He was a northern man, and his family lived at Memphis. But, said he, "The rebels, on suspicion, took my boat away. I went back to Memphis. I could not afford to lose all, and, having a family to support, I went in for Jefferson Davis and the southern confederacy my whole length. They gave me back my boat again, and now I am all right. My freinds in the south bought this boat, and I am running it. I am known as a friend of the confederacy, hence I do all the business."

I spent a night at Selma, about eighty miles below Montgomery by water fifty by land. In the morning early I met a young planter, about thirty years of age. Said he, "I have a large plantation on the Alabama river. I have seventy-five negroes; they are all free, and, damn 'em, I can't drive 'em off my place. They are hanging round, eating up all I have. I threatened to shoot them if they didn't leave; but they won't go. I had eighty-seven shoats; they have eat up eighty of them. A friend of mine sent up an ox into the canebrake to fatten. He got so fat he could hardly waddle, and the other day I found his hide hanging up on the brush; theyv'e eat him up. Damn 'em, I believe I *will* shoot 'em when I get back. A few days ago I told a number of the boys I would shoot them if they didn't leave. Said they, 'Where shall we go?' Said I 'I don't care if you go to hell.' And when I returned, I met one of the boys, and said I, 'Has them niggers left?' 'No,' said he, 'and they ain't agwine till after Christmas.' Said I, 'Damn 'em, I don't know what to do with 'em.'"

Question. Did you hear anything said in Alabama about any design on the part of the negroes to seize upon the lands at Christmas?

Answer. No, sir; there was only this idea throughout all the southern States, that the

negroes would not engage—would not make a contract to work beyond Christmas; that they expected something favorable was to turn up by Christmas. That was all, and that impression was universal.

Question. What was it that was expected to turn up?

Answer. They thought that the lands of the leading rebels were to be confiscated and given to them. That was the idea. I noticed another thing, that not a single loyal newspaper was circulating through those States; but I could find the New York News, the Chicago Times, and papers of that class, being sold by the boys.

Question. What is the character of those two papers?

Answer. Those two papers, if I understand it, have been very decidedly in the interest of the copperheads, in opposition to the government in its efforts to put down the rebellion, and in sympathy with the south. That is well understood—better by you, I suppose, than by me. I never found a loyal paper until I reached Vicksburg, on my way back, and that was the Chicago Tribune. The people will not let them circulate.

Question. Did you hear anything said about circulating loyal papers at the south?

Answer. No, sir.

Question. Proceed with your narrative.

Answer. There was no incident worthy of note till I reached Jackson, Mississippi, where I arrived on Saturday, at dinner-time. I did what little business I had to do that evening. I went to the hotel about half past 8 o'clock. I told the landlord, about half past 9 o'clock, to show me to bed. He told me to go up and turn to the right, and take any bed I found. I found a large room with six beds in it. I got into one of them and went to sleep. They never lock the doors. About half past 10 I was aroused by a heavy noise. Some drunken fellow had run over a candle-stand, and he cursed and swore, and directly went down and came back with a negro boy holding a light. He was mad, and cursed the clerk below for sending him up in the dark. He told the negro that he had quarrelled with a man down stairs, and had told him that he held him responsible for what he said, and would fight him in the morning. He put his bowie-knife on the table, at the foot of the bed, after taking off his coat and vest, and sent the negro down for something. The moment the negro went out he saw that I was not asleep, and he came up to me and said, "Who are you?" "I am a stranger," said I. "Where do you belong?" said he. "I live in Washington city," said I. "But I want to know where you were in this fight we had," said he. "I was in the north," I replied. "Then," said he, "you are a damned rascal, and I wouldn't blame a southern man if he murdered you outright. Damn you, you fight against us and then attempt to come travelling through our country with impunity. Looking for cotton farms, are you? Damn you, you may buy them, but you shall never live on them."

Question. Was he drunk?

Answer. Yes, sir, just drunk enough to speak out what he felt. He held up his arm, and feeling of it said, "You had too much muscle for us; you had too many men; you whipped us, but, damn you, you have not subdued us; we will try you again, yet." He had been a colonel in the confederate service from Georgia.

Question. Did you get his name?

Answer. No, sir. In the mean time I said nothing. Then said he, "A single man, at my mercy, as you are, I would not hurt." I felt a great deal better after that; I breathed easier.

Question. Had you any arms?

Answer. I never carried arms in my life. Then he tempered down into a better humor and sat down and commenced telling about his quarrel down stairs. In the mean time the negro came back. Then he put on his coat and vest and buckled on his knife and said to the negro, "You must go with me." "Yes, massor," said the negro, "I'll go." They left the room. I lay there a moment or two turning over the situation and feeling uncomfortable. I said to myself, "This won't do; that man may murder me; I can't lie here." So I got up, dressed myself, and went down to the office. I found nobody there but a black boy; the others had all gone to bed. It was very near 11 o'clock. Said I, "Boy, did you see that drunken man come down?" "Yes, sir." "Where is he?" "Gone out." "For what?" "I think for more whiskey, from what he said. He made the negro boy go out with him so as to pilot him back; he had to go many squares to get to the saloon." Said I, "Is he coming back to sleep in that room to-night?" "Yes, sir." Then I told the boy what occurred, and felt that I was in danger of being murdered, being a northern man. The negro said that the fellow was a desperate man and had a big knife and might do it, as he was drunk. I told him I would not sleep in that room; I would sit up rather. Said the negro, "I'll give you another room." "That will do," said I; "but, mark it, that fellow will be back; he will miss me, and perhaps will be still thirsting for my blood and will want to know where I am." "Well," said the boy, "he shan't know; I won't let him know." Then he took me right across the hall into a lower room where there were five beds; three of them occupied. I took an unoccupied bed, and in twenty minutes the boy hunted up a key to that room and handed it to me. "Take that," said he, "and lock the door." Said I, "Is there anybody else to come in?" "No," said he. About one o'clock I was aroused again—somebody trying to force the door. They worked at it some time, but the door did not give way, and they left. I did not know who it was. I tried again to go to sleep, and after wor-

rying through the night, I slept a little about daylight. It did not occur to me till the next morning that the government had a military force there. I went to Major Barnes, whose father I had known in Illinois. He was in command of eight hundred negro troops, as fine as I ever saw. I told him my night's experience. Said he, "Can you identify the man?" Said I, "I cannot; I would not know him, and we shall have to let him pass, but I will not stay another night at that hotel; I will stay with you at headquarters." Said he, "We will take care of you." I learned that Lieutenant Eliott had determined to go to Vicksburg that day. I felt very much relieved. I put myself under his protection. He and I went down to the depot, or where it had been, for it had been burned by our troops. The cars were due at half past one o'clock, but did not come. There was a large number of southern people standing around waiting for the cars, and among the rest a man about fifty years old, dressed in homespun, just drunk enough to make fun. He was a man of some intelligence and a great deal of wit. The lieutenant and I stood together. Finally this fellow walked deliberately up to the lieutenant, put his hand on his buttons and shoulder straps, and said, "I don't like you." "Why?" said the lieutenant. "Because," said he, "you are all a damned set of thieves and robbers; that's why. Damn you; you came down here and destroyed our property, stole our niggers, and there are your friends, (pointing to the negro soldiers;) take them and clear out from here; we don't want you here; and I tell you, if I had the power, I would send the whole of you to the regions of damnation; I would murder you right here if I dared to do it; I would saw you in two; I would be even with you in some way." That speech was appreciated by all those around, who seemed to feel gratified. He being drunk, spoke with impunity what they all evidently felt.

Question. What did the lieutenant say?

Answer. Nothing at all; as the man was drunk, he let it pass. The next day I reached Vicksburg and went on board the boat to Memphis. On my way from Memphis to Cairo I made the acquaintance of a citizen of Memphis. Said he, "I am an old citizen of Memphis; I have been a prominent man before the people; we have had a great deal of excitement; my family are up in Illinois, and I am going to join them at Lebanon. I have got some eighteen or twenty thousand dollars, but such is the insecurity of life and property in the southern country that I dare not invest it, and I will not do it."

Question. That was last December?

Answer. Yes, sir, early in December. At Cairo I got in conversation with a man from Ohio. Said he, "I have just been to Memphis, where I took a large lot of brooms for sale. The merchants acknowledged they wanted them, but finding I was from Ohio, they told me flatly they would not have anything from northern men, but from their own people. So I was compelled to ship nearly all the brooms to New Orleans; I succeeded in selling a few to a commission merchant." At Cincinnati I got into conversation with a Jew merchant from Memphis. We had noticed each other on the train. I told him I had been to the south, and how the people felt towards northern people. "Well," said he, "we have got a store in Memphis and in Montgomery. In Memphis we had some military goods in the store, and there was an officer's coat hanging at the door. One of those butternut fellows from the country came along and looked at that coat, and commenced using the most bitter oaths in the English language. He cursed the man who made the coat; he cursed the man that might wear it; he cursed the man that offered to sell it, and then passed on. Said I to the clerk: 'Take that coat down, and hide all the federal uniform clothes with these shoulder straps.' And we boxed them all up. I found we could not sell anything to people from the country while they saw those goods there."

Question. Did you hear anything said by the southern people about still forming a separate independent people?

Answer. I did not hear that discussed at all.

Question. Did you hear them say anything about their inclination or disinclination to have intercourse, social or commercial, with the northern people?

Answer. On all occasions when I heard them talk, they had no inclination to have any intercourse at all with the people of the north. Just before I got to Jackson, one of the editors there had stated in his paper that the moment military authority was withdrawn they would run every Yankee out of the State. And they would do it, in my opinion, or they would assassinate the northern men. There is nothing to restrain them but the military power. What is the protection which the southern civil courts afford northern men? None in the world. They would just as lieve shoot a Yankee as a negro, and a negro as a hog. The idea is, that they have been crushed by the northern people and their property destroyed, and now to think that these hated Yankees are to come down and undertake to make gain of their misfortunes by renting cotton farms or buying them, is the straw that breaks the camel's back, and they feel like killing every man that comes there. I went there with kind feelings towards these people; I have come back without a particle of sympathy for them. I have mixed with all classes, and heard them talk, drunk and sober, and I have come back the strongest kind of a radical.

Question. Were you ever in the military service of the United States?

Answer. No, sir, except mustering here.

Question. Do you consider yourself to be naturally and constitutionally a man of resolution—as firm and courageous as ordinary men are?

Answer. Yes, sir. I am excitable; when I think a man intends to insult me I am excited in a moment. It takes a good deal, however, to get me up to the fighting point; but *then* I have no fear of danger. But I have no desire to get up to that point, and avoid it as much as I can.

Question. On that occasion at the hotel you were unarmed and in the power of a drunken man who was armed?

Answer. Yes, sir, and in the power of that man in the car, who would have shot me as quick as he would have shot a hog if I had got into an altercation; therefore, although I knew his speech was intended for me, I thought prudence was the better part of valor.

Question. Is there any substantial Unionism in those States which you visited?

Answer. No, sir. I will mention another thing: At Jackson, Mississippi, I met a man, one of the tax commissioners, who had been a Union man all the time, at the risk of his life. He said to me when I left, "I regret most seriously to part with you, for you are the only man I have met that I can sympathize with politically. I have not a friend here. There is no sympathy. My business calls me here, and I have to stay; but I am no longer anxious to stay. The feeling here is in opposition to the United States."

Question. Have you anything further to say on this subject?

Answer. One thing more. I have two letters in my pocket from a reliable Union man, which I have received since I got home. I will read a few extracts:

*Extract from a letter dated November* 22, 1865, *and received at Memphis.*

"I really pity the conservative element of this beautiful State. They have been overslaughed in the congressional election in the selection of fire-eaters and black-flag men to represent them in the national council, and the legislature is distributing offices and patronage only to that class. They have this day chosen as State printer the Montgomery Advertiser, the vilest of the vile. Oh, when will this thing end? Will Congress admit to seats the present members elect? Methinks that rather the troops should be doubled—nay, if necessary, quadrupled, at each post of any importance, and the people made to feel the force of military government for a while longer, to teach them the right. The antipathy to the freedman amounts to hatred, and the majority evince but little less of feeling towards what is known as toryism and Yankee sympathizing."

*Extract from a letter dated December* 14, 1865, *from the same.*

"Our political atmosphere is still hazy overhead, and I still hope the representatives may not be admitted for some time—at least till the people shall exhibit a greater appreciation of the clemency of our most magnanimous government. I should deprecate with all my heart a removal of a single blue coat or bayonet from this State, but on the contrary, I should hail with joy their increase, both for the sake of the northern men, who have already and still are investing heavily for the production of staples. If the troops be withdrawn, I care not what amount of cotton may be grown; not one Yankee will succeed in getting his crop to market. It will be burned or stolen." * * * * *

"I neglected to mention, in connexion with the removal of the troops, the necessity, in my judgment, of their remaining, if not increased, for the protection of the freedmen. I can only say, if the troops be removed, God help the freed people! for they can look for nothing practical from their former masters. They, in truth, utterly despise them, not thinking it possible for them to be possessed of a single noble or manly sentiment."

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WASHINGTON, *January* 27, 1866.

Ezra Hienstadt sworn and examined.

By Mr. WILLIAMS:

Question. Please state your age, residence, and occupation.

Answer. I am forty-nine years of age; my residence is in the city of New Orleans, where I have resided for the last thirty-six years continuously since 1836; I am by profession a lawyer.

Question. Were you in Louisiana during the war?

Answer. I was there from the commencement to the close of the war, and for many years previously.

Question. Will you state the disposition of the people of that State, at this time and from the beginning of the war, in reference to the power and authority of the government of the United States?

Answer. Shortly before the so-called ordinance of secession was passed in Louisiana there was considerable opposition among many of the people of the State of Louisiana to any attempt to break up the government of the United States. After the secession ordinance was passed, and the war had been commenced, that class of persons almost universally acquiesced in the so-called secession, and the most of them either became active during the war in

favor of the rebellion or sympathized with it. That was the condition of things throughout pretty much the entire State of Louisiana, and particularly in the city of New Orleans. The population of the city, so far as any expression of opinion and any acts were concerned, was almost entirely in favor of the rebellion. It being a large city, there were a considerable number of persons in it who were Union in feeling, and who maintained their attachment to the national government during the whole difficulty. But the feeling of opposition to the government soon became so rife that it became dangerous to express any opinion of adhesion to the government. That continued to be the case up to the time of the capture of the city by Admiral Farragut with his fleet and the arrival of General Butler—so much so that within a very few days after General Butler took military possession of the city of New Orleans, a meeting of the Union people was held privately and not publicly. There was a small number of individuals, who had maintained their integrity to the government, who resolved to have a meeting among themselves, for the purpose of arranging a meeting with the general and opening a communication with the authorities of the government. That meeting was held privately, in a masonic lodge-room, and consisted, I think, of fifteen persons. It was dangerous even then for a person to be known as an adherent to the cause of the government. There were doubtless at that time a considerable number of persons in the city who were truly loyal men, but who from the previous existing circumstances were absolutely afraid to make their position known. On the taking possession of the city, the organization of the city watch and the giving employment to a large number of the poorer classes, repairing the levees and streets, and upon public works of that kind, a large number of the working men of the city came over to the government, all of whom, so far as appearances went, were truly loyal.

This state of things continued during the administration of General Butler in the city of New Orleans, as well as during the administration of Military Governor Shepley, and up to the arrival of General Banks. The subsequent administration of General Banks, in inaugurating the State government, by orders to hold an election for governor, treasurer, auditor, &c., strengthened and gave activity to the Union feeling. And that was also kept up by the administration of Governor Hahn, who was elected at that election. The election of a constitutional convention, and its adoption of the constitution of 1864, was also another step in that direction. And the re-establishment of a general feeling of loyalty seemed to be in a condition of flood-tide, if I may so express it, until the commencement of the administration of Governor Wells.

Governor Wells assumed office upon the resignation of Governor Hahn, and commenced his administration by removing many of the appointees of Governor Shepley and of Governor Wells, and appointing in their places, in most cases, men who had been engaged in opposition to the government during the war. And this was particularly visible in the city of New Orleans, when the governor appointed as mayor of the city a man who pursued the same policy as Governor Wells pursued, by turning out many of the old acknowledged Union men, and appointing in their places men, many of whom had but recently taken the oath of allegiance. Many of the appointees of Governor Wells, as I have already stated, had at some time or other been actively engaged in the rebellion, as is well known to all the old residents of Louisiana.

After the final surrender of the confederate forces, this course was pursued by Governor Wells to a greater extent than ever, so that there are now few if any—I do not remember any—of the appoin[illegible] of either Governor Wells or Governor Hahn in office; their places having been fille[illegible] rsons who have been, either actively or passively, engaged in the rebellion. Of c[illegible] this policy of Governor Wells had a direct effect to encourage and embolden those lately in rebellion to take into their hands the entire administration of the State and city governments, as was shown by the last November election. That election resulted in the election of persons, almost without exception, lately hostile to the government and engaged in the rebellion.

Immediately after the capture of the city, those citizens who had fled on the advent of the fleet and the forces of the government returned to the city, many of them most deeply embittered in feeling against the government, on account of finding their property taken possession of by the government, and in some instances confiscated. The society of those formerly in opposition to the government became reorganized, which gave boldness to an expression of dislike to the cause of the government, and particularly against those citizens who had adhered to the government during the rebellion. This feeling was manifested to such an extent as to make it evident, to the loyal citizens at least, that there was a deep feeling of hostility towards them. Many individual facts might be stated to show a deep determination to drive them from public position politically, as well as to ostracize them from all public and private employment.

It is within my personal knowledge that persons formerly engaged in piloting steamboats on the rivers, now find it difficult to find employment in that capacity on account of their having piloted government steamers during the war, and an association of Red River pilots has been formed to discountenance the employment of pilots of that class, as I have been informed by such persons. It is difficult, however, for me to state particular facts from personal observation.

On the recent meeting of the State legislature, this state of feeling on the part of those

formerly opposed to the government was made manifest in the election of subordinate officers of both houses of the legislature, without exception, from among those lately returned from the confederate army, and some of whom wore their confederate uniforms openly in and about the two houses of the legislature. I have been informed by many commercial men that many persons in the country object to receive anything but gold and silver in payment for their cotton. I have heard many persons say they had no regrets for what they had done, and are only sorry that they did not succeed. I cannot say, however, that this feeling is general among those lately in hostility against the government, but I am certain it is the feeling of many who hold prominent positions. I am also certain that there is a deep feeling among that class of persons against the payment of the national debt, as well as against the revenue laws of the government of the United States. The recent organization of the State militia in the country parishes, being composed almost exclusively of those lately in hostility to the government, had had a tendency to foster a feeling of opposition to the government, and to create a deep distrust in the minds of the emancipated blacks, who look upon it as a measure almost exclusively levelled against them, as that militia is composed entirely of white persons, while the laws provide for the enrolment of all classes. And there is also a strong opposition on the part of all classes of those lately in hostility to the government to the education and moral improvement of the blacks. In the country parishes, so far as my information goes, and I will say it is derived principally from others, the framework of society is in a very disturbed condition. In many parts of the State life and property are very insecure. The papers of the country contain almost daily accounts of robberies and murders, so that it is considered by many unsafe to travel in some of the remote parts of the State distant from the city and from the general thoroughfares. So far as a public expression in the newspapers of a feeling of attachment to the government of the United States is concerned, that is now almost entirely confined to two papers in the State. All the others are entirely passive in that respect, and many of them are daily publishing articles which militate against the policy of the government and the emancipation laws. I have thus, in answer to your question, gone over the general outlines as they present themselves to my mind.

Question. In your opinion, what has been the effect upon the rebels in the State of Louisiana of the acts of clemency and favor on the part of the State authorities, to which you have referred? Have they tended to increase or to diminish their hostility to the national government?

Answer. My opinion is, without being able to state particular facts, that the tendency has been to increase the feeling of opposition to the government; that those who were in the rebellion, or who sympathized with it, have drawn themselves into a marked and distinct class, until now there is a complete line of demarcation existing between those who adhered to the government during the rebellion and those who were engaged in the rebellion.

Question. In your opinion, what has been the effect upon those rebels of the acts of clemency towards them on the part of the federal government?

Answer. So far as I have been able to observe, the tendency has been to embolden them in the opinion that they were encouraged to take possession and control of the State government, and in the opinion that it was the policy of the federal government to have them do so; at least such have been the opinions I have heard expressed. I will illustrate by this remark that has been frequently made to me by some of my old acquaintances: "We," referring to themselves as those who have been secessionists, "We have now the power and possession of the government, and we will control matters according to our own liking."

Question. In your opinion, would it have been better or would it have been worse for the interests of the people of that State had the vigorous administration of General Butler and General Shepley been continued?

Answer. I think, had the administration of affairs been continued as it was under both of those officers, and such as it was under General Banks at the time when he left the State of Louisiana, it would have had a great tendency to create in a short time a general acquiescence in, if not respect for, the operations of the government.

Question. Would it or not, in your judgment, be safe for the loyal people of Louisiana, both white and black, to withdraw from that State at this time the military power and supervision of the federal government?

Answer. I unhesitatingly say that I do not consider it would be safe for them to do so. My opinion is, that if the entire force of the federal government were withdrawn from the State of Louisiana the Union men, as we call those who were loyal during the rebellion, would be driven from almost all the rural portions of the State at least, if not from the city of New Orleans, and the condition of the blacks would to a certain extent be worse than it was when slavery existed there, for they would be controlled by force in such way as to be left very little liberty whatever.

Question. What is the feeling there generally among those who have been in the rebellion as to managing the blacks properly without physical compulsion?

Answer. The general impression is that it cannot be done; that the negroes will not work unless by the application of physical force to compel them to do so.

Question. Suppose the power of the federal government were withdrawn, in your judgment what would be the course of the people in legislating in regard to the blacks? Would

they seek in spirit to restore a system of servitude, or would they in good faith carry out the spirit of the emancipation amendment of the Constitution?

Answer. As to that I would refer you to the enactments of the legislature of Louisiana recently in session. They passed most stringent laws, making it a highly penal offence for any one to do anything that might be construed into encouraging the blacks to leave the persons with whom they had made contracts for labor; and also making it a misdemeanor for the blacks to do so, subjecting them to be arrested as vagrants and sold as such during the remaining portion of the time for which they had contracted, and giving the preference in buying them at such rate to the persons with whom they had made contracts. There have been several instances in the parishes—equivalent to counties in other States—where the local authorities have passed most stringent ordinances upon that subject, but which have been overruled by the military authorities. I will refer here to what was done in one instance. When Brigadier General Fullerton assumed the control of the affairs of the Freedmen's Bureau in the city of New Orleans, some time during last fall—I do not remember the exact date—he issued an order that all persons of color in and about the city of New Orleans who did not produce evidence immediately of being employed should be arrested as vagrants. The consequence was that in the course of twenty-four or forty-eight hours a very large number of colored persons who were found upon the streets without evidence of employment with them were put in prison. After that state of things had continued for some forty-eight hours the order of General Fullerton was revoked by order of General Canby, the commander of the department, and those persons were set at liberty. I will make this general statement, that from the habits, the universal and long-continued habits of life of the white population of Louisiana in the government of slaves, it is very generally believed by them that the negroes will not work—that they will become an idle and thriftless population unless their labor can be controlled by force; that is the general impression. My own opinion upon that subject, formed from long experience in Louisiana, and a pretty general acquaintance with the planting interests, is that in a short time, when the negroes shall experience the necessity of labor in order to live, they will become an industrious population. A great deal of the labor of the city of New Orleans is now being performed by them.

Question. Are the negroes now willing to work for those who they believe will treat them kindly, and give them fair wages?

Answer. Well, sir, so far as my observation extends—and I have looked into this subject considerably—the disposition of the negroes generally is to go to work for those who will treat them properly and pay them a fair compensation.

Question. What is the prevailing sentiment among the rebels in regard to allowing negroes to become landholders in the State?

Answer. There is a very general opposition to that, as well as to the education and moral improvement of the negro race. But the opposition to negroes holding property is not so great in Louisiana as it is in some of the adjoining States, from the fact that from time immemorial free negroes have been landholders in Louisiana. I will add that this opposition is more particularly directed against those negroes who were lately slaves than against what we call in Louisiana free colored persons, of whom there have been a very large number in the State for a great many years.

Question. Judging from your observation and means of information, what would you suggest as the suitable remedy to be employed by the federal government for the evils to which you have referred as existing in the State of Louisiana?

Answer. The first great requisite, that which I imagine would have the best influence in settling the state of things in Louisiana, would be to maintain there for some years a rigid administration of the Freedmen's Bureau, to protect the blacks in their rights, as well as to see that they complied with the reasonable and proper contracts they might make. I consider that such an establishment would stand as a barrier to the encroachments of one class upon the rights of the other. In regard to political matters, I consider that it would be a solicism in government for us to have States containing different classes of population, one class of which, almost equal in numbers to the other class, being entirely debarred from the exercise of the elective franchise. There is in Louisiana a very large number among the colored population that may be called highly intelligent. They are a mixed race, resulting from the condition of things existing in that State for years, when the proportion of white women was smaller than the number of white men. That class of mixed persons are property-holders to a large extent, both in the city of New Orleans and in the parishes of the State. They are almost all educated, and in New Orleans they comprise some of our best mechanics in the various mechanical departments.

Question. Would it, in your opinion, be better or worse for the commercial and other interests of the State for the federal government to relinquish its authority there at this time?

Answer. My impression is that it would be positively beneficial to the commercial and agricultural interests of the State of Louisiana for the federal government to continue its authority there for some time to come. I think such a course is necessary, until society settles down again into its normal condition.

WASHINGTON, *January* 30, 1866.

Major General George H. Thomas sworn and examined.

By Mr. BOUTWELL:

Question. What is your rank in the army of the United States, and what is your present command?

Answer. I am a major general of the United States army, and command the military division of the Tennessee, with my headquarters at Nashville, Tennessee.

Question. What States are included in your command?

Answer. The States of Kentucky, Tennessee, Georgia, Alabama, and Mississippi.

Question. Will you state to the committee the results of your observation and information in regard to the condition of the people of Alabama, with reference to their loyalty or disloyalty to the government of the United States?

Answer. The people of Alabama are extremely anxious to be under the Constitution of the United States, and to have that State in its regular position in the Union. But they are not yet personally friendly to Union men. They are desirous to live under the government of the United States, and have attempted to pass laws as judicious as they could at the time to regulate the affairs of the freedmen. One of those bills was not considered constitutional by the governor, and was vetoed by him. He thinks now that the legislature will pass a just and fair bill to regulate the affairs of the freedmen of the State.

Question. In the absence of personal good will towards the Union and Union men, on what is founded the desire of the people of Alabama to live under the government of the United States?

Answer. They have had a fair trial in their attempt to gain independence, and have failed completely in that attempt. They now profess to have given up the contest, and express themselves as desirous of resuming their relations with the government of the United States.

Question. What proposition of the people of Alabama may be regarded as radical and continuing Union men?

Answer. That is a very difficult question to answer, for this reason: Originally, and before secession, and during the discussion of that measure, a majority of the people of Alabama were for the Union. And when the subject was first submitted to the people a majority voted against secession. And I am informed that the State of Alabama was eventually taken out of the Union by means of political trickery on the part of prominent leading and determined secessionists in the State. Then the people, finding themselves in that condition, and being desirous of preserving their property, acquiesced in the result, and in many instances seemed to give up their Union sentiments and advocate the cause of the confederacy. And some of those original Union people have remained rebels, and are now strongly in sympathy with the enemies of the government. Others have expressed their gladness that the rebellion has been crushed, and profess to desire to have the State back in the Union. But their interests and sympathies have such a hold upon them at this time that it is very difficult to obtain a clear expression of the sentiments of any man there.

Question. So far as you are able to judge, what proportion of the people of Alabama, at the present time, are avowed Unionists, to the extent of condemning the rebellion and entertaining a desire to be under the national government, even if it were possible for them to establish the confederacy?

Answer. Well, sir, I am inclined to think that a very small proportion of them would be willing to sacrifice their property and interests in the south for the sake of the Union. They did not do it before, and it is fair to presume that they would still adhere to the advancement of their own private interests in preference to the interests of the national government.

Question. What is the state of feeling existing between those who have been avowed Unionists through the war, and those who have been identified with the rebellion?

Answer. In some portions of the State there is a very bitter feeling; in other portions of the State the people all seem to desire to be friendly with one another, and to adhere to the government.

Question. In which part of the State is there the best condition of feeling among the people in reference to the national government?

Answer. In some portions of north Alabama the public sentiment is decidedly in favor of the government; in other portions of the State I think the sentiment of the people may be expressed in this way: if they thought they could establish a southern confederacy they would prefer it; but seeing no hope of that, they desire to live under the Constitution of the United States. There is in Alabama a strong and decided disloyal sentiment, though I think the Union sentiment predominates in many portions of the State.

Question. Do you know of anything being said, or any measures taken, in reference to recovering from the United States payment for claims or compensation for losses sustained by the people during the war?

Answer. I have not heard of any combination for that purpose.

Question. Have any measures been taken by the legislature of Alabama, or by any officers there, to ascertain the amount of such losses?

Answer. I do not think there have been. If any such measures have been taken it has

been done very quietly, so as not to have been observed by the officers of the government stationed in the State; at least they have not reported it to me.

Question. In the elections that have taken place in that State, has it or not been common for candidates to put themselves before the people as having participated more or less actively in the rebellion?

Answer. I do not know that it was a universal thing for that to be done. There were two distinct parties in northern Alabama, and the Union candidates for Congress were defeated. But I think the Union candidates there for the State legislature were either all of them elected, or a majority of them were elected.

Question. How was it in central and in southern Alabama?

Answer. I think the successful candidates in central and southern Alabama were either officers of the rebel army, or active and working rebels. A report of frauds in the elections in certain districts in Alabama was forwarded to me—I forget now which districts. Those reports have been forwarded to Washington, and I suppose they are now on file in the Adjutant General's office.

Question. Will you state generally what was the nature of the alleged frauds?

Answer. That improper persons were permitted to vote; that was the charge, and it was substantiated, as I have been informed.

Question. And those persons were not entitled to vote for what reasons?

Answer. On account of their participation in the rebellion. I think voters were required to take the oath of allegiance, or were required to swear that they had not taken part in the rebellion; neither of which conditions was enforced in some districts.

Question. What is the condition of the State generally with reference to personal safety?

Answer. Up to this time Union men and the freedmen have not been, to a very great extent, in danger of their lives. But a few instances of personal violence have been reported to me. Generally speaking, the presence of the United States troops and of the officers of the Freedmen's Bureau have been sufficient to put down any demonstrations of hostility.

Question. What is your opinion of the expediency of removing the troops of the United States from Alabama?

Answer. I do not think it would be expedient to remove the troops until the people show that they are themselves willing and determined to execute the civil law with impartial justice to all parties.

Question. Do you know of any combinations among any classes of employers with reference to the wages to be paid to freedmen, or the conditions on which they shall be employed?

Answer. I have heard of combinations, but my information has been of an indefinite nature. I have, however, on all such occasions warned the officers of the Freedmen's Bureau to take steps to prevent any undue advantage being taken by employers over the laborers they employ; and that has been sufficient to prevent any combinations from becoming prominent, even if they had any existence. I have had no positive reports made to me of combinations of such a character being entered into.

Question. Is there any disposition to allow the freedmen to become freeholders, or to prevent them from becoming such—any such disposition as would amount even to a public sentiment?

Answer. I think public sentiment is divided in that respect. I have heard of no legislation on that subject, either to empower them to become freeholders or to forbid them from becoming freeholders.

Question. If the national troops and the Freedmen's Bureau were removed from Alabama, what results would you anticipate in regard to freedmen?

Answer. If that were done at this time, I do not believe that the freedmen or that Union men could have justice done them.

Question. What form would the injustice be likely to take?

Answer. It would commence with suits in the courts for petty offences, and neighborhood combinations to annoy them so much that they could not reside in the neighborhood. I am satisfied that until a better state of feeling shall arise there, if all restraint should be removed, the freedmen would be thrown back into a condition of virtual slavery; that is, they would be compelled by legislative enactments to labor for little or no wages, and the legislation would assume such a form that they would not dare to leave their employers for fear of punishment.

Question. How would it be with men who during the war have been avowed Union men?

Answer. Unless they had very warm personal friends they could not live in the State. They would be annoyed so much in various ways that they could not live there in any peace and comfort.

Question. What is the feeling of the people, so far as you know, in regard to receiving emigrants from abroad, or from the northern and western States? Would they be received kindly or otherwise?

Answer. I think that emigrants from abroad would be kindly received. But I think emigrants from the north, or Union men, would be treated coldly or with indifference.

Question. What is your opinion in regard to the propriety of removing the negroes, if

territory could be assigned them where they could become freeholders? Would they be disposed to go, or have they any opinions on that subject?

Answer. I do not know that any effort has been made to ascertain whether or not the negroes would be willing to remove to any territory assigned to them; but from my knowledge of the negro character I think they would object to it. I think that the mass of them desire very much to continue to live in their old neighborhoods, and with their old masters invariably where they have been treated well as slaves.

Question. Will you state generally what have been your opportunities for obtaining a knowledge of the characteristics of the negro race?

Answer. I was born in a southern State, and reared to the age of nineteen in that region of the country. Since I have been in the army my services have been mostly in the southern States and on the frontier bordering on the southern States?

Question. What is your opinion of the danger of trouble with the negroes if they remain where they are and are justly treated?

Answer. There is no danger from them whatever, unless the whites treat them so badly that they are compelled in self-defence to rise up against them.

Question. Has anything been done in Alabama since emancipation in reference to the education of negroes?

Answer. There is one section of the State of Alabama where the people, under the direction of a philanthropic gentleman of that State, have gone to work of themselves to establish a freedmen's court, or something like it or equivalent to it, through which they propose to administer fair and impartial justice between the employers and the negroes. And they have also undertaken to establish schools for the religious instruction of the negroes, and for education in the primitive branches of knowledge.

Question. What is the disposition and capacity of the negroes for education?

Answer. The disposition is universal among them, especially among the younger portion, to acquire education. Their capacity for receiving instruction has not yet been fully developed. But from all I can learn from conversation with different persons, they possess a fair capacity for acquiring knowledge. I think the second generation can be instructed much more easily and much more thoroughly than the present generation, because, in a measure, the mind of the negro is entirely undeveloped at present, except in the matter of practical observation.

Question. What is the disposition of the negro to labor? Is there any trouble with him in that respect if he is offered fair wages and assured of receiving his compensation?

Answer. I think in every instance when the negro has become assured that he would be paid fair wages he has gone to work willingly, and has continued to work as long as the contract has been faithfully performed on the part of his employer.

Question. Will you state, in general terms, how the condition of Georgia differs from that of Alabama, if at all?

Answer. I do not think that the condition of the State of Georgia differs materially from that of Alabama. There may be there somewhat more of personal hatred towards the negro in his relation as a freedman, but as yet it has been easily controlled through the Freedmen's Bureau, and that feeling is constantly improving in all of the States.

Question. How does Mississippi differ from Alabama, if in any way?

Answer. The people of Mississippi appear to me to be more impulsive and more prone to stand up for and assert their opinions. It is a difficult matter to describe the difference between the people of those two States; yet there is a difference.

Question. If I understand you, you consider Mississippi the least promising of the three States of which you have spoken?

Answer. Yes, sir; the people of that State do not listen to arguments and discussion with as much calmness as the people of Alabama do.

Question. What is the state of the public mind now in the three States you have described, with reference to the government, as compared with the condition of the public mind soon after Lee's surrender?

Answer. I do not know that I am competent to give a decided answer to that question, because the reports I received soon after Lee's surrender were generally from persons who travelled hurriedly through that section of the country. I think that in the great majority of cases they were disposed to look on the most favorable side, immediately after the surrender of Lee and the downfall of the confederacy, and perhaps they did not investigate as closely as persons would at the present time. The universal report made to me by persons travelling through those States at that time was to the effect that the mass of the people were very happy at the downfall of the rebellion and at their prospect of soon getting again under the Constitution and government of the United States.

WASHINGTON, *February* 2, 1866.

Major General George H. Thomas re-called and examined.

By Mr. BOUTWELL:

Question. Do you know anything, from information or report, of secret organizations in the south said to be hostile to the government of the United States?

Answer. I have received several communications to that effect; but the persons who have given me this information have desired that their names should not be mentioned, and as yet no direct accusations have been made in regard to any one person or any class of persons. There have been steps taken to ascertain the truth of the matter. The persons communicating with me are reliable and truthful, and I believe their statements are correct in the main. But how far this disaffection extends I am not as yet able to say. It does exist to a certain extent, and I am taking measures to obtain as much information on the subject as I can.

Question. To what States does this information relate?

Answer. It relates to all the States lately in rebellion. I think there is no real danger to be apprehended, because the military authority and power of the government is not only feared in those States, but I think it is ample to put down any serious demonstration.

Question. Is this information from different sources, each entirely independent of the other?

Answer. Yes, sir.

Question. So far as you are informed, what are the nature and objects of this organization?

Answer. To embarrass the government of the United States in the proper administration of the affairs of the country, by endeavoring or making strong efforts to gain very important concessions to the people of the south; if possible, to repudiate the national debt incurred in consequence of the rebellion, or to gain such an ascendancy in Congress as to make provision for the assumption by Congress of the debt incurred by the rebel government; also, in case the United States government can be involved in a foreign war, to watch their opportunity and take advantage of the first that occurs to strike for the independence of the States lately in rebellion.

Question. Do you know of any persons of influence being implicated in this movement?

Answer. As yet I have not ascertained that any persons of influence are implicated in it. And I will further state, in justice to the people of the south, that I know of many men who were prominent in the rebel army, who I believe are now honestly trying to become good citizens of the United States. They have been paroled by the military authority, have applied to the President of the United States for pardon, and are awaiting his decision. They have set themselves to work quietly to earn an honest livelihood in some practical and peaceful manner, thereby setting a good example to the other people of the south.

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WASHINGTON, D. C., *January* 30, 1866.

Major General Clinton B. Fisk called, sworn and examined.

By Mr. BOUTWELL:

Question. State the nature and extent of your acquaintance with the people of Alabama since Lee's surrender, and the results of your acquaintance in reference to their loyalty or disloyalty.

Answer. From the month of June until November, that portion of Alabama north of about the 34th parallel, including all the territory north of the mountains known as the Valley of the Tennessee, was included in my district of the Freedmen's Bureau. My opportunities for meeting the people of that section were very good during all those months, and even now. I found a good many loyal people in northern Alabama, inasmuch as there has been a very healthy emigration from the northern States there, including a very considerable number of officers mustered out of our own service, and have bought or leased plantations in northern Alabama, and, in fact, I should say that half the industry of that section of country was in the hands of northern men this year. Perhaps half the business houses in Huntsville, its principal city, are conducted by northern men and northern officers. The old slaveholding population of northern Alabama are as rebellious in spirit as ever. There is there a large population of non-slaveholders, very poor people, who are denominated "Alabama Yankees," inhabiting the Sand Mountain region, who have from the beginning of the struggle been loyal. I was in northern Alabama, travelling through there during the canvass for members of the State convention, attended the hustings and heard their speeches from the stump. Returned rebel officers were among the candidates and were usually successful at the election.

Question. From the information you have, how does northern Alabama compare with the other sections of the State in reference to loyalty?

Answer. I think it is in a better condition than any other portion of Alabama. I judge from information as to the other portions of the State.

Question. Do you know of any combinations among employers for the purpose of regulating the price of labor among the freedmen?

Answer. There were such combinations made early in the summer, among the planters in their conventions, fixing a very low rate of compensation for the labor of the freedmen. But the combinations were broken up by the officers of the Freedmen's Bureau. My orders prohibited any combinations of the people, or of communities, fixing any rate of wages. My directions to my subordinates were, to let labor, like any other commodity, compete in an open market.

Question. Are the officers of the army and of the Freedmen's Bureau generally received kindly by the old inhabitants of Alabama, or otherwise?

Answer. A great many of the old inhabitants, the largest slaveholders, and most intelligent men, were among those who most heartily co-operated with me; while there would be others, who were apparently their equals in wealth and intelligence, who resisted me with all their might. But neither officers of the government, civil or military, or citizens from the north, are received into the social circle in Alabama; they are shut out completely.

Question. What is the disposition of the people in reference to the education of the negroes, and their improvement generally?

Answer. In northern Alabama there are no old Alabamians who give it any encouragement at all. The educational interests are all in the hands of northern societies. There is an excellent system of schools in northern Alabama, established there by northern aid commissions, and doing a great work. There is hardly a family in all that section who would permit a teacher of colored children to board with them; consequently, the teachers sent there by northern societies and benevolent enterprises have found it necessary to establish themselves in their own houses; and if not aided by the government, could not obtain a building to teach in.

Question. What is the disposition of the negroes, as far as you have observed, in reference to laboring, if they are properly paid?

Answer. With fair wages, promptly paid, there is no trouble at all. There is a great demand at this present time for laborers in northern Alabama by persons who have leased the large plantations.

Question. Is there a disposition on the part of the landholders to sell their lands or to hold them?

Answer. There was more of a disposition to sell three or four months ago than at present—to sell to emigrants. There was no disposition at any time, upon the part of any of the old Alabamians, to encourage negroes to acquire or hold property.

Question. Are there any negroes who have any means of buying property at present?

Answer. Yes, many of them have means. There is one negro in the city of Huntsville who pays taxes on a large amount of property; his name is Robinson.

Question. Was he free before the war?

Answer. He was. Negroes who have had the means and opportunities of cultivating lands, as some of them have in northern Alabama for the last two years, under the protection of the government, have done so with great success. Much the best cotton marketed in that neighborhood the past year has been raised under their direction.

Question. Do you apprehend any danger from negro insurrections in that country?

Answer. Not the least. During the few weeks preceding the holidays there was great fear upon the part of the people of my district, in many portions of it, that there would be an insurrection; that when Christmas came the negroes would rise *en masse* and kill off the white people. During the holidays I went into the most thickly populated negro sections of my district and met the people in large numbers, without distinction of color, and talked with them about that. I did not discover that there had been the least cause in the world for the apprehension. The negroes passed through the holidays without a single disturbance in the district, not one. They all knew of the apprehension of the white people, and talked about it. But they said there was nothing in it; that none of them thought of such a thing. Still a portion of the Memphis press and the Mississippi press particularly were filled with it every day, warning the white people to be well armed, to watch and to kill every negro on the first demonstration. That frightened some of the negroes, who thought it was an attempt on the part of the white people to create a disturbance in order to massacre them. Many of the returned negro soldiers who had their arms got ready for any demonstration or any trouble. I went myself into northern Mississippi to look after a reported insurrection of negroes there, and found the whole thing had grown out of one negro marching through the woods with his fowling-piece to shoot squirrels to feed his family. It was magnified into hundreds of negroes marching upon their old masters with bloody intent by the time it reached Memphis and the papers in the north. One of the most serious obstacles we have to encounter in that section of country is the course pursued by a majority of the newspapers. The city of Memphis has five or six sheets edited by the men who wrote up the rebellion and now hate the gov-

ernment of the United States. They circulate freely through northern Mississippi, for Memphis is located within a few miles of the State line, and the Memphis and Charleston railroad runs into northern Mississippi and then east through northern Alabama. It seemed, from the reading of some of these papers at that period, that it was the intention of the editors to create an insurrection if possible. But the holidays pass, the negroes did not insurrect, and there was no trouble of any kind. They did not contract as freely for labor as they did after the holidays. There is no doubt but what a majority of the colored population in those States down there positively believed that the government would take the plantations, with their old masters who had been in the rebel service, cut them up into forty-acre parcels, and give them to the colored people. Many of our soldiers told them, as the army marched victoriously to the Gulf, that we were to give them the plantations and make them the lords of the soil hereafter. I have had occasion to disabuse the minds of negroes of that idea, who had received it from the troops of my own command in Mississippi. Then the rebel masters of that section very generally stated, in the presence of their old slaves, that if the Yankees succeeded in subjugating them they would take their plantations away and distribute their property among the negroes. Then they had heard, of course, of the establishment of the Freedmen's Bureau, and of certain abandoned lands, in reference to which the negroes were to enjoy certain rights, the right of leasing, and after three years, of purchasing at a certain valuation. They understood all that, and I found, on going among them, that they fully believed the lands were to be so divided. When they were disabused of that impression, and found there were no lands to be given to them, most of them were ready to contract for labor. The first twenty days of this month the Memphis agency made contracts with 7,280 persons for labor. They made contracts covering not only West Tennessee, but southern Mississippi and eastern Arkansas, Memphis being central to all that great section.

Question. What have been your means of information in regard to Georgia since the surrender of Lee?

Answer. Of southern Georgia the same as southern Alabama; of the southern part of the State as far south as Atlanta.

Question. How does the public sentiment and conduct of the people there compare with that of the people of southern Alabama?

Answer. Just about the same, as far as I can judge.

Question. What has been your acquaintance in Mississippi during the same period of time?

Answer. Of southern Mississippi the same as of the other States I have mentioned. I have had the same opportunities for knowing the condition of matters there.

Question. What is the condition of that part of Mississippi compared with southern Alabama and Georgia?

Answer. Mississippi is in a worse condition than that of either of these States; that is to say, there is more brutal treatment of freedmen, and there is more persecution of white loyal citizens—much more. The legislation there has been against the freedmen decidedly. Recent laws enacted by its legislature prohibit the negroes from holding lands. They enacted a law which describes the negro, not as a fugitive from slavery, but as a deserter from employment, making it an offence for any white person in the State to give him a cup of cold water or a piece of bread, if he happens to be a deserter from employment. He must go back to the place where he was employed. There is a very decided opposition to justice being done generally to freedmen in northern Mississippi. I received a few days since a letter from a large planter, living in De Soto county, in response to a communication asking him to surrender a little girl he had in his possession to her mother, who was then living in Memphis, but who was formerly his slave. He declined to give up the girl, and wrote me a long letter in relation to it, which closed up by saying: "As to recognizing the rights of freedmen to their children, I will say there is not one man or woman in all the south who believes they are free, but we consider them as stolen property—stolen by the bayonets of the damnable United States government. Yours truly, T. Yancey." That is a sample of very much of the correspondence we have with that class of people. The original of that letter is at the Freedmen's Bureau here in Washington. I sent it to General Howard. I have to-day received the statement of two very respectable colored men who went into northern Mississippi from Nashville and rented plantations. Both of them were men of means, and one a reputed son of Isham G. Harris, former governor of Tennessee. Both were very intelligent colored men. They have been driven out and warned not to put their feet within the State again. Their written statements and affidavits I have, and will cheerfully place them in the hands of the committee if they desire it. They are reliable men; I know them both.

Question. What, in your opinion, would be the result of withdrawing the troops from Georgia, Alabama and Mississippi, and of suspending the operations of the Freedmen's Bureau?

Answer. I think it would be disastrous—indeed, a great calamity to that section of the country.

Question. In what way would it be disastrous? What results would you anticipate?

Answer. It would destroy their industry almost entirely. The freedmen would not remain there. There would be no cheerful, contented, productive labor in that section of the coun-

try. Unless the laborer is assured that he has a government agent set for his protection and defence, he would withdraw, and the condition of things would be too unpleasant for northern men of enterprise to live in that section of country.

Question. Has there been any change of public sentiment that is apparent, within the last six months, in reference to this government, favorable or unfavorable?

Answer. In the early months after the surrender there seemed to have been a much better feeling of submission to the logic of events manifested than subsequent to that period. The people grew insolent, were full of criticism of the conduct of the government, and treated the government officials shabbily. Then that seemed to wear away, and a better feeling came over them; a sort of intermittent submission, if I may so describe it, prevails among the people of that section of country. I have never met a man down there who went into the rebellion and did all he could, either in a military or civil capacity, who expressed the least regret in the world that he went into it, or in the least sorry for anything in connexion with it, except that the confederacy failed. They wish it had been a success. Of course there are a great number of people down there who recognize the fact that, having appealed to the arbitrament of the sword and been defeated, the best thing they can do now is to become and remain good citizens. If the women of the south, the ministers of the south, and the press of the south were right, there would be no difficulty. There would be real loyalty found there if it could be encouraged properly. I do not mean to say the ministers go into the pulpit and preach against this government. But as a class, they have more influence as pastors at the south, moving quietly among the people, than, perhaps, they do in the north. They, to a greater extent, make the sentiment there, and the great mass of them oppose, bitterly, this government. The newspapers are full of editorials asking the people not to allow these nasal-twanged, blue-bellied, spindle-shanked Yankees to settle in their midst. An editorial of this kind appeared a few days ago in one of the leading papers of Memphis. I heard it read in a railway train, and it rejoiced a great many southern men. They said, "That's the sort of talk. We are not going to have these people come down here nosing around and making money off our misfortunes. We will make it too hot for them." Of course, there are a great many sensible people down there, who advise against such talk, who condemn such editorials, and who would be glad if their ministers would take a different course. One of the chief causes for the late disturbances in northern Mississippi was the arming of their local militia. They were ordered by the adjutant general of the State to disarm the negroes and turn their arms into the arsenals. That caused great dissatisfaction and disturbance. We immediately issued orders prohibiting the disarming of the negroes, since which it has become more quiet. The enactment and enforcement of just laws, laws that would give impartial justice to the freedmen of the south, would do more to tranquillize and secure prosperity than anything else; and until that is done, I could not advise the withdrawal of the troops or the protection of the government over a single foot of the territory of which I have been speaking.

Question. Can we expect such laws from the local authorities there at present?

Answer. Not at present. The legislation in Alabama, thus far, has been better than in either of the other States, and Alabama may be said to be in a better condition than either.

Question. State if you know anything of the condition of Arkansas.

Answer. My knowledge of eastern Arkansas is the same as of the northern portions of the three States in reference to which I have spoken. We have had very much to do with the contracts of the freedmen in that portion of Arkansas contiguous to Memphis—of the portion of the State east of the St. Francis river.

Question. State the condition of Arkansas as far as you know it.

Answer. Arkansas would compare very favorably with northern Alabama. The condition in that State is better than in Mississippi. The planters in eastern Arkansas have treated their freedmen with greater generosity and fairness than they have in either of the other States. They are quite disposed to rent their plantations for a share of the crops to their freed people. For instance, the planter furnishes the teams, implements, seed, &c., and the freedmen do the work and receive one-third the crop. I saw, the other day, a freedman from one of the plantations in eastern Arkansas, who sold his share of the crop for 1865 for $1,100. He deposited the greater portion of his earnings in the Freedman's Savings Bank, bought spelling books for his children, and a little outfit of supplies for his family and returned That portion of the State is sparsely settled, and there has not been, in the aggregate, very much of the evil over there which has been experienced in other States.

Question. Is there still a necessity for the army and the bureau to be continued in eastern Arkansas?

Answer. There is a necessity for the bureau, and the bureau needs the army—that is, the presence of a military force. It would aid greatly in that section of country if men, who felt right, who believed right, and are right, would be active instead of passive in the presence of wrongs to the freedman or injustice to white Unionists. If they would meet in conventions in their counties and declare against these wrongs—against these evils—and determine they should stop, it would do a great deal toward putting them down, but there is but little active sentiment in behalf of loyalty and justice.

Question. What is the opinion of the truly loyal men, those who have been on the side of the Union during the war, on the question of retaining the troops and the bureau?

Answer. They are unanimous for the retention of both.

WASHINGTON *January* 31, 1866.

Brigadier General Charles H. Howard sworn and examined.

By Mr. HOWARD:

Question. You are in the military service of the United States?

Answer. Yes, sir.

Question. What is your rank?

Answer. Brevet brigadier general of volunteers.

Question. On what service are you now?

Answer. I am an inspector in the Freedmen's Bureau.

Question. You are a brother of Major General O. O. Howard?

Answer. Yes, sir.

Question. State whether you have been on service in the States of Virginia, North Carolina, and South Carolina.

Answer. I have been on service in South Carolina, Georgia, and Florida for about three months past.

Question. Where have you resided principally?

Answer. My headquarters were at Charleston, S. C.

Question. Where are they now?

Answer. I am now ordered here for duty in this District.

Question. Are you conversant with the state of feeling in South Carolina, the prevalent state of feeling among the rebels, in regard to the government of the United States?

Answer. Yes, sir; I think I am. I have had a good opportunity to be conversant with it.

Question State in general terms what have been your opportunities to observe the state of feeling in South Carolina.

Answer. From my residence in Charleston since early in September last, and from my residence in South Carolina since the beginning of April last, and from several inspection tours which I have made through different counties of South Carolina. These are the means of my knowledge of the sentiments of the people there.

Question. State whether you spent considerable time on these tours of inspection.

Answer. Yes, sir; I have often spent a day, or two or three days, at a place and in a county.

Question. Did you visit many towns and cities in the State?

Answer. Yes, sir; I visited all the principal cities in South Carolina.

Question. And the principal villages?

Answer. Yes, sir; I was in pretty much every county in South Carolina, with one or two exceptions, and at different times.

Question. Did you mingle freely in conversation with the rebel portion of the community?

Answer. Yes, sir; in my travels in the cars and in stages, and on visiting different plantations, and in stopping at hotels, and in my official intercourse, I was necessarily brought in contact with them.

Question. You talked with them freely?

Answer. I made it a purpose to converse freely because I was an inspecting officer, and my duty, as I interpreted it, was to get at the condition of things, get at the facts rather than anything else.

Question. From the opinion which you thus derived, state what appears to be the feeling down among the people of South Carolina toward the government of the United States; is it friendly, or is it unfriendly?

Answer. I think that the feeling of a majority of the people of South Carolina is not kindly, and can hardly be called friendly, towards the government of the United States. I did meet with old gentlemen who seemed to express an undoubted disposition to be faithful in their duties as citizens hereafter; but I met with a great many who exhibited ill-feeling, and a disposition to get around, in any way they could, the requirements of the government; a disposition to oppose, if they could, the purposes of the government, especially in reference to the negro. This I found to a very large extent. Their feeling as exhibited toward men who had been Union men and loyal from the beginning was unmistakable.

Question. Was it bitter?

Answer. Yes, sir; it was bitter. I found that that class of men felt it deeply and complained of it, and complained also that the government had, as they thought, allowed their enemies, as they called them, and the enemies of the United States, a hearing, and had not given to them any opportunity of expressing their views and feelings. They complained that the result was that they were actually ostracised in the matter of all government offices, and agencies, and influence. That same feeling I found very marked in reference to northern immigrants, those who had come there with a disposition to settle. I found also, in conversation with these northern residents, that they agreed to the same; that there was no disposition to foster northern immigration; and they expressed to me the opinion that unless the United States agencies and authorities were continued there, it would be almost impossible for them to remain there. In some counties they thought they would be forced away. Still there was some difference in that respect. Some communities were not so bad as others.

Question. What is the military force in the State of South Carolina?

Answer. The force has been diminishing constantly during these three months. There are comparatively few troops there now, although there are some in nearly every county—a small garrison.

Question. Suppose the Union military forces should be withdrawn now from South Carolina, what would be the effect of their withdrawal?

Answer. I think that it would be a source of great injury to the freedmen throughout the State; I think they would suffer from it in their persons and property, and in all their business relations and affairs. In fact, they would be prevented, in the present state of public sentiment, from carrying on any legitimate business in the State by those who are felt to be their enemies, and who seem to be naturally opposed to them—former slaveholders as a whole. Another ill effect that would doubtless follow the withdrawal of the troops would be the complete ostracism of the old Union men; and a third ill effect would be the injury to northern residents, and the prevention of northern immigration. I consider these things inevitable.

Question. Would it be safe for the old Union men of South Carolina and the northern immigrant to remain in the State after the withdrawal of the forces?

Answer. In some portions of the State I am convinced that no northern residents could remain, unless they curried favor, in some way, with the ex-rebels. The Union men who live there, and who have lived there, are very few in South Carolina, much fewer than in Georgia or Florida. Those who have been there might remain undisturbed, but they would never have any political privileges whatever. I can say a great deal more with reference to the ill results that would come to the negroes from a withdrawal of the United States forces.

Question. State your opinion freely as to these results; that is one important branch of our inquiry.

Answer. In addition to what I have said in reference to the negro, the public sentiment in regard to the education of the negro is very clearly defined. There are very few exceptions among these ex-rebels of South Carolina who are not positively opposed to the education of the negro.

Question. Why?

Answer. Some on the ground that it is labor lost entirely; that it would be useless to undertake such a work; and others on the ground that it would be a positive injury to labor; that the negro would not work as well; in fact, upon the general ground that the education of the laborer is injurious to the interests of labor. They take that ground in argument.

Question. As a principle of political economy, I suppose?

Answer. Yes, sir; and chiefly, I believe, from their old prejudices against the negro. They would not be able to state what you would consider a valid argument why the negro should not be educated, except the folly of it and the uselessness of it. They would all agree upon giving that as a reason; but their feelings are very strong upon that point against educating the negro and against any one who has anything to do with it. They would never receive on any social equality the lady teachers who go down there, whatever might have been their social position at the north. They never receive them into social equality, and they try to make it uncomfortable for them. In fact, I have had great difficulty to contend with in locating female teachers, particularly in towns. It has been almost impossible to procure boarding-places for them. People who need the pecuniary advantages of keeping boarders would refuse to receive teachers into their families because they were negro teachers. The same feeling existed in each of the three States—South Carolina, Georgia, and Florida. It was shown, too, in refusing to allow us public buildings. It was part of my duty to locate schools; and this disposition against the education of the negro appeared particularly in their refusing to give up buildings that were not used for any purpose whatever, and which might as well have been devoted to that purpose as not. For instance: I found a comparatively small village where there were two academic buildings, which had not been used during the war. I proposed that I should be allowed to take the building that was most out of repair, in order to use it for a school for colored children, the colored people there promising that they would repair it and put it in good order, and offering to use it only for such time as a building could be erected by them. They were willing to do that work, but it would take some time, and they wanted to locate their school at once. The prominent citizens of the place positively refused to allow the building to be used for that purpose, stating that white people would never again send their children there, and the building would ever after be useless as a school for white children. This was stated to me by prominent citizens, judges of the district, and men who were apparently conservative, as they were called, and as I considered them; men who were apparently well-disposed towards the United States government. They were so positive in this matter that the idea had to be relinquished.

Question. State whether the blacks are anxious to obtain education generally.

Answer. Yes, sir; I found that not only general, but I can say universal. I have never found any community of blacks, never addressed them at public meetings or individually, where I did not find in them an eagerness to learn, either on their own part or especially for their children. Sometimes on plantations, when I urged the necessity of the blacks renewing

their contracts for another year, they have given as the prominent reason why they wished to change employers and go elsewhere, their desire to get near a village where they could have a school for their children. That was so universal that I considered it rather remarkable that there should be such a unanimity on the part of them all for education.

Question. Compared with the white children, how much capacity for learning do the negro children exhibit?

Answer. I visited a short time since a school that we have in Charleston, South Carolina, and made it a special object to examine the scholars as to their proficiency. The school consisted of a thousand pupils, with an average attendance of about eight hundred. It is in charge of a colored man, an educated man, a native of Charleston, but who was away from there during the war. The scholars are all colored, and many of the teachers are colored. I went from room to room and examined the scholars in different branches, in grammar, arithmetic, and geography. I found that many of the scholars had made an equal proficiency with the same classes in other schools in the north with which I have been familiar. This school has been only in operation since the taking of Charleston, of course. There seemed to have been a wonderful proficiency, taking into account the short time it was in existence. I had heard, and was somewhat of opinion myself, that the colored people were disposed to learn by rote; that they memorized matters pretty readily and repeated them parrot-like, and that the depth and profundity of their knowledge was rather limited. That was my impression before going into these schools, but I was happily disappointed in examining individual cases to find that they understood the reasons of things. In the grammar, for instance, they could give the rules and the reasons, and in arithmetic they could explain the problems. They seemed to understand the reasons so far as I conducted the examination. I was surprised to find the thoroughness of their education, and it convinced me that really there was not that limit which I previously thought there was in regard to the thoroughness of their learning.

Question. Do you mean to be understood as saying that you have observed no inferiority, in point of capacity, of colored to white children?

Answer. As far as my observation went in those schools, I must acknowledge that, considering the time they had been at school, I could not see that there was any inferiority to what I would have expected in white children, and I have had experience in teaching, myself, in former years. I would not be able to express the opinion that there was any inferiority, considering the circumstances.

Question. How extensive in South Carolina is that prejudice of which you spoke against the education of blacks; is it confined to any particular class of whites?

Answer. It is pretty universal. I would not say that it is confined to any particular class.

Question. Is that feeling as intense among the higher classes of whites in South Carolina as it is among the lower classes?

Answer. As a class I think it is; that is to say, among the wealthy planters. It exists as much among those who are merchants and mechanics. That is the way they divide the classes there.

Question. What is the sentiment among the lower strata of society; among the poorer white people of South Carolina?

Answer. As a general thing, my observation is that that class has been so moulded, in contact with the others in South Carolina, that they have not a true appreciation of education themselves, and they have as blind a prejudice about the negro as any others.

Question. Is it not somewhat more intense?

Answer. I think it is more intense than among the better educated people—the better thinking men. There are some among the first classes of South Carolinians, educated men and Christian men, as I believe them to be, who are not so bitterly opposed to the education of the blacks, although they seem to regard it as a folly. I never have seen in South Carolina any who felt interest enough in it to advocate it, or to take measures, either in their legislature or elsewhere, to bring about the education of the blacks. Yet there are some among the better portion of the community who are not so much opposed to it. In Georgia and in Florida I found some of the better classes of the community who are in favor of the education of the blacks, but not many, comparatively a small number.

Question. How would a proposal to allow a negro to vote be accepted in South Carolina?

Answer. They are utterly and unqualifiedly opposed to negroes voting.

Question. Have you any knowledge respecting the state of things on the sea-islands, as they are called?

Answer. Yes, sir; I have visited the sea-islands recently.

Question. How many of these islands are there?

Answer. There are some eight or ten or more of the larger islands.

Question. Famous for their production of cotton?

Answer. Yes, sir; sea-island cotton.

Question. Can you state how these islands are now principally occupied?

Answer. A number of plantations on each, and sometimes entire islands, have been formally restored to their former owners. They were all abandoned during the war. On several of the islands negroes have been located and have been engaged in cultivating the land. Some, and a considerable number, previously to General Sherman's celebrated order, issued

last winter at Savannah, and a large number under the provisions of that order, have been located on the different islands. A considerable number have received formal titles to forty acres each on these islands. Where there were large numbers of them on any given plantation they still remain in possession; but where there were very few on a plantation, the plantation has been, in some cases, restored. The understanding was that the orders were that where there were very few negroes on a plantation the plantation should be restored if the negroes were properly provided with homes.

Question. How long is it since they were restored?

Answer. They have been in process of restoration since the latter part of October, more or less, all along. It was by direction of the President.

Question. What has become of the blacks who were formerly located on them; are they chiefly there?

Answer. As I stated, the limitation has been to where there were only a few negroes on a plantation, and these few sometimes have made contracts to work for the former owners at fair rates, while some of them have preferred to leave altogether. The general disposition is, when they cannot get titles themselves, that they would rather leave altogether than make contracts with their former owners.

Question. They would prefer to be owners themselves?

Answer. Yes, sir; and I may add that there is a strong desire, amounting almost to a passion, on the part of a large number of the more enterprising of the blacks, to obtain land by lease, or to own land, and that there is a corresponding repugnance on the part of the citizens of South Carolina to allow them either to obtain land by lease or purchase. That is the case in Georgia also. In fact, I may say that there is a determination on the part of the old white residents, so far as I could see, not to allow them either to own or to rent land.

Question. Is that feeling very general?

Answer. That feeling is universal among the white residents; so much so, that, meeting the other strong desire on the part of the blacks, it produces a great deal of distrust and ill feeling which would not otherwise exist.

Question. Judging from what you know of the popular feeling in South Carolina on the subject of negroes owning real estate, would not the legislature of that State, if left unrestrained by act of Congress, prohibit the black race entirely from owning land within the State?

Answer. I think they would.

Question. Have you any doubt about it in your own mind, judging from what you know about the popular feeling there?

Answer. I have no doubt that the majority of the people of South Carolina would insist on such a thing.

Question. In such a case as that, what is the idea of the South Carolinians as to the disposition to be made of the black race—what would they do with them?

Answer. They would put them in a condition of compulsory labor. Those who have the kindest disposition, apparently, toward the negro, seem to consider it as inevitable that he shall be under some compulsory system of labor. They do not seem to have a proper understanding of what free labor is, or else their feelings towards the blacks are such as to prevent them considering the question fairly.

Question. In such a case as that, would they allow the negro to stand as a free contracting party in regard to his own labor without restraint or compulsion of law?

Answer. Judging from what I know of the public sentiment, and from the laws passed already, I should say not.

Question. They would not allow him to be a free contractor?

Answer. No, sir. They did give him a certain appearance of fairness in contracting, but they threw about him so many compulsory regulations in the matter of making contracts, and in the fulfilment of contracts, and in all the business of the plantation, that it virtually amounted to the same thing as depriving him of the power of making free contracts, as you understand it.

Question. What is the general feeling among the whites there in regard to the domestic relations of the freedmen?

Witness. Do you mean in the direction of bringing about any reformation?

Mr. HOWARD. Yes.

Answer. I have found a lamentable absence of interest in the moral well-being of the negroes.

Question. Is there a willingness on the part of the whites to concede to the black race the rights of husband and wife, and parent and child, as regarded and guarded by law?

Answer. Yes, sir; I think that the legislature made moves to that end; but there is such a total indifference to the matter on the part of the people that very little would be accomplished, although the laws were correct in that respect Very little would be accomplished in bringing about a reform; and a reform is needed, because of the condition to which the blacks have been reduced by the former system of slavery. That is something which I consider to be important—to be taken hold of by some exterior agency; and if the Freedmen's Bureau continues, that would become a legitimate subject for it to take up and regulate, as I have recommended in my written reports.

Question. As to the domestic virtues among the black people in South Carolina, what can you say as to the chastity of their women and the chastity of their men as the matter at present exists?

Answer. I have to say that I have not observed so great a lack of chastity on the part of the women as I had been previously led to suppose existed; and I have been somewhat surprised at this fact as I found it. But I found numerous evidences (although it does not come within the scope of your question) that their chastity had been disregarded by the whites in times past. I could name a great many instances of that kind.

Question. Suppose the shield of legal protection should be thrown around their domestic relations, would that protection be respected by the whites in South Carolina practically?

Answer. If it was mere law, I should apprehend that it would be entirely inadequate in the present state of public sentiment. In fact, I may say generally that laws may be made impartially in South Carolina, but with the existing public sentiment they would not be sufficient for the protection of the negroes in their rights.

Question. Suppose a white man should dishonor a black husband, by having illicit intercourse with his wife, obtained either by violence or seduction, would the black husband, in a South Carolina court, have much prospect of obtaining redress?

Answer. I think not.

Question. Would a white jury give him damages?

Answer. I think not, sir.

Question. How strong is your conviction on that subject?

Answer. I feel certain that he would not get adequate redress. They might award him something as a cover, for the appearance of the thing; but the great difficulty would be that in the existing state of sentiment the negro would not dare to bring any prosecution whatever. He would not dream of such a thing.

Question. Why not?

Answer. The fear of personal violence to himself, and because he would think it would be utterly futile to attempt to seek any redress.

Question. Suppose a black man should bring a suit in a State court there for the redress of any other wrong to his person or property, would he be likely to obtain adequate redress?

Answer. I believe not; I cannot say how it would be under a new law.

Question. A black man there is not allowed to testify as a witness in the State courts, I believe?

Answer. Except under the new regulations, which have not gone into force.

Question. The new regulations only include cases where a negro is a party to the suit—either a party plaintiff or defendant?

Answer. Yes, sir.

Question. But he is not allowed to testify in a case where the parties are both white?

Answer. No, sir.

Question. What is your idea as to the ground of such exclusion of blacks as witnesses in cases where the parties are whites?

Answer. They assert that the colored man would favor his own race, and that he cannot be trusted when one of his own race is involved. Why he should not be employed as a witness when none of his own race are involved, the only reason any one would attempt to give is his unreliability as a witness; but they would be unable to sustain that position, because they rely upon him as a truthful man in other respects.

Question. Is not the negro of South Carolina as much a truth-teller as a white of South Carolina, both being in the same condition as to education and position?

Answer. Yes, sir, I think so. Where I find an intelligent negro, I find that he tells me the truth, and the whole truth, the same as an intelligent white man.

Question. You know of no difference between the two races in that respect?

Answer. No, sir. I have found it so as a soldier at all times when I wanted to get information of roads or anything that was of importance.

Question. How do the whites there feel towards the negro race for the part which they took in the war?

Answer. I have not often heard any antipathy expressed against them on that ground. The whites do not often accord to them importance enough to acknowledge any antipathy on that ground.

Question. Do they not regard the negro as the great occasion of the war?

Answer. Yes, sir; but the innocent and unconscious occasion of it.

Question. If the whites there had the power would they not again reduce the black race to complete slavery?

Answer. Yes, sir, unquestionably.

Question. Would they be likely to wait a long time before accomplishing that object?

Answer. I think not.

Question. Do you think of any other fact that is of interest in regard to South Carolina?

Answer. The matter of violent treatment to negroes, and in some cases to soldiers, has not been brought out. In my tour of inspection in the western and interior portion of South Carolina I found a great many complaints of ill treatment towards the negroes that had to be adjudicated by our military authorities and by the agencies of the bureau, which were iden-

tical in South Carolina. We had military agencies in every county throughout the State. I found in some sections of South Carolina the utmost bitterness towards the United States soldiers, towards the flag, towards the uniform, manifested in their faces and in their talk, and in violence even towards our soldiers. Three soldiers were killed in Anderson county while I was there. I helped to investigate the case—it is now on trial. There were some respectable citizens committed for trial on the examination at which I was present.

Question. So far as you have been informed, did these soldiers give provocation for the violence?

Answer. No provocation. I am positive that they had given no provocation; it was not claimed that they had given provocation.

Question. Were they under your orders?

Answer. No, sir. They had no connexion with the Freedmen's Bureau, which is more obnoxious than any other form of United States agency. But they had no connexion with it. In some sections the returned rebel officers were wearing their uniforms, and seemed rather disposed to make a display of them than otherwise. In some sections they had been required to take off their buttons and insignia of rank. In other sections they were not required and did not do it. Some of the railroad cars that were made during the war still bear the rebel flags as decorations painted upon them, with pictures of battles in which confederate soldiers dressed in gray are seen pursuing Yankee soldiers. These things were somewhat interesting, and, I must confess, a little annoying to me. I think it worth while perhaps to mention them as exhibiting the state of things there. Every section of South Carolina is not equally embittered in this respect. Still my feelings were very much worked up by these causes while travelling as a United States official, although generally going *incognito*. For instance, in the cars sometimes little children would be set to sing the rebel songs—songs that would be very obnoxious to United States soldiers—songs containing reproaches upon the flag and upon everything that we hold sacred. To see little innocent children, now that the war is over, taught to sing these songs and imbibe these sentiments, seemed to me one of the very worst features of the country. The feeling is very intense among the female portion of the community, without exception, against the United States government and all northern men.

Question. The women appeared to be more bitter and proscriptive than the men?

Answer. Yes; especially more so than the men who expect to have any business contact with the people of the north.

Question. How were you treated by educated and respectable gentlemen of South Carolina?

Answer. I was generally well treated by such men, for instance, as Governor Orr and Governor Perry, on whom I called at their residences. I took tea with Governor Orr. Such men as seemed to be looking forward to positions in connexion with the national government I found to have more enlightened views of their duties as citizens, and they were better disposed to the negro than other men.

Question. How is the social intercourse between the commercial classes in South Carolina and northern men—whether northern soldiers or citizens?

Answer. Those who are in actual contact in commercial relations are disposed to ignore the question as much as possible; yet there are many of them resident in Charleston who have the intensest bitterness still against the United States government, and who in fact, I believe, never did regard the United States government with any friendship. They consider it hostile to the interests of South Carolina.

Question. There has been a race of men there for the last fifty years who so regarded it?

Answer. Those men are not all dead yet.

Question. What did you hear on the abstract legal question of secession among the whites of South Carolina who are capable of understanding and discussing it?

Answer. They have not, so far as I have observed, changed their opinion as to the legality of secession, but they consider it a question settled forever.

Question. Settled in what way?

Answer. Settled by the power of the United States government.

Question. By the arms of the government?

Answer. Yes, sir.

Question. Did you notice any disposition to revive that question among them?

Answer. No, sir, I never have. I have had the question exactly stated by some of their most educated and conservative men, best disposed towards the government, somewhat in this way: that there had been a mistake in former times about the matter of State sovereignty with South Carolinians; that really South Carolina was not altogether absolutely sovereign; that they were mistaken in that; but still that she had a degree of sovereignty; and that there was a mistake north and south—the north saying that a State was not sovereign at all, and the south saying that a State was *the* sovereign power. Now they hold that to a certain extent South Carolina is sovereign, but not absolutely sovereign.

Question. Do you think of anything else that you wish to mention in regard to South Carolina?

Answer. No, sir.

Question. Now, in reference to Georgia and Florida?

Answer. I went through the State of Florida in October, and spent nearly a month in inspecting thoroughly Georgia and Florida last December. I have my report here.

Question. In general terms, was the condition of those two States much the same as that of South Carolina, which you have detailed?

Answer. Yes, sir; very much the same. Certain sections of Georgia are in no material respect different from South Carolina. They are certainly no better disposed towards the negroes, towards the old Union men, or towards the late immigrants from the north. But there are certain portions of Georgia where there always has been an element of Unionism; and in those sections I found a somewhat better state of things. And much the same may be said as to Florida. There are some Union men in Florida who have always been so, but the prevailing sentiment—I mean by that the sentiment which is bound to control—is similar to that in South Carolina.

Question. Have you a copy of the report which you have made to the bureau?

Answer. Yes.

Question. Will you furnish it to the committee?

Answer. Yes, sir. It gives, in the first place, a simple statement of where I went and what I met with and saw. There are a few observations at the close. It was made to the head of my bureau.

Question. Are you at liberty to furnish this copy?

Answer. Yes, sir; I obtained liberty to do so. I have not obtained the permission of the Secretary of War to furnish it; but Major General Howard said to me that if I were summoned by any of the committees I should bring my report and submit it if desired to do so. I have not the permission of the Secretary of War.

Mr. HOWARD. Then I will take it, and be accountable to the Secretary of War.

(The report is annexed to this examination.)

Question. During your residence in and journeys through those States, have you noticed any facts, or heard any conversations, among leading men going to create in your mind the suspicion even that there are combinations now going on at the south, the purpose of which is to renew hostilities, or make another attempt to get out of the Union?

Answer. In reply, I would say that I have no evidence of such intention, but that I have seen threats in public print in some of the more obscure southern papers which looked that way, and which I cannot explain precisely on any other ground. But your question calls to my mind something which has a bearing, to some extent, upon it. I have had conversations with different persons in Georgia and these other two States, which led me to believe, even so far as to be convinced, that if we had a war with Mexico now the fighting men would generally take sides with Maximilian. Some of them express that unhesitatingly to me; and others, more cautious, say that the United States would do well not to get into difficulty with Maximilian. I think that their hostility, generally, when brought to expression, and somewhat of exasperation, takes that form rather than the one you speak of.

Question. You mean to say in your answer that you have no ground to suppose there exists a conspiracy of that kind in the south at this time?

Answer. Yes, sir.

Question. What has become of the famous order known as the Knights of the Golden Circle at the south?

Answer. I believe that that exists still. I never knew much about the purposes or intentions of that order myself. But in the investigations with reference to the murder of the Union soldiers alluded to, I was led to believe that one of the witnesses was influenced by connexion with that order.

Question. What is the general feeling, according to your observation, in regard to the payment of the confederate rebel debt, or the State rebel debt, in any of those States?

Answer. I think there is a pretty universal feeling in favor of paying the State rebel debt, but for pretty obvious reasons they would not be willing to shoulder any further the confederate debt.

Question. How do they feel in regard to the payment of the federal debt for carrying on the war?

Answer. Their feeling is unquestionably opposed to it; but still they generally expect to be compelled to aid in the payment.

Question. Suppose the question was left to the votes of the constituents in South Carolina, Georgia, and Florida. Suppose the electors at the polls were voting on the question of paying the federal debt, would they vote for it?

Answer. They would not; I think not.

Question. Would they then, knowingly and willingly, elect representatives to Congress who would vote to pay the federal debt, supposing that question should be made an issue at the polls or in the canvass?

Answer. If that question were the main issue?

Question. Suppose it to be the sole issue?

Answer. If it were the sole issue, I have no doubt that the man who advocated the payment of the federal debt would lose his election. But there might be personal considerations in favor of candidates which would affect that question very much. Your question has brought to my mind something which has been quite frequently expressed to me directly,

and has been told to me by northern men, as being found to be the invariable sentiment—that the government of the United States should take measures to pay for the slaves.

Question. Do they seem to entertain that expectation?

Answer. A large number of men in the interior seem to think that since the late indication of the sentiments of the government, (as being conciliatory and disposed to grant them favors,) some measure would be taken to remunerate them for the loss of their slaves. I would not say that was very unanimous or universal, but I found that there were quite a number thinking that way.

Question. What is the foundation of that expectation—any party combinations?

Answer. Not that I know of. I have an idea that the expectation would never have arisen in the form of an expectation but for a certain policy which they think has been put in operation by the government. They regard it as a change of policy since the first establishment of peace.

Question. Has President Johnson's liberal policy in granting pardons and amnesties, generally increased or diminished the respect of the people for the government of the United States?

Answer. I think it has decreased the general public respect, although it has produced in individual cases a certain degree of interest and regard for the government which did not exist before. The general public respect has unquestionably been diminished, and the disposition to be open and blatant in their talk, expressing their peculiar southern views, as they call them, has been very much increased by the recent policy of the government, I think.

Question. It has had a tendency rather to increase their contemptuous expression toward the government?

Answer. Yes, sir; I should like to have it put down in those words. I say this not only as the result of my personal observations and conversations with these people, but as the testimony of such United States officials and Union men as I conversed with in those parts. Let me add here, that every time I use the phrase "Union men," it brings to my mind the condition they are placed in by that very policy that I speak of. Their situation is actually painful. They complained to me bitterly that such men, for instance, as Howell Cobb—who has been their oppressor for the past four years, not only a leading rebel, but a positive individual and personal oppressor to those persons—should come back now and lord it over them. If ever I heard eloquence, it has been in talk like that.

Question. Do you know Cobb?

Answer. No, sir; I do not. These people say: "Why does the United States government take such a course?" They must certainly stir up the feelings of pity and sympathy in any loyal man who has been fighting for this government. It is a mistake to say that there are no Union men in the State of Georgia or Florida. There are some there, but very few, and they seem to have been ignored by those who are leaders in the politics and public sentiment of their own State. They feel and see that they have been ignored by the officials of the United States government, who they had a right to suppose should be their friends and supporters.

Question. What, in a rough estimate, is the proportion of Union men in South Carolina?

Answer. I have been speaking now of Georgia and Florida. Such men are extremely rare in South Carolina. I believe there are many counties in that State where you will find none at all. In going through every county I found but one or two whom I considered to be of that description.

Question. They were not quite so rare in Georgia and Florida?

Answer. No, sir; not so rare.

Question. State anything else that strikes your mind.

Answer. The difficulty that the freedmen have to overcome, I would like to say, is not altogether from ill-feeling on the part of the whites or a disposition to do them harm; for I have found a number of persons, in various parts of the three States, who, I believe, were disposed to treat the negro with justice; but the white people, from their past experience and education, are unfitted and disqualified from treating the negro as a free man.

Question. They do not seem to know how to get at it?

Answer. Yes, sir; they do not know how to do it. I believe they are well-intentioned. That covers, I think, nearly every class of persons.

Question. Considering the present state of feeling in those three States, do you believe it safe for northern immigrants to go there to settle?

Answer. Not unless the United States authorities are there in sufficient power to give them safety and protection.

Question. If the people of those three States were left to themselves, would it then be safe for northern men to go there and settle?

Answer. I think, unquestionably, not; and I am supported in that opinion by those who have taken up their residence there. When they knew that I was coming to Washington they took particular pains to express that opinion to me. They said they considered it absolutely necessary for their protection that the United States authorities should remain there. The people who have in good faith gone to Savannah to reside there, find that they are kept from all part in the city government, and that those who govern are determined that north-

ern settlers shall have no part in it. The Georgia legislature have passed a law that no immigrant who comes into the State shall acquire the right of State citizenship for two years. The northern people consider that as almost a bar to immigration there; and it was, undoubtedly, aimed directly at that; so that northern men should have no voice in the government, and could not, therefore, interfere in the regulation of matters within the State; for instance, in the matter of legislation in regard to black men.

The following is the witness's report to the head of the Freedmen's Bureau, alluded to and produced in the course of his examination:

CHARLESTON, SOUTH CAROLINA,
*December* 30, 1865.

GENERAL: I have the honor to submit the following report of a recent tour of inspection in Georgia and Florida:

Leaving Charleston, S. C., December 7, instant, I called at Beaufort, S. C., on my way to Savannah. Among other matters of the bureau to which my attention was called at Beaufort was the operation of the new order from the assistant commissioner of South Carolina, establishing a public *cotton-weigher*. The freedmen had been defrauded in various ways by speculators in the disposal of their cotton; sometimes by false weights, sometimes in making the change, &c., &c. A public cotton-weigher was therefore appointed as an agent of the bureau, and the freedmen having cotton for sale were required to have it weighed by him, all expenses to be paid by a moderate toll defined in the order. This regulation, I found, was working well and had proved a great protection to the freedmen.

There had been, of late, considerable suffering for want of food for colored refugees coming into Beaufort from the main land, in transitu to their old homes on the islands or elsewhere. An order from the district commander had established a military board to meet once a month and examine all applicants for rations, make a list of the indigent who were unable to work, and confine the issues strictly to this list. The result of this is that the local bureau agent is prevented from getting rations for the destitute refugees above alluded to, and great suffering has followed, and in some cases death from starvation. I instructed the agents to obtain requisitions to meet these cases, properly signed and approved, in accordance with circular No. 8, from bureau headquarters, and if the rations were not given, (by reason of the military order above referred to,) to report the fact at once to the assistant commissioner of the State.

On the 9th of December, proceeding to Savannah, I met there General Tillson, assistant commissioner for Georgia, and was present at a meeting he had appointed with the planters in the afternoon, and at another of the leading colored people in the evening.

The great difficulty before us was the reluctance on the part of the freedmen to make contracts for the coming year. General Tillson was visiting this section of the State with the purpose of making every effort to induce the freedmen to make contracts for the coming year. At the meeting of the planters he stated distinctly that if they would offer liberal wages he would bring all the influence of the bureau to bear to this end, and would use authority to secure the fulfilment of such contracts when made. Many of the planters seemed to differ from him as to what ought to be considered fair or liberal wages. They talked about eight, ten, and twelve (8, 10, and 12) dollars per month; most agreeing that ten dollars and food was good wages for a full hand. General Tillson was positive in his declaration that their offers were too low, and that he would not approve contracts giving less than from twelve (12) to fifteen (15) dollars per month, with food, for males, and from eight to ten (8 to 10) dollars for females; that they were at liberty, of course, to secure such contracts as they could, but that if they desired his co-operation they must offer what he believed to be fair wages. Some few of the planters agreed to his terms.

At the meeting of the colored people plans were proposed for defraying the expenses of their hospitals and their principal school, to render them entirely self-supporting. The people readily assented to a plan for soliciting regular contributions from all the colored population of the city, made practicable by the census recently taken by the agent of the bureau, giving the place of residence, occupation, and amount of property of all colored persons in Savannah.

One of the strongest motives preventing the making of contracts is the hope of possessing lands of their own. Notwithstanding the many orders on this subject, and the continued efforts of agents to correct the false impression, many freed people in South Carolina, Georgia, and Florida still hope that the government will give them lands. At this meeting some other reasons for the hesitation in entering into contracts for another year were given by the freedmen themselves. One was their reluctance to work under overseers, especially the same overseers they had had in slavery. It was explained to those present that overseers, or leaders of gangs, were necessary in free labor, and are employed in all parts of the world where a number of hands are working together. But I would respectfully suggest that the recommendation be given to those desirous of employing freedmen, to procure, if

possible, overseers from the north, or, at least, not to insist upon the same ones they had under the old system. The freedmen distinctly aver that they have been beaten and ill treated by these overseers, and now, as freemen, refuse positively to work under them.

At this meeting instances were reported of freedmen who had received, under General Sherman's order, a patent for twenty (20) or forty (40) acres of abandoned lands situated on the Savannah river within thirty (30) miles of the sea, and who had located and worked the same. Now the old owners are returning, and the freedmen are unwilling to give up the land. In fact, I am not aware that any order has been issued requiring them to relinquish it. A branch bank of the National Freedmen's Trust Company having been set in operation at Savannah by Mr. Alvord, the bureau inspector of finances, the matter was presented by him and others to this meeting, and the importance of such an institution to the freedmen strongly urged.

The next day, December 10, I took steamer for Darien, Georgia, intending to reach the Gulf railroad at Doctortown, its present terminus. At Darien was a company of the 103d United States colored troops, just about to be relieved by one of the 12th Maine volunteers. The resident freedmen complained to me that the latter regiment, when stationed there last summer, ill-treated the colored people, robbing their houses and committing many acts of violence unrestrained. They expressed great fears at their return. I reported this to the commanding officer of the detachment, who promised to prevent like occurrences in the future. On the other hand, some of the white residents were rejoicing at the removal of the colored troops, for which they had petitioned General Brannon. They claimed that their influence was bad upon the freedmen, and some complained that they were generally lawless. But, from particular inquiry of resident northern citizens and others, I concluded that the latter complaint was without good foundation. I saw there some freedmen who had recently returned from the interior of the State to their old homes, whence they had been taken by their masters during the war to work leased plantations, situated from one to two hundred miles or more in the interior. They said their masters had recently left them without paying them any wages or giving them any share of the crop of last season, and they had constructed flats or merely rude rafts, and, embarking their families, had floated down the Altamaha river. They found the old plantation barren of any present means of subsistence, and now they must suffer. They hoped to make contracts with their former owners, or, preferably, others owning plantations in that vicinity, but meanwhile their means of living were exceedingly precarious. Some procured work upon the docks at Darien, but only a small proportion of the entire number who have thus migrated to the coast.

I have dwelt upon this matter because I found that these cases were examples of a general evil existing in that part of Georgia. And if the bureau is compelled to provide rations for a considerable number of these people during the winter, it should be understood that the cause is not alone the improvidence of the freedmen, nor is it possible to remedy the evil, in the present scarcity of agents, by enforcing a fair division of the crops, for the people are thrown upon our hands some two hundred (200) miles, more or less, from the places where they have worked during the past season.

I was informed that there were nine hundred (900) colored people upon Sapelo, who intended leaving the island in case one of the former owners (Mrs. ———) returned to resume possession of her plantation, upon which they had been located under the provisions of General Sherman's order.

There was need of a bureau agent at Darien. The officer who had been in command stated that he had orders from General Brannon not to interfere at all with freedmen's affairs, but if they had any complaints, to direct them to go to Savannah. As this is a distance of one hundred miles, and no transportation could be furnished them, few of the freed people could expect to gain redress for any wrongs, or to get information of their rights and duties.

One case of outrage, too flagrant to be passed without notice, was authentically reported to me. It occurred at South Newport, fifteen (15) miles from Darien. A colored woman after much maltreatment, made her escape. She says that her master insisted that she and her children were not free, that he cared nothing for "Lincoln's proclamation," and when she asked to be allowed to go away and take her children she was confined on bread and water, and finally got away as best she could, leaving her children behind, but promising to get help and come for them.

It is proper to state that General Tillson visited Darien and Brunswick the following week and appointed resident civilians agents of the bureau, who, he believes, will carry out orders and deal fairly by all parties.

Ascending the Altamaha river I reached Doctortown December 13. Upon the boat I conversed freely with several planters and other residents of the country. All manifested great opposition to the colored troops; and meeting Captain Richardson, (12th Maine volunteers,) the sub-assistant commissioner for Altamaha district, at Doctortown, I found that he was also of the opinion that the presence of the colored troops in the country had a tendency to unsettle labor, and in some other respects was harmful to the freed people. I therefore wrote a letter to General Tillson recommending that, if practicable, white troops be substituted in that district.

None of the citizens with whom I conversed were in favor of the immediate withdrawal of all United States troops. They said they were needed for the preservation of order and the

protection of the whites. Most of the white residents of this section took ground against schools for the education of the freed people, not only as labor lost, but some held that it was injurious to all working classes to be taught from books. Many talked hopelessly about the prospect of procuring steady labor from the negroes without some means of exterior compulsion. All set the wages at a lower rate than that proposed by General Tillson.

Remaining two days at Doctortown, a good opportunity was afforded for obtaining information of the condition of the freed people in that region. The officer in command of the garrison confirmed my previous impression as to the large numbers flocking from the interior to the coast. Most of them were very destitute of clothing, and often on their arrival they had no supply of food. Many of the planters in this locality had been unwilling to give their hands a share of the crops or any other recompense for the labor of the past season, generally claiming that they have not worked well enough to deserve any wages. Some cases of violence and other ill treatment of the negroes had come to the knowledge of this officer. He said he had received no instructions to attend to freedmen's affairs, but that his military duties would admit of it, and he would cheerfully undertake the matter—in fact, had taken upon himself to correct some flagrant abuses. I requested him, as far as lay in his power, to remedy all such evils in future, to encourage the freed people to remain at their present homes, and to this end to see that they were properly recompensed for their labor of the past season, and that fair contracts, correctly drawn, were made for the coming year.

On my way from Doctortown to Thomasville by railroad (upwards of a hundred miles) I conversed with the officers on garrison at the different stations, and found that what has been said of Doctortown was substantially true of all the rest. I therefore gave written authority to the sub-assistant commissioner of the district to call upon the military officers to act as agents of the bureau until the resident civilians should be appointed for each county, in accordance with General Tillson's plan, approved by the State convention and the provisional governor. Some of the officers had before voluntarily rendered much assistance to the sub-assistant commissioner where cases of misconduct in which freedmen were involved had come to their knowledge. It is now made their duty to investigate every complaint and reported abuse from either party.

The sub-assistant commissioner of Altamaha district, who was travelling in company with me at this time, was engaged in investigating a case where certain parties were charged with kidnapping colored children and shipping them to Cuba. Other cases were reported, but there was no conclusive proof that any children from that section had actually been taken to Cuba for this purpose. In the case mentioned two children had mysteriously disappeared; but on the arrest of their former owner, and his being put under bonds to produce the children, he was able to find them in Florida and brought them back, but could not satisfactorily explain their sudden transfer to that State without their own or their parents' consent.

The sub-assistant commissioner was also engaged in assuming formal possession of various "confederate government" buildings at the different stations along the railroad.

At Quitman, Valdosta, and Thomasville, respectively, there were buildings of this description, and there being two at each place, one of which was of inferior value, and the freed people being desirous of having schools, authority was given to use one of the buildings in each place in repairing the other for school purposes. The freedmen readily agreed to furnish the requisite labor. But afterwards, finding that the buildings at Thomasville could be profitably rented, and as it would consume considerable time to re-locate and make the necessary repairs upon the one for a school, ascertaining that there were two unoccupied brick buildings, built for an academy, in the outskirts of the town, I proposed to negotiate for the use of one of them for a school for colored children. Visiting them, I found one a good deal out of repair. Some of the leading colored people promised that their people would fit this up if allowed to use it for schools.

One small school was already in operation, taught by a colored resident, but it had been found impossible to procure a suitable building for it. Meeting some of the principal white citizens, I proposed to them to use one of the academic buildings mentioned, at least until a school-house could be built, for colored children. They were unwilling it should be done, saying that, prejudice though it might be, yet their citizens would never consent, and if either of the buildings were taken for that purpose, none of their citizens would ever send their children there to school again. I urged upon them that only *one* would be used, and that the poorest, and that if the schools for whites were to be opened, another place would be procured for the blacks, meanwhile. But as these were among the fairest and most liberal of the citizens, embracing two judges of the district, and they persisted in asserting that the mere fact of the blacks having used one of the buildings would prevent, forever afterwards, the maintenance of any schools there for whites, and stating that it was proposed to have a school for whites opened there on the 1st of January proximo, I yielded to them, partly to prevent the ill feeling which I saw would arise, and partly to encourage the reopening of the schools for whites, which I believed no less important in that section than those for blacks.

I stated to them that I would not have yielded to such a groundless prejudice except for the latter reason, and that I should expect a flourishing school for whites to open there at the beginning of the new year.

The colored members of the church at Thomasville have decided to separate from the

whites, and have raised means to build a church of their own. Two-thirds of the membership of the Baptist church are blacks, and they have also decided to separate, and have offered to purchase the church edifice, but the price required by the whites they think is more than the entire value of the church; whereas, they claim that two-thirds of it rightfully belongs to them. The colored members readily gave their consent to the use of this church for a school, and if the teachers, expected from the northern benevolent associations, arrive before the new school building is completed, the sub-assistant commissioner was instructed to use this church temporarily for the school.

At the solicitation of the white citizens, and the urgent request of the sub-assistant commissioner, I arranged to return to Thomasville and address the colored people on the evening of December 18. The white citizens claimed that the freed people, having no confidence in them, would not heed their advice, and that a word from an officer of the bureau had more weight with them than from any other source, and the local agent desired that I should confirm what he had explained to them of the importance of immediately renewing contracts for another year.

Taking a private carriage to Tallahassee, (35 miles,) I had an opportunity to converse with the inhabitants along the road. In this way I ascertained that contracts had been very generally made the past season in this section, under the supervision of the bureau officers; the most of them fair, giving one-fourth ($\frac{1}{4}$) as the share of the crop for the laborer; but some had been made for too small a share, viz: from one-sixth ($\frac{1}{6}$) to one tenth ($\frac{1}{10}$.) Most of the freed people had expressed a willingness to contract for another year on fair terms. Some wished to change employers; some said they would like to go where their children could go to school; all, except one, met on the route going to and returning from Tallahassee, had employment now and seemed to have no notion of living without working.

Near Tallahassee I met an intelligent freedman, who, in answer to my question, disclosed the fact that he had received for the labor of the past year fifteen bushels of corn and one hundred pounds of pork and a small measure of peas. He had, as in former times, with the help of his family, cultivated a small garden of his own, but the products of this had been taken from him.

Meeting Colonel Osborne, the assistant commissioner for Florida, at Tallahassee, I spent two days chiefly with him, having interviews also with Generals Foster and Newton, commanding the department and western district of Florida, respectively, and conversing with several citizens of Tallahassee and vicinity. From the district superintendent of education (for the bureau) I learned that a number of schools had been started since my last visit to Florida in October. There is a great demand for books and teachers. There are two teachers from a northern association at Tallahassee. Some two or three of the planters in that district had proposed to pay half the salary and expenses of a teacher to come upon their plantations and open a school for the colored children. They were convinced that this measure would do more than any other to make their laborers contented, and thus secure to them steady and effective labor.

From conversation with Lieutenant Colonel Apthorpe, one of Colonel Osborne's inspectors, as well as from the other sources of information I have mentioned, I became convinced that there were rather more exceptions in Florida to the general rule prevalent in southern Georgia, of prejudice and unjust dealing against the freedmen, but that still, with the majority of the people, there was the same unwillingness or moral incapacity to treat them with fairness and as free men. I was informed by a high military official, that since the hanging of a citizen for murder at Tallahassee, convicted by a military court, and the pending trial of another for shooting a negro, he had received letters from parties declaring that they would not "live in a country where a man must be hung for resenting an insult with arms, and where a man must be tried for his life for shooting a nigger." He informed me, also, that certain of these parties had carried out their threats of leaving the State, and had gone to Texas to reside.

From the same official, I was gratified to learn, as a testimonial to the good discipline of some of the colored troops, and as an offset to the complaints against them in southern Georgia, that all the principal citizens of Jasper, Florida, petitioned for the return of a company of colored troops which had been ordered away from there.

The constant quarrelling between discharged Union and rebel soldiers resident there, rendered the presence of troops necessary.

The colored troops were sent back to continue garrisoning the place.

There was the same disposition to depreciate wages in Florida as in Georgia, but I learned that a new demand for labor had sprung up at Fernandina, and that agents had been sent to Tallahassee for freedmen to work in the lumber business, offering $1 and $1 25 (one dollar and one dollar and twenty-five cents) per day and board. Thirteen new saw-mills had been put in operation there by northern men, and it had been found impossible to get all the hands they desired. This will tend to raise the price of labor throughout the State. I would respectfully ask attention to certain provisions of a recent circular (No. 9) from the office of the assistant commissioner for Florida:

1. The general appointment of all judges of probate, without regard to special fitness, as agents of the bureau, and in a similar manner, in some districts, clerks of courts and justices of the peace as assistants. It is to be feared that in many cases these officers, from their prejudices and other personal qualities, are entirely disqualified to be impartial agents of the

bureau. They would not have the confidence of the freedmen, and the latter would therefore hesitate to apply to them for redress.

2. These officials are not required to signify their acceptance of the appointment. Hence it will not be known to the assistant commissioner whether he has any agent in any given district or not. Besides, no provision is made for informing the freedmen as to who is the agent for their locality.

3. They are to enter upon their offices immediately upon the sight of the order, even in a newspaper. Hence they are not required to take any oath of office, or to familiarize themselves with existing orders of the bureau.

4. They are not required to make any reports, or in any manner make themselves responsible to the assistant commissioner for their acts or measures as agents of the bureau.

It is proper to state that, as a corrective of some of these evils, the assistant commissioner had divided the State into five or more districts, and had appointed a competent inspector for each.

As recommended in person to the assistant commissioner, I would further urge that these inspectors have authority to reject any of the judges of probate found unfitted for the duty, for any reason, and to nominate some other person in their stead; that they all be required formally to accept the agency, take an oath of office, and to make reports.

Returning to Thomasville, I addressed a large audience of colored people, according to appointment. Having heard it stated by the planters that some of the freed people were reluctant to make contracts because of a belief that it remanded them to seven years of slavery, I put the question to vote as to whether any present believed this report. They unanimously declared their disbelief of it, and that they were willing and expected to make contracts. A few contracts had been made for another year. Some of the freedmen informed me that they had desired to rent land but had been told by citizens that no black man would be allowed to have land by lease. They had, therefore, procured the offices of a white man to rent a plantation for them, and contracted with him to have all the crop above a certain amount.

Some cases of difficulty from the irregularity and unnatural condition of the marriage relation came to my notice; and this is a fruitful source of disquiet and immorality among the freed people. A sweeping regulation like that passed by the Georgia legislature, legalizing all existing marriages, is not what is needed, but a discriminating law which shall require all parties continuing to live as man and wife to be legally married, but shall permit, with proper restrictions, the old involuntary contracts of this kind to be set aside when mutually desired, and shall give some suitable regulation by which one husband and one wife may be fixed upon where several are living as the result of the slave system.

From Thomasville I proceeded by private conveyance to Albany, Georgia, fifty-five miles. This mode of travelling gave me the opportunity of visiting different plantations. I found generally in this section that the contracts for the last year had been at the rate of from one-sixth to one-tenth of the crop, and the latter for the greater number. Where no written contract, properly signed and approved, has been made, I gave directions to the sub-assistant commissioner that an officer or agent of the bureau visit these plantations and make an equitable division of the crops. The division had not been made at the plantations visited by me except in one case not far from Albany.

From the small number of officers allowed to the bureau the districts in Georgia have been far too large to be properly cared for.

There seemed to be a general disposition in this section (southwestern Georgia) to set wages too low, and to keep the freed people as nearly as possible in their former state of servitude.

The sub-assistant commissioner at Albany (Major Hastings, 12th Maine volunteers) seemed to be an efficient officer, but had been there only a few weeks. He proposed to start a school of 150 scholars if books and teachers could be furnished. There had been a small private school there for colored children taught by a young lady from New York. Here, also, I heard of another instance of a planter in a neighboring county who desired a school for colored people upon his plantation.

There was great call for agents to superintend the division of crops in this section. The freedmen were not satisfied unless some United States officer or bureau agent were present.

After one night at Albany I proceeded to Andersonville, where I found a small garrison—some twenty men and one officer. This officer had given some attention to freedmen's affairs by virtue of a general order from headquarters of the department. But being the only officer there, and having no horse, he was limited to plantations and places comparatively near. The same old complaints of being turned off with no payment for last season's work were common. I learned of some cases in that locality of renewal of contract for another year.

Mr. H. A. Welton, a Union citizen of Georgia, who had been imprisoned for his loyalty to the United States government seven (7) months during the rebellion, and who is now employed by the quartermaster's department as superintendent of the Andersonville burial-ground, had started a school for the colored people at Andersonville. A "confederate" building was used for a school-house, and a sergeant of the 147th Ohio taught adults in the evening.

At Macon were prosperous schools and a good hospital. The bureau officer now there (Lieutenant Colonel Lambert) had been on duty only two weeks. There was the usual

complaints of reluctance of the freedmen to make contracts. On investigation I found that the prevailing offers of wages were too low, and that in this region the share given the laborer last season was generally one-tenth ($\frac{1}{10}$.) Hearing of disturbances and much ill-treatment of negroes in Twiggs county, I recommended that a garrison be sent there.

At Atlanta there was more of an accumulation of destitute freed people than I had seen elsewhere. The armies had more completely devastated all the country around. Many whites, at least three hundred (300) families, as estimated by the sub-assistant commissioner, will suffer greatly this winter unless relieved by government agency. The bureau officer had assisted some of these destitute refugees by transportation and rations. He was endeavoring to find places for all the able-bodied colored people, and had already considerably diminished the number. By the help of the assistant commissioner of the State, he will be able to apprentice most of the homeless children. Many cases of violence to negroes in that section are reported to him, but his district is so large that he cannot, he says, rectify these evils except in comparatively few cases. Several good schools and a hospital are in successful operation at Atlanta; the former, as at Macon, being chiefly sustained by the benevolent associations of the north.

At Augusta, meeting again the assistant commissioner of the State, General Tillson, at his headquarters, I made a report of my tour in Georgia, and secured the adoption of some measures of immediate and practical importance to different localities visited. General Tillson had just returned from Waynesboro', where he had addressed a large meeting of freedmen (some few planters also being present) to encourage the making of contracts.

The schools at Augusta are flourishing under the immediate supervision of the bureau State superintendent of education. I obtained information while there from officers and agents of the bureau, as well as from the military authorities and the newspapers, that the militia organizations in the opposite county of South Carolina (Edgefield) were engaged in disarming the negroes. This created great discontent among the latter, and in some instances they had offered resistance. In previous inspecting tours in South Carolina much complaint reached me of the misconduct of these militia companies towards the blacks. Some of the latter of the most intelligent and well-disposed came to me and said: "What shall we do? These militia companies are heaping upon our people every sort of injury and insult, unchecked. Our people are peaceably inclined and we are endeavoring to inculcate good feeling; but we cannot bear this treatment much longer." Many are beginning to say: "We have been patient long enough. We are free men now, and we have submitted to such usage as long as we can." And again they ask: "What shall we do?" I assured them that this conduct was not sanctioned by the United States military authorities, and that it would not be allowed.

They then asked what they should do when the United States troops were withdrawn, saying they had nothing but evil to apprehend from these militia organizations.

Now, at Augusta, about two months later, I have authentic information that these abuses continue. In southwestern Georgia, I learned that the militia had done the same, sometimes pretending to act under orders from United States authorities. I reported these facts to General Brannon, commanding the department of Georgia, and to General Sickles, commanding the department of South Carolina.

I am convinced that these militia organizations only endanger the peace of the communities where they exist, and are a source of constant annoyance and injury to the freed people; that herein is one of the greatest evils existing in the southern States for the freedmen. They give the color of law to their violent, unjust, and sometimes inhuman proceedings. I would earnestly recommend that these organizations be abolished and prohibited in these States for at least several years to come, and that some suitable substitute be instituted as a general police force to preserve order and maintain the laws until it again becomes safe to allow the organization of militia.

Orders had just been issued for the muster-out of the greater part of the troops remaining in Georgia. General Tillson, the assistant commissioner, was apprehensive that the efficiency of the Bureau would be much impaired by the loss of these troops. Not only would the means of executing orders and punishing crime be taken away, but his sub-assistant commissioners, already far too few in number, would be mustered out with their regiments. He would thus be deprived of all except one or two of his most efficient agents.

Another evil, of less extent, and, it is hoped, of short duration, would arise from the muster-out of the colored troops raised in that or neighboring States. The men would thus, for the present, at least, be thrown out of employ and regular wages; just let loose from military restraint, they would be an exciting element, not prepared to settle down to steady labor, at once, themselves and their influence tending to disturb others. Besides, while receiving pay as soldiers, they could make their families comparatively comfortable; whereas now this means of support is suddenly cut off, and it must necessarily be some time before they can make satisfactory provision for their families.

From Augusta I returned *via* Savannah to Charleston, South Carolina, having been absent twenty-three days.

As the result of this tour, I beg leave to submit the following general observations:

I. Agencies of the United States government, of some sort, similar to the existing bureau agencies, are, for the present, indispensable in every part of the two States visited.

1. Great suffering and starvation would ensue among the refugees and freedmen in some sections were all government aid withdrawn.

2. Public sentiment is such that even should the laws be made impartial, the negro could not obtain redress for wrongs done him in person or property.

3. There seems to be a moral incapacity with the majority of white residents to treat him fairly in the ordinary transactions of business, as, e. g., in making contracts. His own inexperience in such things, therefore, renders necessary some agency to guard his interests.

4. Existing theories concerning the education of laborers and the prejudices against the blacks are such as absolutely to prevent the establishment of schools for the freedmen even though the expenses be paid by the benevolent associations of the north, and the many successful schools now in operation would be broken up in most places on the withdrawal of the government agencies. The same general observation will apply to all missionary work by northern agents; and from special inquiry and investigation on this subject, I am convinced that very little in the way of moral and religious instruction for the freed people is to be expected at present from the members and ministers of the southern churches. On the other hand, it is for the interest of the whites for these agencies to remain, and the better class of the thinking men expressed themselves unhesitatingly in favor of it:

1. The prevailing want of confidence on the part of the freedmen in those who had been slaveholders makes it necessary to have a third party (and a United States official is better than any other) to induce the freedmen to enter into contracts. Many of the white residents told me that no contracts would have been effected but for the bureau officers.

2. Such agents are needed often to secure the fulfilment of contracts on the part of the freedmen, both in explaining the exact meaning and force of the contract and enforcing it by different motives and means.

3. For the protection of the whites against any hostile combinations of the blacks. This will be needed as long as the present public sentiment of the whites continues, insuring a corresponding distrust and hostility on the part of the blacks. Our agents have already done much to allay such ill feeling; and however unreasoning and ignorant the freedmen may be in any community, and however much their numbers may preponderate over the resident whites, they will generally heed and be governed by the advice of United States officials.

II. In order adequately to protect the persons and property of the freedmen, and promote their education, as well as for the proper regulation of labor for the benefit of all concerned, the present number of agents should be increased.

III. United States troops are, at present, absolutely necessary as auxiliary to the agents.

1. There is no other means of executing orders and insuring justice to the freedmen.

2. In many sections United States agents would not be tolerated unless backed by military force. I was assured by respectable and influential residents of the country that no northern man could reside there were it not for the presence of the bayonet, and that, in their opinion, such would be the case for ten years to come. I am not convinced of the truth of this statement, yet with my own observation I am led to conclude—

3. That the troops should remain for the protection of northern residents and to encourage immigration.

4. As desired by the better part of the whites, to maintain good order and peace.

5. Wherever United States troops are withdrawn a militia organization at once springs into life, which invariably tends to disturbances between whites and blacks, and to the latter is, I am convinced, an unmixed evil.

IV. As the result of this and other tours of inspection, as well as from my experience and observation while on duty in the States of South Carolina, Georgia, and Florida for the past nine (9) month, I beg leave to submit further, that, in view of the acknowledged necessity of United States troops, and the fact that many now there are soon to be mustered out, and all of the volunteer white troops are desirous of going home, and must sooner or later be discharged, a provisional force might be raised in the southern States, officered by the War Department, (preferably from meritorious officers lately discharged from the United States volunteers, and selected with a view to peculiar fitness for this service,) which would meet the want, and for other special reasons, (besides the general reasons given for the retention of troops in these States,) would be highly beneficial to the country. For example—

1. Such force, recruited in the south, would easily be substituted for the militia, which for every consideration of safety to the peace of the country and justice to the freedmen ought to be abolished for some years to come. Officered by the War Department, it would be subject to discipline and a control, giving to it the character of United States troops, and in no respects resembling the present militia.

2. Its officers could be used as agents in the affairs and interests of refugees and freedmen, without the inconvenience and injury to the service of having frequent changes and losses incident to the inevitable muster-out of the present volunteer force.

3. Most of the officers and men of the present volunteer white troops are discontented, and thus more or less disqualified for their duties, believing, as they do, that they should be allowed to go home now that the rebellion has been crushed.

4. This would be the means of enlisting on the side of the government a dangerous and otherwise troublesome class throughout the south, and finally secure among them and their families a permanent loyal sentiment.

5. Many who would thus be arrayed on the side of law and order are at present without lucrative means of support. They have been absent three or four years in the rebel army, or, as in Florida, some in the Union army, and by the habits acquired, in addition often to the fact that they never were accustomed to steady industry in early life, are unfitted and indisposed to enter into any suitable business, even if other circumstances favored it.

6. The greater part of the class referred to are unable to read and write. Gathered into companies and regiment sunder suitable officers, they could easily be taught in the rudiments of education, as has been done in the case of many of the colored regiments. Two or three regiments of this description might easily be raised in each State with comparatively little expense, and for such term of service (say three years) as it may be thought probable that a military force will be needed in the States lately in rebellion. This plan of a provisional force in the south was urgently recommended to me by some of the present prominent military commanders in the States mentioned.

If this measure cannot be adopted for want of a basis of law, similar results might be attained by the recruitment of some two or three regiments for the regular army in these States, if the army is to be increased. But this recruiting should begin at once and no time be lost, as is obvious from what has been said of the disabilities connected with the retention of the present volunteer force.

Respectfully submitted:

C. H. HOWARD,
*Brevet Brig. Gen., Inspector for South Carolina, Georgia, and Florida.*

Major General O. O. HOWARD,
*Commissioner Bureau of Refugees, &c.*

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WASHINGTON, *February* 1, 1866.

G. H. Kyle sworn and examined.

By Mr. BOUTWELL:

Question. Where is your residence?

Answer. In Dallas county, in the State of Arkansas, about seven miles from Arkadelphia, the county seat of Clarke county: I live on the east side of Wachitaw river.

Question. How long have you resided in Arkansas, and where did you previously reside?

Answer. I have lived in the State of Arkansas seven years last December; I was born and raised in East Tennessee, in Hawkins county, and lived there until I was twenty-four years old; I then moved to the western part of the State, and lived in the neighborhood of Jackson and Madison counties some twenty-five years before I went to Arkansas.

Question. What has been your position and experience during the rebellion?

Answer. I was educated in a school of politics that impressed upon my mind indelibly that I owed a paramount allegiance to the government of the United States, in all things guaranteed to that government by the Constitution of the United States. In respect to this question of State sovereignty, State nationality, as some of our politicians were foolish enough to call it, I never believed in it, only to the extent that all powers not delegated to the general government were reserved to the people and the States.

I opposed secession always. I was a young man, just taking notice of public men and measures in 1832 and 1833, when that great conflict came up here between Mr. Webster and Mr. Hayne. I had those debates, and I have read them, with General Jackson's proclamation to South Carolina; and upon the question of nullification and secession, I was always opposed to that doctrine; I was a whig in politics; Mr. Clay and Mr. Webster were always my beau-ideals of politicians.

I have served in the Tennessee legislature, in the State senate, in 1847 and 1849, two sessions, from the western district of Tennessee. That is enough in regard to my antecedents, I suppose. In 1858 I immigrated to where I now live, in Dallas county, Arkansas. I had been there something over two years when these troubles broke out. I was made—unwillingly, for I was a stranger in the country—the Union candidate in Dallas county. The secessionists had a meeting in our county seat in February, 1861: it was cold weather and I was not very well, and I did not attend it; I intended to have attended it and resist them there. They nominated a lawyer there for their candidate, and the friends of the Union applied to me to meet him. I insisted upon their getting somebody else who was better acquainted with the country than I was at that time. But at last I consented, and met him in six townships out of the eight townships in the county, and I made the Union ticket beat the other in every township except one and the county township, where there were many lawyers and young men who ran wild on that subject—on secession. The secession ticket was carried by a very small vote; the county township decided the vote.

After the State seceded I just said to my people there that I believed the whole thing wrong, and that I had done all I could against it. But I was identified with the State of Arkansa and whatever her destiny was, of course it would have to be mine, and that I should have to submit to the *de facto* government elected over me. I did so, paid my taxes, never sought

any office from the confederate government, and remained at home until the spring of 1863, I believe, when General Steele made his expedition from Little Rock to Camden.

I was the subject of rebel persecution all the time I remained at home. They were stealing my horses and mules. In resisting secession, I had necessarily to arraign certain men, such as Rhett, of South Carolina, Yancey, of Alabama, Toombs and Iverson, of Georgia, and all that kidney of politicians, at the bar of public opinion. And by doing so I incurred the displeasure of some men living eight or ten miles from me. My neighbors were all with me in sentiment. But two votes were given in my neighborhood for secession out of about sixty votes. The men whose displeasure I incurred said that I made very good northern speeches.

When General Steele made this expedition and came to Arkadelphia, about eight miles from my residence, the rebel General Shelby was encamped about twelve miles below Arkadelphia, on the Washita, and his scouts were hanging along on the rear of Steele's army. There came a scout to my house the day after Steele got to Arkadelphia, and reported themselves to me as federal soldiers. I doubted it, and told them I did not believe they were federal soldiers, and said if they were they were the first I had seen. They were dressed in blue coats, but buttoned all up, so that you could not see the gray that was usually worn by southern soldiers. I was on my guard. I knew I had some enemies, and supposed some of the rebel soldiers would be sent upon me, and I was looking for them constantly. They said they were federal soldiers and belonged to General Steele's army, then in camp at Arkadelphia, and that they belonged to General Carr's division—to the first Missouri cavalry.

Said one of them to me, "Are there any Union men in this neighborhood?" I said, "There have been Union men here, and if things could be put as they were before the war there would be a great many more than there ever was here. But you say you are federal soldiers. Why are you inquiring for Union men?" I was afraid they were rebel soldiers. I said, "I understand you do not treat them any better than you do southern men. You take their stock and everything that suits you." "O, yes," says one of them, "we do that. We are greatly in need of stock. We have a very heavy pontoon train, and we are obliged to have stock, and we understood you had some very good mules." I had had several mules stolen from me. I replied to him that I had a few mules, but I needed them very much. I had a large family. My white family consisted of seven or eight, and I had some thirty negroes. I told him I could not spare my mules.

Said he, upon the subject of the Union, "The negro is the cause of the war, and slavery must be abolished before this war can cease." That thing misled me more than anything else, it was so much like what I had seen and heard, and I began to think they were federal soldiers. I had some boys ploughing not a great ways off, out in a field there. They went out into the field, and I went with them. They took four very valuable mules and a negro boy to help them off with them, and they told me to go to Arkadelphia the next morning, and to so carry, for General Steele's army would perhaps move, and inquire for General Carr's headquarters, and I could find their regiment, the First Missouri cavalry, and probably I could get some of the mules back or vouchers for them.

Pretty soon after they left there came another scout to my house. I met a small squad of men, and I wanted to satisfy myself whether those men who took the mules really did belong to Steele's army. I started down towards the Camden road, where I knew they would pass. I heard there was a scout from Steele's army on the east side of the Washita river. My daughter, who lived down on the road, wrote me that a scout of the federal army was down there and had taken a mule, for which she had been given a receipt, which she sent to me.

I started down that way, and fell in with a scout of about sixty men. They told me they were federal soldiers. Said they, "We are going to your house; we have heard that you have some forage, and we are going to your house for some." Said I, "Where is your captain?" They pointed him out, and I rode up to him and said: "These men," pointing to two I had met in advance, "these men say they are federal soldiers." He did not pretend to contradict it at all, and I was so excited and troubled about the others having taken my property, that it really did not occur to me to look at the men's clothing to learn what they were.

I said, "If you are going to my house we will turn back." I turned back with them, and we were talking about various things as we were going along. I really believed at the time they were federal soldiers, knowing that Steele's army was so near there. They asked me some questions about the politics of the neighborhood. I told them that the whole neighborhood had been Union, but I could not tell so well then what men thought of the matter since the war was inaugurated; but I supposed they would be Union men if things were as they once were. Something was said about some cotton. I do not recollect how the subject was introduced. I remarked in a jocular manner to the captain, that I would like to trade some cotton for sugar and coffee. Said I, "we have had none here for a long time, and I expect a good cup of coffee would exhilirate me so much that I do not know as I would sleep for a night or two. He asked me how much cotton I had. I said I had some twenty-five bales packed, and some not bagged.

We went on to a lane in front of my house. I began to look about, and I saw that although some of the soldiers had on blue coats, the most of them had on gray clothes. I was alarmed immediately, and I remarked to the captain, "I don't believe you are federal soldiers; I believe you are southern men."

However, not to make too long a story, I discovered that the first lieutenant, named Hickman, and some of the men were masons, and on their advice I got out of the way, and it was because they told me that they had come there for the purpose of taking me away with them. The next morning very early I went to Arkadelphia. I met nobody on the way until I crossed the river, when I met two federal soldiers and was conducted into town.

I saw General Steele, and had some conversation with him. I went to General Carr's headquarters and inquired for the first Missouri cavalry, and then I found that those fellows who had taken my horses and mules did not belong there.

I was within General Steele's lines and could not get out. I wanted to go home that evening. I found the mule that had been taken from my daughter by General Steele's army, for which I had a receipt, and Captain Henry, General Steele's quartermaster, gave me a voucher for it. I had to stay there till the next morning, and there were some six or seven of my neighbors there also.

General Steele left the morning after we got in there, and that morning I started back home. I got to the Washita river and met a son of mine, in his sixteenth year, with a message from his mother and my immediate neighbors that it would not do for me to come home; that on the day I was in Arkadelphia that scout of about sixty men had returned to my house, had drawn a pistol on a negro man, and made him go and show them the bagged cotton, which was in an out-house about a mile from home. I had about four hundred bushels of corn in one end of the house. They set fire to the house and burned the cotton and corn all up. They pillaged my house, and took off one or two guns, and broke one. I had a very good supply of guns, for game is plenty in that country. They broke open a trunk of mine and took a very valuable watch and $300 in confederate money, which was worth nothing, of course, but it was all we had to pass there, for they came and foraged on us and we had to take that money. I do not remember what else they took. They just sacked the house, and told my wife, "Now you have heard talk of federal soldiers robbing secesh houses; now we will show you how secesh will rob a Union man's house."

When I met my son I consulted with some of my neighbors who were with him; I went into town and saw some of my friends, and they advised me to take protection with General Steele's army. The rear of the army was just leaving town, and I followed on and overtook General Steele eight miles west from Arkadelphia, on the road towards Washington. As it happened, when I overtook the army they had stopped and were taking a snack. General Steele and several officers of his staff and General Rice, of Iowa, were there. I related to them what had happened, and told them that my object was to take protection with the army for awhile, until those fellows could get away from my neighborhood. I remarked to General Steele that I had a son-in-law living at Pine Bluff, on the Arkansas river, and that I supposed there would be trains passing back to Little Rock, and that I could get to my son-in-law. General Steele said there would be some trains passing after awhile; and General Rice was kind enough to say to me, "Sir, you make my headquarters your home as long as you are with us." I did so, and went with the army down to Camden; and Captain Henry, the quartermaster of whom I have spoken, gave me a little employment at Camden—some writing to do, for which he paid me two dollars a day. There was a train came along from Little Rock to Pine Bluff and Camden with supplies for the army. I made arrangements to return with that train to Pine Bluff. We started and travelled two days, and at Mark's mill we were intercepted by Fagan and Shelby. It was said they had 6,000 troops, and I suppose they had. They took about 1,200 prisoners. I stood at a cabin at the side of the road there, when that battle was going on, until the timber all around me was torn down and split up; I then rode out into the woods and stood in the bushes something like an hour, when I saw a federal officer coming along. He was Captain McGill, of Indiana, whom I had seen at General Rice's headquarters. There were some 60 cavalry with him. I supposed they were going down on the left to prevent the right of the rebel army from flanking them. They had gone but a little distance before they were fired upon, and turning right up by me, said McGill, "Are you here, old man?" I said, "Yes." Says he, "The whole thing is gone up; we are defeated; our colonel is wounded and dismounted, and we will all be taken within twenty minutes unless we can get out of here." I said, "I have been here one hour, and there is no firing off to the northwest. I have some knowledge of the geography of this country, and if you will follow me I think we can get out." We laid whip to our horses, went through the woods about two miles, and struck a road bearing off in a northeast direction. We put spurs to our horses and went ten miles above and crossed Sabine river, swam our stock over, ferried ourselves and our saddles over in a little skiff and got to Pine Bluff at 10 o'clock that night, and Captain McGill reported to Colonel Clayton in command there. I remained a refugee there and at Little Rock for about four months.

Question. I do not think it is necessary for our purpose that you should go so much into details. Have you held any office under the rebellion?

Answer. No, sir. I remained at home quietly after what I have been stating, until, as you are informed by that memorial of ours, (see appendix A to this deposition,) a State government had been got up at Little Rock in 1865. Governor Murphy was appointed provisional governor by our State convention. Afterwards we held an election for governor and members of the legislature from counties within the federal lines. Governor Murphy was elected, receiving twelve thousand or thirteen thousand votes, and a legislature was

organized. And the northern counties in the State within the federal lines—some of them, at least—had civil officers appointed for them. Down in southwestern Arkansas, where I live, some eighty miles southwest of Little Rock, the rebel scouts were passing through that country constantly.

Question. Did you continue loyal all the time?

Answer. I felt all the time I owed paramount allegiance to the government of the United States.

Question. Have you held any office under the confederate authorities during the rebellion?

Answer. At the time the rebellion broke out I was an acting justice of the peace in the township where I reside. I tendered my resignation, but they would not receive it; and I was informed by some men that if I resigned they would take it as *prima facie* evidence that I was not "loyal to the south," as they termed it. I held that ministerial office for a while; but just as soon as I could get clear of it I did get clear of it.

Question. And you have held no other office?

Answer. No, sir.

Question. So far as you know, what is the present condition of the district from which you come with reference to loyalty or disloyalty, considering the whole white population?

Answer. My district is composed of sixteen counties, and I visited the county seats of fourteen of them and made public addresses there. I considered at that time—and I have seen nothing to change that opinion, and a letter from General Reynolds informs me that things are more encouraging there than last fall—at that time I considered the *bona fide* citizens of the country as loyal. I could see a subdued feeling and spirit pervading the whole country. It is true there are some fiery, restless men, such as you will find in all communities. I had five competitors, and two of them canvassed with me. They pandered to the prejudices of the people upon this negro question, telling the people that Cuffee, as they called him, would be re-enslaved again, some day or other, when the State could get their rights and could act under State authority. I met that question boldly, and told them that slavery was gone; and in answer to that, even where the people were so sore, having lost their property, what I consider the *bona fide* citizens of the country told me I was right in my position upon that question; that the negroes were free, had been made free by the fortunes of war, and cannot be re-enslaved. It is true but few of the people voted; but few of them could vote at the time of the election, which was on the 9th of last October. There were hundreds of the people who had never taken the amnesty oath. Some of them had no chance to take it. I looked upon those people in my district, what I consider the real, substantial citizens of the country, as loyal.

Question. Counting the whole number of the people—all the white men who have been voters, whether they have now the right to vote or not—what proportion of them are truly loyal to the government of the United States, without any compulsion and upon their own inclination?

Answer. I am inclined to think that a great many of the persons who were in the rebel army would vote for a candidate who had believed with them, who had been on their side of the question, as we call it, sooner than they would for me. But among the old substantial men I am inclined to think that loyalty generally prevails. There are restless men who would perhaps rather vote for a man who had been on the other side of the question. But the very men who would do that would tell you the war was over, the thing was done, the die was cast, and it could not be helped, and they were disposed to submit to whatever the government of the United States might impose upon them; that we are obliged to be one people, and we cannot help it. But when you ask me about their preferences, I must say that a majority of those men who have been in the army down there would vote for a man who had been in sentiment with them, rather than vote for me, or for anybody else always considered a Union man.

Question. What number of votes did you receive in that district?

Answer. There were six candidates, and the district voted between 2,500 and 3,000 votes. I never did see a statement of the votes. But my vote was some 500 or 600, I think, in that neighborhood—not far from 500.

Question. How many votes did the other five candidates receive in the aggregate?

Answer. They must have received about 2,000.

Question. Were any of the other candidates who opposed you Union men, who had been so during the war?

Answer. There was one who was said to have been a Union man, but he did not canvass the district. I think he got less than 100 votes. And there was another, a lawyer in Union county, bordering on the State of Louisiana, who was said to have been a Union man. But he was the most violent and ultra man we had in the canvass in advocating disorganizing measures, opposing the law of the State disfranchising rebels. He got a decided majority of the votes, but they were thrown out.

Question. He received more votes than you received?

Answer. Yes, sir.

Question. But those votes were rejected?

Answer. Yes, sir.

Question. If all had voted who would have had the right to vote if the rebellion had not taken place, what would have been the aggregate vote of that district?

Answer. My impression is, that in that district of sixteen counties, if all the white males over twenty-one years of age had voted, there would have been some 6,000 votes—not more than that.

Question. As far as you know, how does your district compare, as regards loyalty, with the rest of the State of Arkansas?

Answer. I have always regarded the balance of the State as more loyal than my district. There is more disloyalty in the tier of counties running along the Louisiana line, in my district, than in any other portion of the State. I judge my district was decidedly more disloyal than any other district in the State.

Question. Have there been any combinations or meetings in Arkansas to regulate the price of labor?

Answer. None at all.

Question. Do you know of any combinations, or leagues, or secret societies among the secessionists since the close of the rebellion?

Answer. No, sir: I have heard of none.

Question. What is the disposition of the negroes with reference to working if they are assured of their pay and reasonable compensation is given them? Are they disposed to work, or otherwise?

Answer. I learn since I have left home that they are disposed to work.

Question. Have any steps been taken to educate the negroes by the people of the State?

Answer. Only to this extent: I got acquainted pretty soon with the agent of the Freedmen's Bureau at Arkadelphia. He bound out a few small negroes there, and I have seen him taking bonds and obligating the persons to educate them. But there are no public schools there yet, but persons obligate themselves to educate negro children who are bound to them.

Question. What is the disposition of the public in regard to allowing negroes to buy land and hold it, if they have the means to pay for it?

Answer. I never heard any objection to it at all.

Question. What is your opinion as to the expediency of removing the military and the Freedmen's Bureau from the State of Arkansas?

Answer. So far as my information extends, I think in my immediate neighborhood there would be no risk run at all in removing the bureau. I believe the people would do what was right by the negroes. I have seen no spirit in my neighborhood to domineer over or abuse them, or to withhold from them what was their due. There is rather a spirit to commend the negro for his good behavior during a contest in which he knew his liberties were involved as well as the white people knew it. They all remained at home and behaved themselves, in many places where there were hardly any white persons except a few old men, and did no violence except such as might be done ordinarily. There is a disposition on the part of the people to really commend the negro for his good behavior during the war, and I have known none abused there.

Question. How would it be with the men who have been loyal during the war if the military were now removed? Would they be in any danger from the persecutions of the rebels?

Answer. I think not, unless there was a private feud or something of that kind. I do not think upon the score of political questions there would be any difficulty at all. Having been opposed in politics during the war might excite private feuds more than otherwise would be the case. But as far as my knowledge extends, the people have resolved to let bygones be bygones, and go to work and be one people. That is the doctrine I have preached to them all around through the counties where I have been: that it was nonsense to contend about those things any longer; that we must accept our status, let it be what it might, and go to work and build up our waste places.

Question. How many persons are disfranchised by the laws of Arkansas on account of their participation in the rebellion?

Answer. A great many are disfranchised: all the young men who were in the rebel army were disfranchised, and the old men consider themselves disfranchised, because the oath required them to swear that they had not, directly or indirectly, aided the rebellion. Some of them said they had fed hungry men, soldiers, passing along to and fro, and that might be considered as aiding the rebellion, and they would not take the oath on that account, when otherwise they might have taken the oath and voted. Indeed, the legislature did not consider the mere act of feeding hungry men as rendering such aid and comfort to the rebellion as was intended to disqualify them from voting. I suppose, taking the young men who entered the armed service of the rebellion, more than half the voting population of the State were disfranchised at the time of the election. The clerks, in some places, charged seventy-five cents for administering the oath; and a great many did not take the amnesty oath because they had but little money, and wanted that for their families.

Question. If there should be universal amnesty and enfranchisement of all the white citizens of the State of Arkansas, would not the political power of the State come into the hands of men who have been in the rebellion or sympathized with it?

Answer. I think not: such a man as Bob Johnson, who has been here in the United States Senate for a long time, and such other men who used to control the destinies of the State,

could not be elected to any office; the people are done with such men, and I believe to-day—and I do not say it boastingly, for I do not expect to be a candidate again, as I am an old man—I believe that on a fair field, giving every man a vote, I could beat any of that class of men in a fair contest. I do not believe the people will elect those old politicians and secessionists.

Question. What is the disposition of the white people of Arkansas in reference to allowing any of the negroes to vote?

Answer. I think a majority of the people of Arkansas would be opposed to negro suffrage. I think they would feel about this way about it—indeed I have heard them say so: that the question of suffrage is one that ought to be kept in abeyance for a while, and see what improvement the negro can make intellectually and morally, and see what can be done for him; and hereafter, if he shows a disposition to do something for himself to acquire property and make a good citizen, they would have no objection to giving him the right of suffrage. That is my view of the question; that is the way I feel about the matter. As to the proposed amendment to the Constitution of the United States that passed the House yesterday, I think if any amendment is to be passed, that is about the best—basing representation upon all the population; and if the negro population is excluded from the right of suffrage, then exclude that population from the basis of representation; I believe that is fair and right.

Question. Would your State ratify that amendment?

Answer. I believe it would.

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## Appendix A.

*Memorial of Hon. Wm. Byers, G. H. Kyle, and James M. Johnson, representatives from the State of Arkansas, for seats within the hall of the House of Representatives.*

*To the honorable House of Representatives of the Congress of the United States:*

The memorial of William Byers, G. H. Kyle, and James M. Johnson, citizens of the State of Arkansas, represents that on the ninth day of October, 1865, they were elected representatives to the thirty-ninth Congress, certificates of which, from the executive office of said State, they desire to present to your honorable body.

Your memorialists further represent that in January, 1864, the loyal citizens of the State of Arkansas elected delegates, held a convention, formed a constitution, and established a provisional State government, until the proper officers under the constitution could be elected and qualified. This constitution, *first*, abolished slavery; *second*, declared void the ordinance of secession; *third*, repudiated the rebel war debt; and, *fourth*, provided for the election of officers and for the ratification or rejection of the constitution by a vote of the citizens.

Your memorialists further represent that in March, 1864, an election under the constitution referred to was held, and that constitution ratified and adopted by a majority of twelve thousand votes. That on the 18th of April following, the governor elected under the same was inaugurated and assumed the functions of the executive office, and the different departments of the State government was put in successful operation.

The State legislature assembled and passed a law which provided that no person shall vote at any election until he has first taken and subscribed an oath that he will support the Constitution of the United States, and the constitution of the State of Arkansas, and that he has not voluntarily bore arms against the United States or the State of Arkansas, or aided, directly or indirectly, the rebellion since the 18th day of April, 1864. The legislature also ratified the amendment to the Constitution of the United States abolishing slavery.

Every county in the State has been regularly organized by the election of county and local officers. The courts have been held, and taxes assessed and collected.

The United States district court for the State has been held, and the laws administered therein, for more than one year past.

The United States direct and internal revenue taxes have been and now are being collected without obstruction.

The citizens of Arkansas are loyal, peaceable, and well-disposed towards the good order and happiness of the United States government.

Your memorialists were selected as representatives with especial regard to their loyalty to the United States. In the governor's proclamation for an election for members of Congress it was also proclaimed that no one should be permitted to vote without first taking the oath prescribed by act of legislature, (heretofore referred to,) and also that no one should be elected to Congress who could not conscientiously take the oath prescribed by act of Congress. Your memorialists can honestly take that oath, and desire to do so.

In the formation of the present State government, and in the organization and proceedings of the several executive departments, there has been a studied effort to comply with and to conform to every requirement of the Constitution of the United States and of the federal government.

Your memorialists further represent that they are entitled, by virtue of the loyal and regenerated condition of the State which they were elected to represent, to as much grace

and to equal favor from your honorable body as that of the representatives from any other State once in rebellion. The Committee of Elections at the close of the last Congress reported in favor of the admission of representatives from Arkansas, which report was not acted upon by your honorable body for want of time.

In support of these facts your memorialists refer to the constitution and laws of Arkansas; the governor's proclamation; a statement of Hon. Mr. Pomeroy, United States senator from Kansas, made before a committee of the Senate; and to a report of Major General Reynolds, commanding department of Arkansas, made to the War Department.

And your memorialists pray that they may be permitted to occupy seats within the hall of your honorable body, and that a resolution be passed for that purpose.

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## APPENDIX B.

Submitted to the Committee on Reconstruction by me, February 1, 1866.

G. H. KYLE.

*To the voters of the second congressional district:*

The undersigned, district committee from the county of Pulaski, without waiting for concert of action with the other counties of the district, which, however desirable, would consume more time than the exigencies of the coming canvass will permit, have thought proper to address the voters of the district upon the topics involved in the coming election.

We call attention, first, to the resolution adopted at a mass meeting of the national Union men of Arkansas, held at the State-house, in the city of Little Rock, on the 29th of August last, and participated in by a number of citizens from other counties of the district. They embody, it is believed, the principles of the national Union men of the State, and were cordially concurred in by the meeting referred to. With their preamble they run as follows:

Whereas the present unsettled and conflicting condition of political opinion in our midst renders the organization of those who favor the perpetuity of our national government absolutely essential, in order that the principles and policy advocated by the friends of the government may be known and felt, and may assist in strengthening the bonds of the Union, and in promoting the happiness and prosperity of the people of our State: Therefore,

*Resolved*, That we organize ourselves under the name of the "National Union Men" of Arkansas, and announce as the principles advocated by our organization those contained in the following resolutions:

*Resolved*, That we, the National Union Men of the State of Arkansas, regard the people of the United States as a great nation, and not as a confederacy of independent States. That we regard the unity and indivisibility of the national government as the keystone in the arch of our liberties. That we believe that in the fullest and most extended sense the Constitution of the United States, and the laws made in pursuance thereof, are the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

*Resolved*, That the best interests of the people and the future welfare of the State of Arkansas will be subserved by the promotion of educational institutions of all kinds, and especially by a judicious system of free schools.

*Resolved*, That a sound public policy demands the largest encouragement to immigration to this State; that manufactures should be fostered and commerce facilitated; that railroads and navigation are the avenues of wealth to every people, and that our legislature should encourage both.

*Resolved*, That we regard the negro as a free citizen of the United States and of this State; that the agricultural and commercial interests of the State will be promoted by improving and elevating his moral and mental condition; that he is entitled to all the "absolute rights" of a citizen, namely: personal security, personal liberty, and private property and to the necessary legislation to secure to him the full and perfect enjoyment of those rights.

*Resolved*, That we are prepared to co-operate with the friends of the Union in other portions of the country in carrying out any measure calculated to promote the speedy reconstruction of the States lately in rebellion, and to restore peace and prosperity to Arkansas.

*Resolved*, That we will take prompt measures for the enforcement, under all legal penalties, of section 6 of the act of the legislature of this State of May 31, 1864, in regard to the requirements of the election oath.

To the brief discussion of these resolutions we now ask your attention.

That the time for seriously entertaining the doctrine of secession has passed away, every candid man will admit. The die has been cast, the issue made, and the advocates of State sovereignty, in the sense taught by John C. Calhoun and the school of politicians which he founded, have lost, and now, at the close of a long and bloody war, the integrity of the national Union is reaffirmed with additional emphasis. The importance and value of that Union in all its comprehensiveness cannot be overestimated. It is, indeed, "the keystone in the arch of our liberties," and without it we would be in danger of lapsing into the discord and anarchy that have ruined so many of the [illegible] of earth. History teaches by examples, and if the American people are wise, they will avoid the rocks upon which other free nations have split.

That the best interests of our State "will be subserved by the promotion of educational institutions of all kinds, and especially by a judicious system of free schools," no one will deny. Their value in giving tone to the public sentiment of a people, and in shaping the material interests of a State, cannot be over-estimated. The ignorance of the masses is the first cause of instability in a State, provokes passion, turmoil, war, and if not dispelled, will wreck all theories of government. The donations of land to the State of Arkansas for common-school purposes have been sufficient to build a school-house in every township in the State, but the funds have been very badly, if not criminally managed and practically the State will be compelled to build again from the foundation. A judicious common-school system is one of the chief bulwarks of a State; and in Arkansas all good citizens will, no doubt, concur in any plan for carrying such a system into operation as rapidly as our improving condition and finances will allow.

That a sound public policy demands the largest encouragement to immigration to this State, that manufactures should be fostered, and commerce facilitated, and that railroads should be built, we believe will not be questioned. There is no reason why Arkansas should not take prominent rank among the States of the Union. In area she is one of the largest, in location eligible, and in natural resources unsurpassed. Our citizens know this, and in view of the desolation of war and the consequent embarrassment of our pecuniary interests, we respectfully submit that it is the duty of all to encourage the introduction of capital as well as labor from the more populous and wealthy States. Both can be procured, and the opportunities for their employment are abundant. The State is capable of immense development. The eyes of thousands are already fixed upon it, and, whether we will it or not, the capital and industry of the north are coming here. It remains for us, therefore, to shape the course of this stream, to guide the waters as they flow in; and if this is done, Arkansas will take that position in the Union to which, inherently, she is entitled.

What shall be done with the negro is also a question to be considered. The war has made him free; and this fact, first of all, must be accepted. All our theories, our conduct, and our legislation must proceed upon this hypothesis. The fifth resolution declares that "he is entitled to all the 'absolute rights' of a citizen, namely: personal security, personal liberty, and private property, and to the necessary legislation to secure him the full and perfect enjoyment of those rights," and by legislation these rights should be promptly secured. The right of suffrage, which is not an absolute right, we believe should be held in abeyance. The regulation of its elective franchise has always been regarded as principal among the rights reserved to a State, and, we submit, should not be departed from. Let the future determine the *status* of the negro in this respect. Even if it were to be attempted, the issue could not be settled in the coming election. If members of a State legislature were to be voted for, the agitation of this subject might be profitable, for they are the law-making power, but at present its treatment is regarded as unnecessary and premature.

We come now to the consideration of the seventh resolution, which relates to the enforcement of the act of the general assembly approved May 31, 1861, and prescribes in section 6, as a pre-requisite to voting, that the voter shall take an oath that he has not voluntarily borne arms against the United States or this State, or aided, directly or indirectly, the so-called confederate authorities since the 18th day of April, 1861. This law, it is due to the voters to say, will be enforced. It matters not that the legislature who made it did not represent the entire State. They represented the *loyal* citizens of the State, and their acts are valid. The government organized in Arkansas under President Lincoln's proclamation of December 8, 1863, is and was the government of the State, and *is* being and *will be* sustained by his successor in office. Nor should those old citizens of the State who have been identified with the rebellion complain. They voluntarily renounced their allegiance to the government of the United States and their citizenship in the State of Arkansas as a State in the federal Union. By that act they ceased to be citizens of the State, and those who, true to the Union, remained within her limits, exercised an undoubted right in controlling State affairs and shaping State policy. They invited all in rebellion to return. President Lincoln's amnesty was open to them, availing themselves of which, they could vote for State officers, upon the adoption of the new free-State constitution, and have a voice in choosing the law-makers of the State. But they sinned away the day of grace, and have themselves alone to blame. The legislature met and passed this disfranchising law while the issue between the general government and the rebellion still hung tremblingly in the balance, regarding it as a protective measure, to which they had a perfect right to resort. By some this law is pronounced unconstitutional, and by others its disregard is counselled. Whether the former position is tenable or not, it is not for us to determine. While this law stands unimpaired by judicial decision its authority is paramount, and every law-abiding man will obey it. In this principle rests the safety of a State. If it can be disregarded in one instance it can in any. The partition walls between the different departments of the government must not be broken down, otherwise the convenience of to-day will be the disaster of to-morrow. The remedy in a case of this nature lies in the courts, and at the proper time the question can be judicially passed upon.

It is believed also in some quarters, and fault is found accordingly with the law in question, that under the amnesty of May 29, 1865, those who take it are restored not simply to all rights of property, but to full citizenship. This, we respectfully submit, depends entirely

upon the laws of the State to which the amnestied party returns, and if by those laws his rights are abridged, he must submit to the deprivation. We are aware that the cry of proscription is following this law; but the term is altogether too strong for the occasion. To proscribe is to doom to death, exile, or outlawry, and certainly this is not the predicament of those who have availed themselves of President Johnson's amnesty, or who are included in the excepted classes. They are, indeed, still under disabilities; but these are believed to be temporary in their character, and will and ought to be removed whenever the safety of the State and its complete operation in harmony with the known policy of the general government are secured. Before that time it is entirely safe to say they will not be, and opposition now to the laws of the State will but recoil upon those who attempt it. It will exasperate where a kindly disposition prevails, and have a tendency to bring about the time when the extremest issues of the country will be forced upon the people.

Our attitude before Congress is also a matter of the deepest moment. It is important to the State that it should be represented in that body at its next session; but to secure this result the representatives chosen must be men of undoubted loyalty, and should likewise reflect the policy of the administration. We have reason to believe that Arkansas, Tennessee, and Louisiana, by reason of their reconstructed State governments, will stand upon a better footing than the remaining rebellious States; but whether a uniform rule of admission will be adopted or not, it is very important that our representatives should reflect and be in harmony with the loyal government at home.

We have thus, fellow-citizens, sought to place before you some of the topics involved in the coming congressional election. G. H. Kyle, esq., of Princeton, Dallas county, who was put in nomination by the mass meeting to which allusion has been made, will receive, it is to be hoped, the votes of the district. He was a resident of the State before the war, is known well and favorably, has suffered much from the rebellion, is thoroughly loyal, and would creditably represent the district.

The election, as you are doubtless aware, takes place on the 9th day of October next, and its importance, we trust, is fully appreciated. It is now in the power of the people to determine the most important feature in the attitude of the State before the thirty-ninth Congress. If we act wisely the return of the State to its old relations in the Union will be expedited; if not, the strong arm of military power will become more necessary than ever, and the complete restoration of civil law will be found in an unknown and possibly far-off future.

O. P. SNYDER.
W. J. PATTON.
A. W. BISHOP.
F. A. SARASIN.
F. J. DITTER.

LITTLE ROCK, ARKANSAS, *September*, 1865.

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WASHINGTON, *February* 2, 1866.

William Byers sworn and examined.

By Mr. BOUTWELL:

Question. Please state your age and residence.

Answer. My age is 55 years; I reside in Batesville, Independence county, State of Arkansas.

Question. How long have you resided in the State of Arkansas?

Answer. For twenty-nine years.

Question. Previous to that time where did you reside?

Answer. I am a native of Pennsylvania, but I was raised in central Ohio.

Question. What means have you had for ascertaining the condition of public sentiment in Arkansas since Lee's surrender?

Answer. My means have been very good in the section of the State in which I live; that is, the northeastern part of the State of Arkansas. I have practiced law there for twenty-nine years, during a portion of which time I was a judge. I have a general acquaintance with the people throughout that whole country; and I suppose my means of information are equal to those of any man in that portion of the State of Arkansas.

Question. What was the state of public sentiment in regard to the national government within a month or two after Lee's surrender?

Answer. The Union element, as a matter of course, was very much elevated and rejoiced at it. The other element had a disposition, generally, to submit to anything, no matter what. They were heartily tired of the war; they had been utterly ruined, and, as a general rule, were willing to accept anything that was reasonable; you would occasionally find an exception.

Question. What is the present condition of public sentiment in reference to the national government?

Answer. I think the present public sentiment in that section of the country is well-disposed towards the government of the United States; and there is an anxious desire to be-

come good citizens, and to be obedient and submissive to the laws. I have no doubt of that at all.

Question. You are now here claiming a seat in the House of Representatives from the State of Arkansas?

Answer. Yes, sir.

Question. When was the election held in the district in which you reside, and how many votes were cast at that election?

Answer. The election was held on the 9th of October last. I do not recollect the exact number of votes cast in the district, but I think it was about 2,500. That district, in 1860, cast about 16,000 votes.

Question. Of the votes cast in October last, in your district, how many did you receive, and for whom were the other votes given?

Answer. I cannot tell you just the number; I can only speak from general recollection. I saw a statement of the vote after the election, but I have not that statement here. In order to explain the matter, I will say that the legislature of Arkansas, after we organized the present State government, passed a law prohibiting any one from voting unless he first took an oath to support the Constitution of the United States and the constitution of the State of Arkansas, and that he had not voluntarily borne arms against the United States or the State of Arkansas, or aided or abetted the rebellion since the 18th of April, 1864. In some of the counties there were votes cast by persons who did not take that oath; those votes were not counted

Question. How many such votes were cast in your district, as near as you can remember?

Answer. I recollect that the whole number of votes cast was some 2,500, and it appears to me that 1,800 and some odd votes were cast for myself. I only saw a statement published in a Little Rock paper after the votes were counted. That is all I ever saw about it.

Question. Were there loyal votes cast that you did not receive?

Answer. Yes, sir; there was some conflict about the law relative to the modes in which the returns should be made. Under the old law the returns were to be made by the judges of election to the county clerks, and by the county clerks to the secretary of state. Under the new law, there was some provision that the returns should be made by the judges of election directly to the secretary of state, and if I recollect aright, there were some 1,100 votes cast for me by persons who had taken the oath, but only some 600 of the votes cast were returned in exact accordance with the law to the secretary of state; and I think there were 150 returned according to the law, and some 400 given under oath for my opponent.

Question. Speaking generally, did all those people take the oath who could conscientiously take it?

Answer. I am satisfied that there were some who did not take it who could properly have done so. We live in a section of country through which the armies were moving back and forth, and the people, for the purpose of preserving their lives and property, frequently dissembled. There were conscientious men of that class who did not feel at exact liberty to take the oath. They felt that they might have done or said something, although they were not in the cause of the rebellion, that might be construed into giving aid to it.

Question. According to the best information you have, what number of votes could have been given in your district, as compared with the vote of 1860, had everybody voted who could have voted in 1860?

Answer. If the law had remained the same as in 1860, when, according to my recollection, there were some 16,000 votes given at that election in that district for a member of Congress, and if all had voted, I suppose there would have been some 12,000 votes given last fall. That is a mere supposition, however, but it is according to my best judgment.

Question. If the franchise should be restored to all those people, how would they exercise it with reference to the election of Union men, or men who had been connected with the rebellion?

Answer. As a general thing, I think they would vote for Union men, if they could find those whom they believed to be suitable men for the office. I have heard the universal expression from those who were in the rebellion that they never would hereafter cast their vote for an extreme man. They look upon it that the extreme men brought this war upon them, and they will avoid them hereafter.

Question. Do you know of the existence of any organizations in your State with reference to secession or separation should opportunity offer?

Answer. No, sir, and I am satisfied there is nothing of that kind in that section of the country. General Reynolds sent individuals to visit each county and make special inquiry, and the governor, a few days ago, sent me the report of Captain Payne, who visited a number of the counties in my district. I put that report among the papers I enclosed to you. Captain Payne says that he was informed by Captain Mason, of Fulton, and Captain Douthet, of Lawrence, there are such organizations in those counties, but other good Union men of those counties, who had equal opportunities of information, told him there were no such organizations. He states how he received his information; that he received it from Captain Mason and Captain Douthet. Those two men were captains in the Union army, and did some things that could not be approved by even good Union men, and there is some personal hostility against them in the neighborhoods where they live, and there may have been com-

binations among a certain few to injure those two men. That I would think was not altogether improbable: but as to any organization or anything of the kind for separation or secession, I am satisfied there is nothing of the kind in that country.

Question. If the military power of the general government and the Freedmen's Bureau were withdrawn entirely from Arkansas what would be the treatment of avowed Union men, men who have been loyal during the war?

Answer. I have no doubt it would be good. There are there exceptional cases: there is occasionally a Union man who acted badly when the Union army was there, who took advantage of their presence to wreak his vengeance on some of his secesh neighbors; and there are secessionists who acted in a similar manner; and there may be personal feuds between a few of the people. But as a general thing there is a determination on both sides to live in peace and quiet.

Question. If northern men were to migrate into your section of the country, how would they be received?

Answer. They would be received kindly. It has always been so in that section of the country.

Question. Was it so before the war?

Answer. Yes, sir; and is so yet.

Question. Do you know of any combinations in reference to the employment of freedmen?

Answer. No, sir; there is none in that part of the country.

Question. What is the general condition of the freedmen?

Answer. The freedmen in that section of the country are in a good condition. There were not many slaves there before the war, and those that were there were used kindly and well. They had nearly as many physical comforts as the whites, and to their degree of intelligence as a whole were as happy. They were well cared for and provided for, and received the same food and things of that kind as the families of their masters did. There were few large plantations in the immediate section of country where I live.

Question. But few negroes together?

Answer. Yes, sir. But along the Mississippi, in Phelps, Crittenden, and some other counties, there were larger plantations and more negroes. So far as I have learned they were well treated there.

Question. What wages do able-bodied freedmen receive now?

Answer. From twelve to fifteen dollars a month and board; and the whites the same.

Question. They get the same as white laborers?

Answer. Yes, sir.

Question. Has anything been done in your State in the way of providing schools for the freedmen?

Answer. Yes, sir, there has been something done. Some of the citizens have contributed something, and there are one or two small schools for the freedmen in the section of country where I live. And so far as I have conversed with the people on the subject there was this disposition: there is a feeling among the southern people in favor of keeping the black race distinct from the white race; in certain respects not to mix together. There would be a feeling of opposition in that country to black children and white children going to the same school. They would want the blacks to have their schools and churches to themselves, and the whites to have their schools and their churches to themselves. But there is a disposition there to give the blacks all the civil rights the whites have, save that of voting. There is a disposition, I think, to divide the school fund with them for the education of their children.

Question. Has your school fund been preserved during the war?

Answer. The most of it has. The sixteenth section in every township is reserved for the use of common schools. Many of those sections had been sold and the fund put at interest. But a great many of the sections have not been sold at all, but still remain there for that purpose.

Question. Have the operations of the Freedmen's Bureau been extended to your neighborhood?

Answer. Yes, sir. Agents came there with the army after the surrender, and posts were established at Batesville, Jacksonsport, and other places, and some officer connected with the army had charge of making contracts for the freedmen.

Question. Is it the desire of the people that the Freedmen's Bureau should be removed?

Answer. I think they are indifferent about it in that section of the country. We have no objection to it, but we should have no doubt but what we could get along very smoothly without it.

Question. Has the Freedmen's Bureau to your knowledge been used to oppress the white people or to wrong them in any way?

Answer. No, sir; not in that section of the country.

Question. It has been honorably managed there?

Answer. Yes, sir; and, so far as I know, in that section of the country it has been managed to the satisfaction and gratification of the whites and blacks both, because there has been a general disposition on the part of both whites and blacks to accommodate themselves so far as they could to their condition, and they were glad to have a mediator between them to settle any misunderstanding that might arise.

Question. Is there any expectation among the people that they will be paid by the general government for the losses they have sustained during the war?

Answer. Not by the rebel people. The Union people there who have suffered losses have been looking forward to the time when they would receive some remuneration.

Question. Did you remain in Arkansas during the war?

Answer. Yes, sir, all the time; I was taken down with what some physicians called palsy, others neuralgia, and others rheumatism, about a year before the war commenced, and a great portion of the time I was confined to my house.

Question. Did you take part in the war in any way?

Answer. I was elected judge under the old law. When the convention met and passed the ordinance of secession, they also passed an ordinance requiring every officer in the civil government of the State to take an oath of allegiance to the government of the Confederate States within a certain time, or their offices would be declared vacant. I held courts for about six months after secession, but I never took any oath of allegiance to the Confederate States, and when it would be necessary either to do that or not to hold the courts I tendered my resignation. If that was a participation in the war, holding the courts after the ordinance of secession was passed then I participated in it.

Question. You took no oath to support the confederacy?

Answer. No, sir; and when General Curtis came into that section of country he adopted the general rule that Union men and all should take the oath of allegiance to the United States government, and I think I was among the first who took it. He told me he wanted me to do it as an example to others. When the amnesty proclamation was issued by President Lincoln, I took the oath of amnesty; and when President Johnson issued the proclamation again, I took the oath again. I did that to encourage the people to take it.

Question. Have there been any pardons granted by the President to persons in your vicinity?

Answer. Very few were under the necessity of asking for pardon. In the immediate section of country where I live, I do not know of any; I know of one or two in some of the adjoining counties. There were very few of the excepted classes there.

Question. So far as you know, how do the civil rights of negroes differ from those of the whites in the State of Arkansas?

Answer. Before the rebellion, free negroes could sue and be sued, and acquire and dispose of property, real and personal; I do not recollect of any statute specially authorizing them to hold real property, but I know they did buy and sell real property in Arkansas. Sec. 1, Part II, chap. 51, Gould's Digest of Statutes of the State of Arkansas, provides, "Free negroes and mulattoes shall be liable for trespasses and felonies to the same extent and manner that white persons are, and tried in like manner, except that persons of their own color shall be competent witnesses to testify for or against such free negro or mulatto." Sec. 25, chap. 181, Gould's Digest, provides that, "No negro or mulatto, bond or free, shall be a competent witness in any case, except in cases in which all the parties are negroes or mulattoes, or in which the State is plaintiff, and a negro or mulatto, or negroes or mulattoes, are defendants." Such was the law before the adoption of our present State constitution. Under their present status, I suppose they could make contracts, sue and be sued, acquire and dispose of property, real and personal, the same as the whites.

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WASHINGTON, *February* 3, 1866.

Mailton J. Safford sworn and examined.

By Mr. BOUTWELL:

Question. State your name, age, and residence.

Answer. My name is Mailton J. Safford; my age is thirty-seven; I reside at Montgomery, Alabama.

Question. How long have you lived in Alabama, and in what have you been engaged while living there?

Answer. Since 1856. I have been residing in Montgomery, practicing law.

Question. Where did you reside previous to that time?

Answer. Previous to that time I resided in Dallas county and in Lowndes county. I was born in Dallas county.

Question. What means, if any, have you had since Lee's surrender of ascertaining the sentiments of the people of Alabama, or any portion of them?

Answer. I have been a practicing lawyer in Montgomery, connected in a good degree with politics, reading the public papers, and communicating with prominent men in various parts of the State, personally and by letter.

Question. Does the legislature of the State sit at Montgomery?

Answer. Yes, sir.

Question. Has it been in session since Lee's surrender?

Answer. It has been in session since the 1st of December, I believe, or since some time in November. The precise time I do not remember. It is now in session.

Question. Have you any means of knowing the opinions of its members?

Answer. I have this means: I have mixed with them, conversed with them, observed their proceedings, their votes, &c.

Question. What conclusions have you reached as to the loyalty or disloyalty of the people of Alabama?

Answer. My opinion is that the political control of the State is now in the hands of men who have heretofore been prominently disloyal to the United States government, and who now propose to keep the power of the State in their hands. The purpose for which this is done is, of course, to protect themselves against the opprobrium which might attach to their condition of treason and disloyalty. I sent to Mr. Sumner some two months ago a long, elaborate exposition of my views, which I suppose he has laid before this committee. That would give a more extended and thorough exposition of the whole subject than I shall be able to give in this short verbal examination.

It will be necessary for me to say, before coming to the precise condition of the people of that State at the present time, that at the time of Lee's surrender there was organized in the State of Alabama what was understood to be a Reconstruction or Union party. That party had a controlling majority in the lower house of the legislature. The old senate, under the constitution adopted about the date of secession, held over, so that the senate remained pretty much as it was at the time the State seceded. The house could accomplish nothing without the co-operation of the senate, and no progress was made. During the year 1865 the Union or Reconstruction party, of which I was a member, had a very confident hope of obtaining the governorship and the senate, which was for the first time to be elected under the new constitution, and so obtain control of the State. But the invasion of the State by General Wilson and by the 16th United States army corps happened about the time the election was to take place, and a new phase altogether was presented.

Immediately after the surrender of the confederate forces, the rebel influence was very much appalled, overthrown, and destroyed there. The rebels were very much subjugated, to tell you the truth, and made strong professions of submission to the government. For a time, the Union men of the State, those of us who had antagonized the rebels for four years, thought their power was entirely broken and gone. But soon afterwards they began very industriously to propagate the idea (and the policy adopted by President Johnson seemed to favor the idea) that they might have great hope of regaining their ascendancy to some extent in that State. I say they entertained that hope from facts which came into my possession. They represented, for instance, that President Johnson thought more highly of rebel influence than he did of that of Union men. They would cite such instances as this: that a prominent Union man would go to see the President to get his pardon, and state to him that he had been as much of a Union man as a man could be in his circumstances for the last four years. President Johnson would say, "I am delighted to hear that." But, in the course of the conversation, the Union man would tell the President that at one time it became necessary for him to become somewhat complicated with the rebellion; that he was compelled to sell some cotton to the southern confederacy to raise means, and, being worth $20,000, he therefore came within the exceptions of the President's proclamation. The President would reply, "Well, sir, it seems you were a Union man who was willing to let the Union slide, and now I will let you slide." Another man from the other side would come in, as they tell it of Judge Cochran, of Alabama, representing to the President that he had been a very prominent rebel; that he had done all he could to bring about secession; that when his State seceded he took his gun and fought in the ranks as a private; that he regretted very much the war had resulted as it had; that he was very sorry the rebels had not been able to sustain themselves longer. In all respects he represented himself as a very rabid, bitter, unrepenting rebel. The President asked him, "Upon what ground do you base your application for pardon? I do not see anything in your statement to justify you in making such an application." Judge Cochrane replied, "Mr. President, I read that where sin abounds, mercy and grace doth much more abound, and it is upon that principle that I ask for a pardon." The President immediately directed the pardon to be given. In that way they have represented that the President is with them. Others have represented that the President is proposing to build up a party, composed of a united south, the northern democracy, and such influence as he can bring to bear, by virtue of his patronage, upon the republican party, to control the government and re-elect him President in 1868. That seems to be their policy, as far as I could learn. So great was their confidence that they immediately set to work to obtain the control of the convention called to take the State back again into the Union. They succeeded in obtaining a large majority of that convention and in controlling the election of members of Congress and of members of the legislature. They have succeeded in manufacturing a public opinion which makes treason creditable and loyalty to the government discreditable. They have ostracised, so far as they conveniently or prudently could, all Union men from the political power of the State. They denounce men who have adhered to the United States government as traitors, and charge them with being the cause of the failure of the confederacy, by creating a division of their councils. That is the present condition of Alabama. There is really a strong Union element there, which, if it could be organized, would be very valuable to the United States government.

Question. What proportion of the people of Alabama, if left to themselves, would prefer

the national government to the establishment of the confederacy, if the establishment of the confederacy were possible?

Answer. Taking the entire voting population, if the matter could be presented under all the influences as they exist just now, I should suppose there would be twenty or twenty-five thousand Union votes in the State.

Question. What is the aggregate vote of the State?

Answer. My present impression is, without being able to ascertain very definitely, that it is somewhere about seventy-five or eighty thousand. An explanation would make that more satisfactory. About all the northern portion of the State, with the exception of the rich, alluvial lands on the Tennessee, particularly the mountain counties, including several large counties in eastern Alabama, and the lumber counties in south Alabama, have heretofore had a large population which might have been called a non-slaveholding population, a poor white population, though possessing, many of them, a good deal of intelligence. There has always been a certain degree of antagonism between them and the planters occupying the rich interior counties of the State. They have for a long time felt that the free institutions of the north were more calculated to advance their interests than the slave institutions of the south. A great many of them showed their adhesion to the United States government during the war. Now, if the government would foster and encourage Unionism in Alabama, until that population could by proper appliances be concentrated and organized, there is the material for a large, reliable, white Union party in that State; but, at the present time, while the disloyal men have not only the control of the political power of the State, but are permitted to manufacture a public sentiment to suit themselves, very little can be done by the Union men, especially while the disloyal men hold with much plausibility that the President is entirely with them, and virtually looks to them, as the men who have heretofore controlled the reins of government, to whip in the Union party to his and their support. Any man in Alabama now, who would come out and openly avow himself in favor of co-operation with the Union party at the north, would at once be placed under the ban of this proscription. He would be charged with being a radical, with being in favor of negro suffrage, as one in favor of negro equality, who would invite the negro into his parlor, to marry his daughter, &c. A terribly proscriptive power would be brought to bear upon him. As to particular, isolated facts of acts of cruelty upon the colored population by those who have been in the rebellion, I do not know that I could give many of them. I was told by a gentleman whom I regarded as a man of character that in the southern part of the State some of the white men who, after the occupation of Pensacola by the United States military forces, went into the federal lines, and since the surrender have returned to their old homes, have been driven out, some of them hung, and some of them shot, by squads of rebel soldiers, who would organize, take rations for three or four days, go off, and, after two or three days, come back and report that they had not seen or heard of anybody; but in a few days it would transpire that some men had been hung, some shot, and others run off. So this gentleman told me, and he is a man whom I consider reliable. The disposition of the people of Alabama towards the colored man is indicated by the public acts of the legislature. For instance: the legislature recently passed a bill which had for its ostensible object the protection of the freedmen, which provided that where any citizen rented to a freedman any house or tenement he should become responsible for his taxes, for his physician's bill, &c. It was well understood that the object was to drive the freedmen out of the cities on to the farms, the responsibility placed upon landlords who should rent property to them being so great as to amount practically to an inhibition against renting to freedmen. That indicates the character and feeling of the rebels there. There is no question that but for the protecting power of Congress they would really or virtually enslave the freedmen again. At the same time, I think a good many of these men, who were formerly rebels or secessionists, are earnestly desirous of becoming, and are trying to make, good citizens; but they are not those who have heretofore mixed much in politics, or have had any controlling influence in forming the public sentiment of the State.

Question. Has there been any other legislation in Alabama in reference to the freedmen?

Answer. Yes, sir; there were three bills passed by the legislature before their adjournment for the Christmas holidays. I should prefer to get you a copy of the bills and send them to you, rather than undertake to state their substance from memory. They were pretty much the same in their tenor and purpose. Governor Patton, under the enlightening influence of the holidays, vetoed them after he returned. Governor Patton is a man of great purity of private character, and was originally a conservative man, opposed to secession and rebellion, but he is not a man of great firmness of character. He is such a man as could be made to bend under rebel influence. It is well understood in Alabama that he was elected under rebel influence in the last election. They were afraid to run and elect a man who had been prominent as a rebel: they preferred a man not obnoxious to the charge of having been a rebel, but who was sufficiently pliable to yield to their influence: and so they took Governor Patton and elected him. The members of Congress from Alabama are none of them reliable Union men; they were elected by the rebel element, every one of them. Governor Parsons, who I find is exercising considerable influence here, was unquestionably a Union man during the war. I co-operated with him in every convention and every caucus. The only misfortune in reference to Governor Parsons's course has been, during the whole time, one indicating great weakness, and when the surrender took place, and initiatory steps were

taken towards reconstruction by the people of Montgomery, Governor Parsons then, unfortunately, took the position that it was our duty to proscribe proscription; that the proper course was one of conciliation towards the rebels, and to put them forward in any movement looking towards restoration. He came on here and was appointed provisional governor by President Johnson, bringing with him a letter in which he advocated authorizing Governor Watts to convene the rebel legislature, to take steps for bringing back Alabama into the Union. I had a letter in which the plan of authorizing the provisional governor to call a convention for that purpose was advocated. This plan Governor Parsons, in conversation, strongly resisted, and it was finally arranged that both letters should be brought on here. Since Governor Parsons returned to Alabama, he has carried out the policy of proscribing proscription. He has yielded far more to the influence of the rebels than to that of Union men. The Union men have less confidence in the judgment and in the disposition of Governor Parsons to do them service than they had at first. At the same time, I do not concur in the wholesale attacks upon Governor Parsons I have seen made in some of the papers, because I know that he unquestionably was a Union man; I think he commits more errors of judgment than of the heart. If I may be indulged in a word as to the future, I will say, that if we can be assured of the protection of the United States government until we can extend, for instance, the Union League, or some such organization of white loyal men, over Alabama, with the rapid influx of northern men emigrating there, I think, in a short time a strong national party, co-operating with the Union party of the north, could be organized in that State. I will not say more at this stage of progress. If you compel us to carry through universal suffrage of colored men over twenty-one years of age, without qualification, it will prove quite an incubus upon us in the organization of a national Union party of white men there; it will furnish our opponents with a very effective weapon of warfare against us; at the same time, I want it understood that I have no prejudice whatever against qualified negro suffrage. I think the government of the United States is committed, by all its past legislation, to the policy of exercising some restriction upon the right of universal suffrage. Foreigners have not been permitted to vote until after a certain term of residence in this country; minors have not been permitted to vote until arriving at a certain age. If the United States government, then, recognizes the fact that some restrictions are necessary and proper, it would seem to me that in an immense mass of colored people, who have just now had the chains stricken from them, who have been kept down under an institution, one feature of which has been founded in a belief that ignorance added to their value as slaves, it would not be wise or proper to enfranchise the whole of them now; at the same time, I concede that, with the proper qualifications, I would as soon see a black man as a white man vote. I have no prejudice against color. I think there are a great many white men there who ought not to have the right to vote.

Question. Are there any obstacles in the way of the black man obtaining civil rights or the ownership of land in the State of Alabama?

Answer. I think there is, and I can illustrate it in this way: I defended a case for commitment in Alabama before a magistrate. A body servant of General Davis, then commanding in Alabama, was shot by a white man. It seems that the difficulty grew out of the fact that during the term of slavery of this colored man, before the surrender, the white man had been on terms of improper intimacy with a colored woman who this colored man wanted to marry; that he was prevented from doing so by the threats of the white man until after the surrender; he then did either marry her or live with her without marrying; at any rate they were living together when this white man returned from the war to Montgomery. They managed to get into some difficulty, in which the white man shot him. When the case came up for trial, at the request of General Davis, I represented the colored man. Testimony on his side was given by a colored man, a friend of his, that the white man was the agressor; that they got into some difficulty, in which the white man drew his pistol and shot him down, and as he rose shot him again. They then introduced on the other side two or three children not of sufficient age to have a character for truth and veracity. One swore that she was looking out of a window, and the other that she was in an adjoining room, and that the colored man drew his pistol and snapped twice at the white man. The point I made was this: I was disposed to give more credence to the testimony of a respectable colored man than to that of two or three white children who could be found anywhere and made to swear, but you could not find a white magistrate in the whole State to credit the testimony of a negro, even as against a white child; in other words, the public sentiment predominant in the State is such, that I may answer your question by saying that, in my judgment, there are serious obstacles in the way of civil rights being accorded to the colored man.

Question. How is it in regard to the purchase of land by negroes?

Answer. This same sentiment would antagonize it in toto.

Question. In your judgment, would it be wise for the government to withdraw the troops and the Freedmen's Bureau, and leave the affairs of Alabama entirely to the management of the local authorities there?

Answer. I would give a very decided "No" to that.

Question. What would be its effect upon well known Union men?

Answer. Well, sir, I think public sentiment would so proscribe them, socially and politically, that they would find a residence in Alabama so disagreeable as to result in those who were able to leave the State doing so.

Question. What would be the effect upon the emigration into the State from the north?

Answer. I think it would prevent it; I think northern men would much prefer to look to Congress than to the public sentiment of Alabama for protection.

Question. What would be the probable effect upon the freedmen?

Answer. I think if the United States troops were withdrawn, and the militia organizations of the State passed into the hands of ex rebel soldiers, the freedmen would be virtually enslaved.

Question. Is there any State militia organization there?

Answer. I think the legislature were about organizing one when I left there; I think the bill has since passed; I will not be positive on that point.

Question. As far as you know, has there been any oppression of the white people by the Freedmen's Bureau?

Answer. I know of no instance.

Question. What is the opinion of the Union men of Alabama in reference to the Freedmen's Bureau?

Answer. As far as I have been able to discover, the opinion is that it is absolutely necessary for the protection of the freedmen, and very desirable for the present organization of that labor—that altogether it is beneficial and desirable.

Question. Do you know anything of any secret organizations in Alabama among those who have been in the rebellion?

Answer. I do not. My position is so well known they would very carefully conceal anything of the kind from me. I do not know of anything more than their ordinary party organizations.

Question. Is there any expectation expressed that the national government will compensate persons for losses sustained by the operations of the Union army in Alabama?

Answer. Yes, sir; there is an opinion, or I might say a hope, that the national government will compensate loyal men for the losses they have sustained. I do not know that the rebels have such a hope. Men who can show an unquestionable Union record entertain a sort of hope that, if at some time the financial condition should be in a favorable condition, they may be reimbursed. I do not know that they have any right to base such a hope upon anything that has been done.

Let me say, that I am not in favor of proscription. The only desire I have is, that such a course may be pursued towards our people as shall secure a predominant loyal sentiment towards the United States government. I do not desire to see those who have been in the rebellion treated with unnecessary severity or harshness.

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WASHINGTON, *February* 7, 1866.

David C. Humphreys sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside?

Answer. At Huntsville, Madison county, Alabama.

Question. How long have you resided there?

Answer. I have resided in Huntsville for twenty years past. I was born and raised in the State of Alabama.

Question. When did you leave there?

Answer. I came directly from there to this place on business, arriving here on the first day of December last.

Question. Have you had any official connexion with the State government of Alabama at any time? and if so, please state what connexion, and when.

Answer. Since 1843 I have been frequently a member of the legislature of Alabama, and although I have never aspired to official position, I was all over the State in 1860, speaking in favor of the Douglas presidential ticket.

Question. Were you a candidate for elector on the Douglas ticket?

Answer. No, sir, not exactly, I was a supernumerary; I had been at the Charleston convention, in 1860, and had also been in the State of Illinois, and I went over the State of Alabama, speaking in favor of the Douglas ticket. In 1848 I was a candidate for elector on the Cass presidential ticket.

Question. What means have you had since Lee's surrender of ascertaining the public sentiment of the people of your vicinity, or throughout the State of Alabama?

Answer. I have mingled with the people in the county where I reside by attending public meetings there, and I have conversed with persons from the whole valley region who have visited me at Huntsville. I have seen men from the southern portion of the State, though I have not been there myself since the surrender. I have not visited the southern portion of the State since 1864.

Question. So far as you have observed, what is the sentiment of the people with reference to the government, loyal or otherwise?

Answer. I want to be careful and particular about my statement, and it would require a little explanation.

Question. Make your statement in your own way, with all the qualifications you may consider necessary.

Answer. So far as armed opposition to the national government is concerned, I think the people are convinced that it would be utterly futile to attempt anything of the sort, and I apprehend nothing of that sort will be thought of at present, if ever. It is rather difficult to get at the precise state of feeling there. There is a feeling of hostility to the Union in the minds of a large portion of the people; that is, a hatred of the idea of submitting to the laws of the United States, when they think they occupy the attitude of a subjugated people. Then there are a large number of our people who have always been attached to, and in affection truly loyal to, the Union. A portion of the people have been in favor of the Union from judgment and from motives of interest. But taking the entire population together, this is the conclusion that I reach—and the result of the election shows its correctness—that they are not now, or were not at the time of the election, in a situation to appreciate properly the changed condition of affairs, and if left to themselves they would not for years give to the freedmen that share of civil rights to which, by the amended constitution and the changed condition of affairs, they are now entitled. There is no doubt in my mind upon that point. Even the Union men would not be prepared to do it at present, and it might be years before they would do it; and even then, if the pressure upon them was not permanent, it would be natural for them to try to keep a class of the population below them. If all who are Union, or who might easily be led to become so, would act together, I do not think those who are hostile to the Union could long keep the control of affairs. To use the language of General Grant, the sensible, thinking men are willing to abide the result; but there is too much disposition among many of the leaders, those who seek position, to pander to the prejudices of the people; and such is the state of things there that the thinking men are not now controlling the mass of the people. I think that is about as correct a representation of the general sentiment of the people as I can give. It is my opinion that the tone, temper, and disposition of the State are not sufficiently up to the requirements and spirit of the times to make it advisable to leave the State authorities to make all local regulations in regard to freedmen or to people of Union sentiments.

Question. If the military of the government and the Freedmen's Bureau were to be wholly withdrawn from Alabama, what, in your opinion, would be the condition of the Union men and the freedmen?

Answer. We can only judge in regard to that from the acts which the legislature attempted to pass. The legislature met in December, and took a recess at Christmas. Its acts were all discriminating against the negro, and I think without the presence of government authority we would have turmoil for a while decidedly. I think that, for the good of the population of the State, both white and black, even of those who might be called secessionists or rebels, I think that prudence and every consideration of the good of the whole people requires that the organized presence of the power of the federal government in some form should continue to be exhibited there. There is this thing to be taken into consideration in this matter: for nearly five years everything has been in a disjointed condition there. Capital is much needed there; and if things could once more be settled down there, so that the orderly portion of the community could get the control of affairs, as they had before the disruption of society there, there would, perhaps, be no particular difficulty, and I think in the course of a year or two, with proper action by Congress here, the State would perceive that it must conform its legislation to the policy of the government, and things might again become quiet, except, perhaps, in this respect, in the cotton districts, where the negro population predominates, and where, I think, notwithstanding others may differ from me in sentiment, white labor will not go. I do not look to the time when the whites can be safely reinvested with exclusive political power.

Question. Is there any difference, in different parts of the State, with reference to the sentiment of the people in regard to the Union?

Answer. From the best information I can obtain, I think there is much more Union sentiment among the people in the northern part of the State. The Union sentiment is very strong in what are called the valley and mountain counties—Jackson, Madison, Limestone, and Lauderdale counties, north of the Tennessee river, and Franklin, Marion, Lawrence, Fayette, Walker, Blount, Marshall, De Kalb, and St. Clair counties, on the south side of the river; and in two or three of those counties I can say that the Union sentiment is now the controlling sentiment. Since I came here I have seen a speech made by a man who was a rebel colonel—Colonel Sheffield—and who is now a member of the legislature. He is from Marshall county. They had a meeting there not long ago, and some civilian got up and said he was opposed to allowing negroes to give testimony in courts, and said several other things. Colonel Sheffield said in reply that the country was at peace now; that the war was over; and if the fellow was mad and wanted to fight, he had better begin on the United States garrison there. As for himself he should advise the people to acquiesce in the policy of the government and be law-abiding citizens. But as you get down into some of the southern counties of the State, as I am informed, there is a bitter feeling against all those who either went to the federal lines at the first of the war, or during the progress of the rebellion urged a restoration of the authority of the government of the United States. Such is the attitude of the present governor—the one elected last fall. He claims to be a Union man; he was for

Douglas in 1860, and he has vetoed three of the bills passed by the present legislature discriminating against negroes. Pending the election I heard him make two speeches—one at Huntsville and one at Vienna. In those speeches he took the ground that during the war, while there was fighting, he thought it was out of place for any man outside of the army to favor a proposition for the cessation of hostilities. I considered his speech at Vienna, particularly, a very insidious one, and one calculated and intended to throw suspicion upon men who, during the progress of the war, had favored a restoration of the government of the United States; (and as I was one of those I felt it;) to lead the people to believe that they were not men fitted to be intrusted with the control of political affairs, or with official positions. Yet in his speeches he claimed himself to be a Union man, and to acquiesce in the result of the war. Still, the aim and object of his speeches seemed to be to array, for local purposes, the prejudices of the people against what I term Union men—those who exhibited Union sentiments during the hottest of the rebellion, making themselves liable to arrest and every thing else, and we considered his election as the triumph of those opposed to the real Union sentiment of the State. I desire to say this much in justice to Governor Patton: He is a man of high moral character, and I cannot say that he would engage in any secret combination for the overthrow of the United States government. Still, he wanted to have the militia of the State armed, and did get a sort of half promise that it should be done, until General Grant issued his order forbidding it. We could not see what the object or purpose of organizing the militia was; we could not comprehend it. All the officers for this militia were appointed from those who had been in the rebel service. Governor Parsons appointed in our town a rebel colonel, who went into the service early in 1861, to command a battalion of militia. The battalion was not completed. We looked upon the whole matter as so ridiculous that we did not believe the federal government would permit it to be organized, and it was not allowed by the federal commander there.

Question. Have Union men, or those who have been rebels, been generally elected to office in Alabama?

Answer. As a general thing, I may say almost universally, except to the State convention, those men have been elected who most actively participated in the rebellion. It has been claimed that they were elected on account of personal considerations; it was so published in the papers, that their election was a personal compliment to them for their position in the war. There may have been some few instances of other persons elected, but those instances were rare.

Question. Do you know of any combinations among the landholders or planters to regulate the price of wages to the freedmen?

Answer. I do not.

Question. What is the disposition of the freedmen with reference to working, if they were made sure of receiving fair wages for their labor?

Answer. In order that you may appreciate what I may say upon that subject, let me say that I have been familiar with negroes all my life. I was nursed by a slave, and I was a slaveholder myself. And I say, as the honest conviction of my mind, from thirty-five years' experience, that the difficulty about the negroes working does not arise from their fault. I have found no difficulty in getting as many to work on my farm as I wanted. They are there yet, and I hear that they are doing well. There are not kinder-hearted beings in the world than the negroes when they are well treated. They are always kind, humble, and obedient to those who treat them as they ought to be treated. Of course they must feel that they are free now, and are different from what they were when slaves. And I am not the only one who finds them as I have stated: that is the case with all who have treated them as human beings should be treated. Judge Hammond, who was a large slaveholder, who worked a hundred hands on two of his plantations, has all his servants with him now. He treats them like human beings. He made a very good crop last year, and will make a better one this year.

No, sir, the difficulty is not with the negroes. They have sense, and feeling, and capacity; and any one who will treat them like human beings—who will even act up to the spirit of the laws which we had against cruel treatment—can always get whatever work from them he wants. If you act fairly towards them, they are as faithful and permanent laborers as any class of people can be. The negroes are gentle, obedient, and polite, not only to me, but to all who appreciate the changed condition of things, and will execute our directions and orders; make a fair agreement with them and act up to it, and I have found no difficulty with them. I do not say that such is the case with each individual negro, because there are worthless ones among them as there are among white people.

The difficulty with the negro is among the class of men who have no particular permanent interest in the best good for the country, and that difficulty will be continued among them. It will require the presence of power to keep it down. You will find cruel men who formerly owned slaves, and such men the negroes will leave, as we all say they should; and there is not a man in the country there, whose moral standing you would rely upon, but would say they ought to leave such masters. And if we could have had a law that such men should never have owned any slaves, it would have been better. It is but the malicious prejudice in ignorant minds that leads men to say that the negroes are not docile and disposed to be so, as a general thing, when well treated. They are the most quiet and law-abiding people in

the world. The fact that one man can govern a thousand negroes, who at any time could do what they please with him, is a proof of that.

Of course time will work this matter out properly. We are in a better situation now than we were at this time last year. The main thing is to see that just and proper laws are passed here, and then wait for their effect upon the people. As I said to several members of Congress at the beginning of this session, whatever Congress can constitutionally do it should do, and let those laws go into operation. I know there will be no attempt at present at violent resistance. But the principal thing, the main point, is not to leave us there without the supervising and controlling power of the federal government. So far as I am individually concerned, I should remain there and take the chances, even if the whole matter were turned over to the control of the authorities there. But those of us who want to see the interest of the country fostered and nourished, and peace, quiet, security, and prosperity restored, desire to see the influence of the national government exercised there. It will not hurt any one. It will not hurt the white man. It will only give organization to the rights of all, whites and negroes.

If there is anything in the world I understand, with which I have been conversant every day and every hour of my life, almost, except the time I have been absent from Alabama—and that has not been a twelvemonth altogether in my whole life—if there is anything I understand, I think it is the character of the negro. Just let him know what the law is, and he will cheerfully submit to it. Of course there will be individual instances of lawlessness among them, just as there are among other people all over the country, and those individuals are to be dealt with and punished by the law.

I do not think that Congress should wait for the people of the south to make regulations by which, at some further time, the negroes will be provided with homes, have their rights as freemen acknowledged, be given a participation in civil rights, and be made a part of the framework of the country. They will not do that; you need not wait for it. If Congress can constitutionally commence a system of educating and elevating the negroes, let them do it, and not wait for the people of the south to do it.

I am satisfied the white people in our State will not willingly work. The negroes will work; they will be the working class. And as you hold out inducements to them to work, so will the amount of their work be. They are intelligent when they have opportunities to become so. I have upon my place two or three who are remarkably so. One in particular is a mulatto boy, whom I bought when he was but ten or twelve years old. He has travelled with me all over the State, and has now a family. He is intelligent and shrewd; as careful in a trade as I am, and would often get the advantage of me if I did not keep an eye open, as the saying is. There are others, but I mention him particularly, because I like him, and he likes me. We have had our little difficulties, but the negro has a very forgiving disposition. All the best planters in the country will say the same thing. Judge Hammond, whom I mentioned a few minutes ago—because everybody in the whole valley knows him as one of the best farmers in the country, and who has always been considered as a humane man—he will never find any difficulty in getting negroes to work for him, except that more will apply to work for him than he will want; and so it will be with all those who remained at home and attended to their domestic affairs, and treated their servants well.

I understand that last fall, in one part of the county where I reside, there was a combination among some of the people not to rent land to negroes. But since I came away, I understand that a company of colored soldiers have been stationed right in that place. That corrects a great many things; there is no mistake about that.

There is a dread, an apprehension in the minds of some narrow-minded people, that if the negro is given any rights, he will go beyond them; and that feeling will continue to exist, until education and intelligence shall become more general among the people.

Question. Do you know whether there is any expectation among the people in your section of the country, that the general government will pay them for losses sustained by them in consequence of the war?

Answer. There was at one time some idea among the people that they would receive compensation for their slaves; but they have rather given that up now. I do not suppose you will find half a dozen men there who expect any such thing now.

Question. Do they expect compensation for the loss of other property?

Answer. They would urge that, if they had any power to do so; but that is a matter of mere pecuniary interest which anybody might be expected to urge, whenever there was any opportunity of getting it.

Question. What has been the effect of the amnesty proclamation, and the pardons that have been granted?

Answer. In many instances they have had a beneficial effect, and have been properly granted; but, in other instances, there is no doubt that persons have deceived their friends, and have deceived the President. Still, I do not know of any instance where any man, who has had a pardon granted to him, attempting to set at defiance the authority of the government. The most of those who have been pardoned, in our own section of the State, are those who come under the $20,000 clause. Some of those men acted very differently before they were pardoned, from the way they have acted since. But that, perhaps, ought to be ascribed to their naturally feeling more independent since they have received their pardons, rather than

any feeling of antagonism towards the government. I say this in order to be perfectly just towards those men, although a great many of them are opposed to me, and perhaps will continue to be so. I do not know of any in our section of the country who have been pardoned but what would submit willingly to the law when they found out what the law was.

Question. What has been the effect of these pardons upon the people at large—upon those who are not under the necessity of applying for pardons for themselves.

Answer. There are a great many who have acted in good faith. There are some few, perhaps, who would not act in good faith in regard to anything; who would not feel the obligation of an oath, or any moral obligation whatever; who would disregard entirely all obligations. I cannot say to what extent that would go. I think that in our section of the State, although we were defeated politically, we have the substantial portion of the community on our side, and if it was properly set to work to combat the rebellious disposition there, it would overcome it.

Question. Do you refer to the whole State of Alabama, or only to the northern part of the State?

Answer. I would say that it would be so in the whole of the State; that is, with the help of the federal government.

Question. How would it be if the army of the United States and the other influences of the general government should be withdrawn?

Answer. In that case I should say that we would be likely to have a pretty hot time of it for a year or two. Perhaps it would lead the Union sentiment of the country through fear to refrain from manifesting itself, not feeling that it was sustained, or supported, or backed by the federal government. About last Christmas we began to feel that we were not sustained by the general government. We thought we were being deserted by the federal government, and we became a great deal alarmed when we saw proclamations made relieving the provisional governors and turning everything over to the State governments; and the rebels and secessionists then became very busy and active in circulating the idea that the troops of the general government were all to be withdrawn from the State, and all its affairs were to be intrusted to the officers who were elected last fall; and some foolish people got to making their brags of what they would do when the troops of the United States should be withdrawn, and they should once more get the control of affairs in the State. I must say that a great many of our people became alarmed. I have received a great many letters from Alabama, that were written about Christmas, against the government of the United States turning the control of affairs over to the local organization there.

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WASHINGTON, D. C., *February* 8, 1866.

Robert A. Hill sworn and examined.

By Mr. HARRIS:

Question. Where do you reside?

Answer. Tishemingo county, State of Mississippi.

Question. How long have you resided there?

Answer. Ten years past last fall.

Question. Where have you been during the rebellion?

Answer. I have remained there during the whole time.

Question. What is the state of public sentiment in that section of the State with which you are acquainted at the present time?

Answer. I left home late in November, and at that time there was every disposition to be loyal to the United States. Since that time I have had letters from home, all indicating that the same state of feeling continues to exist.

Question. Is there any disloyal feeling there at the present time; what is the real sentiment?

Answer. There are, doubtless, a few individuals who entertain disloyal feelings, but I think they are exceptions to the general rule—to a very general rule. Those exceptions are men who have lost heavily, and a few individuals who have been disappointed in their calculations as to the result of the rebellion, and who were its originators.

Question. What is your own employment?

Answer. I am and always have been judge of the probate court for a number of years, and also special chancellor, under the appointment of Governor Sharkey, the provisional governor.

Question. Has your occupation led you to become acquainted with the sentiment of the people in that region of the State?

Answer. Yes, sir; I think I am well acquainted with the sentiment of the people in that portion of the State.

Question. Were you a member of the constitutional convention?

Answer. I was a member of the committee which drafted the ordinance amending the constitution.

Question. Now, Judge Hill, please state, as well as you can, your own views in relation to the condition of the freedmen there.

Answer. I think, so far as my information goes in that section of the State, that their condition is greatly better than the most sanguine expected it would be at this time in so short a period. So far as I can learn they are receiving employment and fair wages. A very large number of them are women and children, and are really an expense to those with whom they live. The younger men and women, as a general rule, left in 1862, entered into the lines of the army and went in different directions. I speak now of the region of country near Corinth, embracing the county where I live and portions of adjoining counties.

Question. Are they generally employed by their former masters?

Answer. They are generally employed by their former masters. Very few, indeed, have left home since the latter part of 1862 and early in 1863. Indeed there has been no involuntary servitude in that county since that time. They could have gone at will at any time; I know of no forcible means having been used to restrain them. They have remained at will.

Question. Has the Freedmen's Bureau any offices through that region?

Answer. There has been an office at Corinth, but it has had little business to do; very little.

Question. Any in the adjoining counties?

Answer. In the adjoining counties I don't think there is. I do not think there is one in Itawamba county. That is the county immediately south of me. If there is one in that county I have not heard of it; I do not think there is. There has not been one in Pontotoc county. I have not heard there is one in Tippah county, but perhaps there is.

Question. What you have said in reference to the freedmen applies to all the counties so far as you know?

Answer. So far as I know it applies to the northern tier of counties bordering on the State of Tennessee, going, I would say, two counties south.

Question. What part have you had in this war?

Answer. I have taken no part in it whatever.

Question. You have been engaged in professional and official business during the whole period?

Answer. Yes, sir. I would add further, in that connexion, that by permission of the military authorities our local institutions have been kept intact during the war, under the restriction that nothing was to be done in aid of the rebellion or detrimental to the interests of the United States. I would further say, in that connexion, there was no officer of the county, as officer of the county, sworn to support the constitution of the Confederate States, neither myself nor any other.

Question. What has been the legislation of Mississippi since its reorganization as a State in reference to freedmen?

Answer. I have not seen the acts; my understanding is, however, that they passed an act prohibiting negroes from owning or renting real estate, except in a town or city, and then by permission of the corporate authorities. I understand they passed a further act requiring them to procure employment for the year by, perhaps, the 10th of January—I do not recollect the precise period.

Question. Under what penalty?

Answer. The penalty was, I think, to be treated as vagrants; that is my recollection.

Question. If they do not procure employment, that they shall be taken to be vagrants?

Answer. Yes, sir; unless they can show that it was impossible for them to do it.

Question. What other legislation?

Answer. They further provided that their contracts should be entered into in writing in presence of a justice of the peace, and that if they left their employ without sufficient cause, to be adjudged of by the justice of the peace, they were to be arrested and returned, and the expense of their arrest and proceeding was to be charged against them.

Question. Any corporeal punishment?

Answer. There is no corporeal punishment inflicted upon negroes except that which is inflicted upon white persons for equal offence. There is no corporeal punishment so far as labor is concerned. They also enacted they should be disarmed, which grew out of an excitement in the country at the time there was likely to be an insurrection. There was a good deal of excitement in different parts of the country. It was believed to exist by the officer of the Freedmen's Bureau for the State, but which I think was without foundation, and is now so understood.

Question. Are the freedmen being educated?

Answer. There is not only no opposition to their being educated, but, so far as my information goes, a desire that they shall be. I am satisfied of that. There is a large school in Aberdeen, to my personal knowledge, of over 100 scholars.

Question. Taught by negroes?

Answer. Yes, sir; negro teachers and negro pupils.

Question. Where is Aberdeen?

Answer. In Monroe county, 75 miles south of where I live. I spent the greater part of the fall in holding court there. The equity court is located at that point, and that is the reason I am familiar with the proceedings there. Schools of freedmen are taught by a number of clergymen who live in the place. That is a county which has a very heavy colored population. They are so far south from us that they did not leave.

Question. Is there anything else which you know that will give the committee any light on the real condition of things there? If so, I would be glad to have you mention it.

Answer. The information I derive from letters from different portions of the country, and from those upon whom I can rely, shows an improved condition since the commencement of the year. My information is that the negro population have procured homes and gone to work with a fair prospect of making a good crop. I have that from various portions of the country and believe it to be true. I would like further to state, if it is not protracting the examination too far, that, by the constitution as amended, the legislature was required to pass such acts as were necessary to protect the freedmen in their persons and property, using property in its broadest sense. An amendment was proposed restricting it to personal property, which received but a few votes. I am informed that some of the circuit judges have held these restrictive laws passed by the legislature to be in violation of that provision of the constitution. I have not seen the opinions, but that is the information I have received; I have no doubt that the courts will so hold. These laws were passed when there was unusual excitement in the country, growing out of the suddenly changed conditions of the State, at least of that race. I had no idea they would be passed on mature deliberation; I am satisfied of that.

Question. When did you elect your legislature?

Answer. We elected our legislature on the third Monday of September.

Question. Is your election annual?

Answer. No, sir; once in two years—biennial.

Question. What do you think is the prospect of the cotton crop for the ensuing year?

Answer. I think it will be about one-half of what was made prior to the war. I refer to the whole State. I think it will be over that.

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WASHINGTON, D. C., *February* 13, 1866.

Robert A. Hill recalled and examined.

By Mr. BOUTWELL:

Question. Have you testified before the Committee on Reconstruction before to-day?

Answer. I have.

Question. Do you wish to make any additions or alterations in your testimony?

Answer. Yes. I wish to state that it is believed that the court will hold the restrictive act on freedmen unconstitutional. I think I stated in my examination that my information was that they had done so. That was my information at the time, but I find myself corrected. That question has not been before the court. It was the other question. I stated in my examination that, from the best information I had received, about half the average cotton crop was expected. The correction that I wish to make in that is, that unless the levees are repaired one-third of the usual crop is as much as may be expected. I wish to state, further, that the legislature has provided for the admissibility of evidence of freedmen; also, that the superior loyalty of the section of country in which I live has been greatly produced by the liberal course of policy used by General Thomas and the officers under him towards the citizens and returned rebel soldiers.

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WASHINGTON, *February* 14, 1866.

Brigadier General James S. Brisbin sworn and examined.

By Mr. BOUTWELL:

Question. What is your age, and in what service have you been engaged?

Answer. I am in the regular army as a captain at present. I have been a brigadier general of volunteers. I am twenty-eight years of age.

Question. Where have you been in service during the war, and where are you stationed at present?

Answer. I have served in the States of Virginia, Louisiana, Kentucky, and Arkansas. I served last in the State of Arkansas, until within fifteen days past, when I was mustered out of the volunteer service.

Question. How long had you then been in Arkansas?

Answer. About three months.

Question. What opportunities did you have for ascertaining the sentiments and conduct of the people of that State?

Answer. I have travelled over most of the State in a military capacity. I visited Little Rock, Pine Bluff, Duvall's Bluff, and other sections of the State which are the most densely populated. I have had a fair opportunity to ascertain the temper of the people, and I have conversed with a great many of them.

Question. As the result of your observations, what is your opinion of their loyalty?

Answer. I do not think their loyalty is good. I do not believe it would be well to restore

them to their former relations to the federal government as long as they hold to the opinions they now entertain. I find an almost universal disposition among them to elect to all their offices persons who have served against the government during the late war, and to exclude Union officers and Union men from any participation in public affairs.

Question. What would be the effect of withdrawing the national troops from that State?

Answer. I think it would lead to the expulsion of Union men, and especially of northern men who might desire to go there and settle.

Question. Will you state any facts within your knowledge which confirm the opinion you entertain of the people of Arkansas?

Answer. Where the troops have been completely withdrawn from any section of the State there has been a general disposition shown to prevent Union men from going into that part of the State, and in some instances they have manifested a decided disposition to expel them. Were it not from fear of the military authority that still has control over the State, they would do so.

Question. How are the freedmen regarded and treated?

Answer. Their freedom is recognized by the people, and there is a disposition to hire them and pay them fair wages for their labor; but I think many of the people entertain the belief that if the State was once more in operation under a State government, and in full practical relation with the federal government of the United States, and they had all the civil officers they are entitled to, they could then regulate the black population by a system of vagrant laws amounting to slavery. It seems to be the idea of the people that strong vagrant laws are necessary to compel labor.

Question. What is the disposition of the freedmen in reference to work if they can be fairly hired and be assured of receiving their pay?

Answer. It is good: the freedmen are disposed to work, and to work well, where they are treated with any reasonable degree of fairness. They are anxious to labor, wherever they can receive a fair day's wages for a fair day's work.

Question. What wages do able-bodied men receive in Arkansas?

Answer. They are now receiving, some of them, as high as twenty and twenty-five dollars a month and their food.

Question. They clothe themselves?

Answer. Yes, sir, I believe they do; but they are furnished with what is called "corn and bacon" for food, and they provide their own clothing. However, many different kinds of bargains are made with them.

Question. Something was said about Christmas time in regard to a negro insurrection. Do you know any facts that lead you to believe that anything of the kind was contemplated, or is likely to occur?

Answer. No, sir. There was a rumor circulated through the south, and especially in Arkansas. But I think it was got up altogether by people who were anxious that something of the kind should happen, in order that they might have some grounds for complaint against the freedom of the negroes. I know nothing of any insurrection; I do not think it was meditated at all; I believe if they treat the negroes fairly and justly, there is no more danger of their revolting, and not as much, as there is of the whites getting up an insurrection against the black population.

Question. Do you know of any combinations among the white people to regulate the price of labor and the terms on which the freedmen should be employed?

Answer. Nothing more than this: that there was an effort made to start companies in the south to bring in white laborers from various quarters of the country and from Europe, with the view of forcing down the price of black labor.

Question. What was your command in Arkansas?

Answer. I was in command of a brigade of colored troops, one regiment of which is now stationed at Helena, one at Pine Bluff, and the other at Duval's Bluff.

Question. Have you known of any combinations or secret organizations among the white people since Lee's surrender for purposes hostile to this government?

Answer. No, sir; I have not.

Question. Has there been any change since April, May, or June last, in the sentiment of the people of Arkansas towards this government?

Answer. I was not in Arkansas at the time the war closed; but since I went there I think the temper of the people there has become worse, and is gradually growing worse, wherever I have been in the south.

Question. How do you account for that?

Answer. I think it is owing to the lenient manner in which the general government has treated them. When the war terminated they expected from the general government nothing more than permission to live and subsist in the country. If they escaped with their lives it was all they hoped for, but by the treatment they have received from the government they have been led to believe that they still have all their former rights; that there were certain rights they had not forfeited by the rebellion, as they themselves supposed they had till they were told differently from the north.

Question. Do you know whether the constitution and laws of Arkansas, as they now are, disfranchise any of the people of Arkansas on account of their participation in the rebellion?

Answer. Not to my knowledge. I have read recently a copy of the laws enacted by the late legislature of Arkansas. I do not now recall any provisions in that legislation to deprive any person of voting on account of their having been in the rebellion.

Question. So far as you know, what has been the result of the operation of the Freedmen's Bureau in Arkansas?

Answer. I think it is an absolute necessity for the preservation of the rights and the proper care of the colored people of the south. So far as I have seen, I believe it prevents a great many abuses that would be practiced if it were broken up or withdrawn.

Question. What degree of intelligence is possessed by the adult colored people of Arkansas, so far as you have observed?

Answer. It is, I think, good; I believe it compares favorably with that of the white population. There is a class of men south, wealthy men, who, with their children, have had the benefit of education; but there are a great many poor white people there, and I think there are as many of the blacks, perhaps, who can read and write as those of the poorer classes of the white people.

Question. What is the disposition of the freedmen in reference to getting property and saving their money?

Answer. They are very anxious to acquire property; and so soon as the laws of the State are corrected, so that they can buy and sell property as other men can, they will rapidly acquire property. They save their money, and I believe some of them will become very wealthy men. I know a great many negroes in Arkansas who have made from $700 to $800 and $1,000, and in rare cases $1,500, during last year, by growing cotton on shares with their former masters.

Question. Is there now any impediment in the way of negroes buying land in Arkansas?

Answer. I do not know that there is any law prohibiting it; but there is no law expressly giving them the right to do so, and the black people have been so long under oppression that until they have the right secured to them by law they will hesitate about investing their money in land, because they know the sentiment of the white people is strongly against it. If they could invest their money according to any law allowing them to do so, they would do it very readily, and I believe they would accumulate property very rapidly.

Question. We desire to learn all we can in reference to the condition of public sentiment in Arkansas, so as to be able to judge in regard to the fitness of the people there to be restored to their former relations with the national government. Do you think of any other facts bearing upon that point?

Answer. As a soldier I should very much regret the restoration of the State of Arkansas, or any part of the southern people, to their full practical relations with the federal government at this time, and with their present temper. It is my belief that they desire and expect to accomplish by political efforts all that they contended for, but failed to accomplish, when they went into the rebellion. I can only say that if I were called upon to vote I should most emphatically deny them admission to their former rights. Their election of rebels (I mean ex officers of the rebel army) to the highest offices in their gift, and their persistent exclusion of Union men from office, is to my mind proof clear and abundant of their temper, and I could not and would not, while they did such things, vote to restore them to their former rights. Until they send loyal men to represent them, they have, I think, no business with representatives in Congress. I bear no malice, but I cannot as yet forget four years of war and toil and danger. When I recollect that the graves of my soldiers who fell in battle for the country are not yet green, I cannot forgive and forget the acts of rebels who tell me they have no regret for the past, and that their unholy rebellion that robbed these men of life was right.

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WASHINGTON, *February* 17, 1866.

E. Darwin Ayres sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside?

Answer. At Little Rock, Arkansas.

Question. How long have you resided there, and what is your present business?

Answer. I have resided there six years; at present I am treasurer of the State organization, which is a small part of my business just now; I am engaged in various pursuits.

Question. What means have you of knowing the opinion of the people of Arkansas about political affairs?

Answer. By association with them up till the time I left and by correspondence since.

Question. What is their temper in regard to this government, favorable or otherwise?

Answer. Favorable by compulsion. It is probably a divided question in Arkansas, and perhaps nearly equally divided as to which cause should succeed. I do not think that we have a majority, but inasmuch as it is lost, they recognize the fact that it is forever lost. They feel fully whipped and cowed by the war, as they say themselves.

Question. If Arkansas were restored to her former relation to the Union, and all were

allowed to vote who are entitled to vote among the white people, would they be likely to elect old and tried Union men, or persons who are more or less complicated with the secession movement?

Answer. We can elect Union men, as was shown by our last canvass, when we elected Union members of Congress from the first and third districts. In the second they beat us. There is a number of small farmers in the third district who were never identified with slavery After the arrival of the federal army at Fort Smith they raised 1,200 men in the first five days. A large majority of the State was in favor of the Union on the question submitted to them before the war, only they did not have the moral courage to assert it, and were ruled by the 4,000 who had always ruled the people.

Question. What do you estimate the present voting population of Arkansas?

Answer. That would be a hard question to answer, just now; but I should not expect it to exceed one-half the vote of 1860, which was 54,000 and odd, unless we gain upon it by northern residents that have come in in large numbers. Excluding the northern immigration since the war, I am pretty well satisfied it would not exceed 25,000 or 26,000.

Question. What is the present condition of the negro population of Arkansas at present?

Answer. I believe the negro population is doing better there than anywhere else. I left Arkansas just before Christmas, before they entered into their contracts, and from all sources of information—and I have been in constant communication with them—in business that leads to that, I think they are becoming more settled and quiet. And I know they are getting high wages—$15 a month, with board and clothing. The rent of land is high—$10 an acre on the Arkansas river. General Catterson hires three plantations on the river at a rent of $10 an acre.

Question. Are the negroes disposed to work if they are properly paid?

Answer. Yes, sir. I could work all I wanted. I know one instance on the Red river, where a Mr. Stewart says he can get more work out of his negroes than he ever did. The story that they won't work is got up by those who said that free labor could not be made to pay, and who wanted it to come out so. By proper inducement, I see no reason why the negroes will not work.

Question. Any danger of negro insurrection, if they are properly dealt with?

Answer. No, sir; but if they are told that they have no rights which white men are bound to respect, and if federal bayonets are turned against them, they will secrete arms for the purpose of defending themselves. They know a great deal more than people give them credit for. I believe the southern master is the last man that does understand the negro, though he pretends to know all about him. Mr. Stewart proposes to build a church, a store, and a school for the negroes. By that means he will get as many men as he wants; he will get his pick out of them.

Question. What is the disposition of the people in regard to conferring the right to vote upon the negroes?

Answer. I should suppose that they would be almost universally against it, as near as I can judge. The prejudice, however, is lessening gradually, and will continue to lessen as the people become accustomed to education. But now they are afraid of it. They are more sensitive on the question of negro equality than on any other. You can hardly argue with them on that question.

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WASHINGTON, *February* 17, 1866.

Charles A. Harper sworn and examined.

By Mr. BOUTWELL:

Question. State your age, residence, and occupation.

Answer. Age, forty-seven; residence, Little Rock, Arkansas; by profession a lawyer, now judge of the supreme court of that State.

Question. What period of time have you resided in Arkansas?

Answer. Since the fall of 1862; previous to that time I resided nearly twenty years in Texas.

Question. What means have you had since the surrender of General Lee of ascertaining the opinions of the people of Arkansas with reference to their loyalty to the government?

Answer. I have been present at Little Rock during the assemblies of the people since that time—one of the colored people, and another of persons that met rather in opposition to the present State government. I have seen men at Little Rock and in all parts of the State. I have been in constant communication with them by letter, publicly and individually.

Question. When did you leave Arkansas?

Answer. About the 15th of December last.

Question. At that time what was the state of public sentiment—more or less loyal than in the month of June or May last?

Answer. I just remained long enough to see the result of our convention that organized the State government. They made something like a compromise with the State government. Most of them concluded to sustain and support it. I can only answer by way of opinion formed by conversation with men I think there was a constant and decided improvement in

the State in sustaining the administration and our State government. I have various good reasons for thinking so. We regard ourselves as much stronger than we have been as a State government.

Question. State those reasons.

Answer. One striking reason is, our State government is supported by the issue of scrip. At first it was worth only from fifteen to twenty cents on the dollar. It has gradually come up until it is now worth ninety-five cents anywhere, is in demand, and is hard to be got at that. That is one evidence which satisfies me that we are gaining strength. My other evidence is derived from conversation with many persons who at first withheld their support, but who say now that they are satisfied that we have done what was right, and who now sustain us. I have evidence also from men who were in the secession army, many of whom profess themselves perfectly satisfied with the State government who were at first hostile to it. There are parties, however, who are still dissatisfied and still complaining.

Question. What proportion of the people now in Arkansas would prefer the establishment of the confederacy if that were practicable?

Answer. That would only be a matter of opinion. My own opinion is, that a great many of those who originally were secessionists are glad now that they did not succeed. Hence there is a very large proportion of the people of Arkansas now in favor of the federal government. I have no doubt it is so. I know personally many such, who are now glad they did not succeed.

Question. How many votes were given at the last election for members of Congress?

Answer. I am unable to say; the vote, however, was unusually small; there were various reasons for it; it was nothing like so large as was given for our present constitution.

Question. How do you account for that falling off?

Answer. There was an aspiration for seats in Congress; the Union party were somewhat divided; there were several candidates, and the mass of the people were so disgusted with the scramble that a great many would not vote at all; they had no objections to two or three of the candidates; there were several who could take the oath, and only one who could not, I think; so the vote was very small in that district from that cause; and a similar cause probably reduced the vote throughout the State. There was no effort to get out the vote; there was a general want of organization. In the northwestern district both candidates were Union, and there was no contest; so also in the Helena district. In the other district where there were several candidates, all Union men but one, who got only seventy or eighty votes. There was no probability of his election, and hence no reason why they should all turn out there so far as the result was concerned.

Question. What are the legal rights of the negro population in Arkansas?

Answer. I have not as a lawyer examined that question fully, only on the question of holding real estate. A negro wished me to advise him about buying land in Little Rock; my impression was that he could do so with safety, and on examination I had no doubt of it, and so advised him. Without examining the question fully as to his rights, my opinion is that he has all the civil rights of the white man with the exception of suffrage and bearing arms. That was our purpose in the convention, and we think we have made sufficient change in our bill of rights to carry it out. We think the negro can hold real estate and that his testimony is admissible; but we did not grant him suffrage nor the privilege of bearing arms. The word "white" is not stricken out in the constitution, but we understand that the negro is not under civil disability, except as I have stated. That is the general opinion of our legal men who have examined the question, but, as I say, I have not examined it fully. We intended to change the status of the negro except in regard to suffrage; that the people were not prepared for. You are well aware that there is a feeling existing between the poor whites and the negroes, and we certainly could not have carried our constitution if we had given the negro all the rights of the white man.

Question. Is it not in the power of the legislature to extend suffrage under this constitution to the negro?

Answer. I have recently examined that, and while I think the legislature cannot restrict suffrage, I think they can extend it. As a member of court I had to consider that question.

Question. Has that been decided?

Answer. Yes, sir; we have decided that the legislature could not limit suffrage as granted in the constitution. The question came up indirectly, and both of us, judges, were of opinion that, while the legislature might extend suffrage, they could not restrict it—that nothing in the constitution forbade its extension by legislative enactment.

Question. Is the case in which that decision was given reported?

Answer. I think it has not been published. We have a reporter, but this is the only decision given.

Question. Will you give the name of the case?

Answer. It arose on a question of voting, the commissioner refusing to let some person vote without taking a certain oath that the legislature had prescribed. I cannot give the name of the case, but it is easy to get it if it has been published. It is the only case decided touching the elective franchise under the constitution.

Question. In what way did the legislature undertake to restrict suffrage?

Answer. They undertook to prescribe a test oath for voting. The object was to exclude

those who participated in the war, and the court decided that the legislature could not restrict suffrage; and although we did not decide that they could extend suffrage, yet we were both of that opinion.

Question. Then by the decision of the court the legislature has not the power to restrict suffrage, even by excluding men who have been engaged in the rebel service?

Answer. That is the opinion of the court.

Question. What is the condition of the negro population of Arkansas intellectually? Are any of them educated?

Answer. Yes, sir; I was present at a negro convention at Little Rock in December, 1865, and I was very much astonished listening to their proceedings. I went there twice. There were two negroes in particular, from Helena, men of considerable education and intelligence. They addressed the congregation of their race, and their views were generally well expressed. They seemed to comprehend precisely their situation, and all their purposes, as stated, seemed to be satisfactory to any intelligent white man. The number of that class, however, is not very large. I have alluded to two who showed extraordinary intelligence. There were others of considerable intelligence; so that altogether they made a much better show than I supposed such a body of negroes in that State could do. I think there is considerable intelligence among them in Arkansas at this time, but of course it is only now and then one of that kind; the most of them are rather of a low order. As a general thing it is so on the plantations.

Question. What is the condition of the poorer whites of Arkansas as regards intelligence?

Answer. There is a great want of education among them; but, as I have observed there and in Texas and all through the south, when you find a man who can neither read nor write, he is not so ignorant a man as regards general intelligence as you find such a man to be at the north. He seems to be ahead of the illiterate northern man. He seems to gather more general intelligence from contact with others, so that it is not uncommon to find a man who is illiterate, and still of considerable intelligence. But as a general thing the poor whites are a feeble class.

Question. How are these people in regard to the government—loyal or disloyal?

Answer. Nearly all loyal!

Question. How long have you been judge in Arkansas?

Answer. I was elected first, under the present constitution, in March, 1864.

Question. When did you abolish slavery in Arkansas?

Answer. In the convention which formed the present constitution, in January, 1864.

Question. What is your opinion of the operation of the Freedmen's Bureau in Arkansas Is it beneficial or otherwise?

Answer. Well, sir, I do not think we could well do without it for the present; yet there are some who find fault with it. The objection is more, however, to the administration of the bureau than to the fact of its existence. I do not myself hear any objection to the establishment of the bureau. I have conversed with several intelligent men on the subject, and it seemed to them that the thing was perhaps necessary; northern men engaged in planting cotton wanted it.

Question. What is the disposition of the negro in regard to working if properly paid?

Answer. Well, sir, I know several gentlemen who employed them last year, and they tell me that if they do right to the negro there is no difficulty. I know a gentleman—a New Yorker—that has a hundred of them employed. I conversed with him at Helena. He says the negro is very particular if you violate your word in the least respect, but if you come up to your contract he says there is no difficulty. I know of two who work in partnership with the negroes, and they like that best. They let the negro furnish some portion of the means; and some of them have some means acquired during the last two years. They think that is better than to hire them.

Question. Do you regard them as naturally thrifty, or otherwise?

Answer. Well, sir, I think there is as large a proportion of them as of the poor white class but are disposed to be thrifty.

Question. How in regard to education?

Answer. There are a number of schools in Little Rock. I do not know whether there are throughout the State; there may be. The reports of the teachers to me are that the negroes are making wonderful progress. I noticed little boys and girls dressed up in clean clothes who seemed to take an interest in the school.

Question. What proportion of the white men of Arkansas of twenty-one years of age and upwards have voted at any election since the State was taken possession of by our troops?

Answer. At the general election, when they ratified the convention and elected members of the legislature, I think there were over twelve thousand votes cast; and, from the best estimate we could make, there were only fifteen or sixteen thousand voters at that time.

Question. How many do you think there are now?

Answer. It is hard to tell what has become of a great deal of our population now; they do not seem to be there. I do not think there are twenty-five thousand now. If there are, several thousand must be made up of men from the north who have got a six months' residence. We know of neighborhoods and localities where the voters do not seem to be there. I think the secession party undertook to get up some counter action against us, but they

could only muster, to sustain the old State government, some three thousand, and I think they took all the soldiers in the army to make up that number. We were anxious to make a proper estimate. We estimated only eight or nine thousand as the probable vote upon the constitution and for members of the legislature out of an estimated voting population of fifteen thousand, and we got twelve thousand. Perhaps our estimate of fifteen thousand was too small, but that was the general estimate of the oldest citizens. There were two or three hundred polled against us.

Question. Is there any disposition in Arkansas to allow suffrage to the negroes, or to any class of them?

Answer. Well, not generally. There is a good deal of prejudice on the part of the poorer class. They are all willing to have slavery abolished; but they want the negro out of the country. I think, however, that that feeling is wearing away, and there are men who think that the negro must have suffrage. But the majority, I must say, are not in favor of negro suffrage at this time. It is not unfrequently that a man expresses himself as willing to give it to those who served in the army, or who can read and write, but I do not think you will find many advocates of general suffrage in Arkansas.

Question. If it were limited to those two classes, what would be the feeling, suppose Congress should exact that as a condition of their admission into the Union?

Answer. Well, sir, I am not at all certain that we could give any suffrage to the negro at this time. They might do it, but I would not like to give an opinion if I could. I know there is so much prejudice against the negro that there would not be a fair discussion. Men would dislike to enter a contest upon it. If it was to be given it would be only to those who had borne arms and could read and write, or perhaps a property qualification to show that the negro was thrifty. Something of that sort might be done; but I would not like to give an opinion that it could be. I believe our State would accept the proposed amendment and take representation on the basis proposed. Many would comfort themselves with the idea, "we will submit to that; we will compromise on that." There will be a disposition to accept that, but they would not then be disposed to let the negro vote. I think it is the opinion of some that this prejudice will soon pass away, but it is very strong now. It is the poorer class against the negro—a fear that it would bring him upon a par with them. Probably you understand that as well as I can explain it to you.

Question. Our object is to find out the feeling of the people.

Answer. Well, we have a great many that are dissatisfied, and we occasionally have a man who complains loudly. But we are gaining ground, and I will state why I believe it. Ten months ago I would not venture out of Little Rock alone. In fact, all of us perilled our lives in coming to the convention. The secessionists announced that they would massacre every man who took part in that convention. That was the secession spirit before the surrender of Lee. I can now go all over the State of Arkansas without running any risk whatever. That shows that there is a very great change in public sentiment. I would not hesitate to go to any part of the State now, any more than before the war. There is no alarm, no fear. I have friends that do go constantly.

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WASHINGTON, *February* 19, 1866.

Colonel Milton M. Bane sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside?

Answer. Quincy, Illinois.

Question. Have you been connected with the army; and if so, in what capacity and for how long a time?

Answer. I entered the service in August, 1861, as a colonel, and was mustered out of the service at Rome, Georgia, in May or June, 1864.

Question. How recently have you been in either of the eleven States that have been in rebellion?

Answer. I left Nashville, Tennessee, about the last of May, 1865.

Question. While you were in the south did you become acquainted with any persons who are now claiming seats in Congress from either of the eleven States which have been declared in rebellion?

Answer. Yes, sir; with Mr. George Houston, of Alabama, claiming a seat in the United States Senate, who lives at Athens, in that State. I made his acquaintance while I was in the military service.

Question. Do you know anything of his opinions in reference to the government of the United States?

Answer. While I was at Athens, Alabama, in command of a brigade, Mr. Houston, Mr. Prior, and some other gentleman, came into my office, and in that conversation he expressed some sentiments which convinced me of his animus towards the government. He spoke to me about "violating the Constitution," which is a common expression with such men. I told him that we were not there to discuss that question at all; we had quit discussing such

matters, and had come there to fight it out; that I thought the men who had voluntarily gone into the rebellion, giving it aid and comfort, presented rather a poor appearance standing there talking to me about constitutional law; that I was there under the authority of the President of the United States, Abraham Lincoln, and his commanding generals, and expected to do my duty, which was to whip the rebels. Mr. Houston replied to me that he thought Mr. Lincoln was as bad a traitor as Jefferson Davis, and ought to receive the same treatment. I told him that I had no doubt he entertained those views; that we on the other side did not, and that was what we were fighting about. A few days ago I met Mr. Houston at Willards' Hotel, in this city. I accosted him, shook hands with him, and we passed a few words. I asked him how he felt on the subject. He said, "About as usual," "Well," said I, "do you feel towards Mr. Lincoln and his friends as you did when you spoke to me in Alabama a couple of years ago?" He seemed a little surprised, and asked me how that was, and I told him. Said he, "Yes, sir; I think to-day that Mr. Lincoln was a worse man than Jefferson Davis." I think the words he used were, "worse traitor;" but I am not right certain about that. I said to him, "Is that your opinion to-day?" "Yes," he said, "I have not changed it." Of course, I then left him, and have had no more to say to him. That was the end of our conversation. Mr. Houston always treated me gentlemanly at his house and in his visits to me.

Question. Did he claim or profess to be a Union man?

Answer. No, sir; not a Union man, but a constitutional man, as he termed it.

Question. What did you understand by that?

Answer. I understood that he claimed that we, the war party, were violating the Constitution in a worse manner than Jefferson Davis and his friends. That was my understanding of it.

Question. Do you know anything concerning others claiming seats as senators or representatives from either of those States?

Answer. No, sir; I do not, not personally.

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WASHINGTON, D. C., *February* 19, 1866.

George R. Weeks sworn and examined.

By Mr. BOUTWELL:

Question. State your age, residence, and occupation.

Answer. I am forty years of age; I reside in Little Rock, Arkansas, and am a physician by profession.

Question. How long have you resided in Arkansas?

Answer. Two years and a half.

Question. Before that time where did you reside?

Answer. In Seneca county, Ohio, for the rest of my life.

Question. Have you been in any way connected with the Union army?

Answer. Yes, sir.

Question. In what capacity?

Answer I was surgeon of volunteers.

Question. What opportunities have you had during your residence in Arkansas of becoming acquainted with the opinions of the people concerning the government of the United States?

Answer. I have been over a portion of the territory, and my facilities have been pretty good about Little Rock, Pine Bluff, Fort Smith, and Helena. I had charge of the district of Little Rock for over a year while in the army, mingling with the people, more or less, constantly. Since I have been out of the army I have been travelling a good deal throughout the State, mostly from Pine Bluff to Fort Smith, up and down the river.

Question. As the result of your observation, what is the sentiment of the people with regard to the government; are they loyal or disloyal?

Answer. I think some of the people are loyal and some are disloyal; but my general opinion in regard to the matter is, that they are in a better condition to-day than they were six months ago; that the spirit of disloyalty is dying out to some extent.

Question. If all the white men in Arkansas over twenty-one years of age are permitted to vote, without reference to their participation in the rebellion, what would be the aggregate vote in the State?

Answer. I cannot answer that question positively. Travelling from Fort Smith I found in the interior many more settlers from the army than I had expected to find. More men have gone to farming than I anticipated. I have been of the opinion that the Union party would sustain itself there now by a vote, but that, of course, is only an opinion of mine.

Question. What is the prevailing sentiment there in regard to the negroes; is there a disposition to educate and aid them, or to keep them in the condition of mere laborers?

Answer. There are some who would educate them and some who would not. On that question the old residents are divided.

Question. Are the negroes disposed to work if they are properly paid?

Answer. Yes, sir; I believe that is the general sentiment on the subject. I have been in Tennessee, Alabama, Texas, and Arkansas, and I believe that the negro is in a better condition in Arkansas than any other State I have visited. They are more generally at work there, and are making their work more profitable. There are less refugees and less depending on public support. In Little Rock particularly they are at work very generally, and also on the plantations.

Question. Do they manifest a disposition to educate themselves?

Answer. Very great.

Question. How is it about their accumulating property and acquiring lands?

Answer. I have heard a very general desire among the best of negroes for land. There are many individual instances that I could cite. Their desire generally is for forty or twenty acres of land. If they could get that they would think themselves perfectly happy, and they are laying up money for that purpose. I know one negro by the name of Albert who has cultivated, with a little help, seventy acres of cotton and made fifty bales I offered him $100 a month for his services to sub-superintend a plantation for me. He remarked to me very quietly that he could not do it. I asked him why; did he not like to work for me? He said, oh, yes, but that he rented a plantation of three hundred acres, and that he could make more of it than he could by working out. This spirit is growing very rapidly.

Question. Do you apprehend any danger arising from the negroes if they are properly treated?

Answer. No, sir; not a particle.

Question. If the military should be withdrawn entirely, and the Freedmen's Bureau suspended, what would be the result to the Union men and negroes in the State?

Answer. From this time forward, the laboring season being present, and idleness being the great incentive to crime, I should think there would be very little danger, if any. The people generally are going to work, and I do not think there is very much opportunity for them to commit depredations. I think when they once get to work it will prevent any disturbance whatever; I do not expect any. In regard to the character of the negro, it is, in my estimation, very excellent. I have been at Little Rock two years and a half, and during that time I have not seen three negroes drunk. I wish I could say as much for the white man. Their general character and deportment has been civil.

Question. What is the feeling of the people in regard to conferring the elective franchise on negroes or any part of them?

Answer. In Arkansas we are divided into two sections; those who have recently come there, and the original residents: of the latter class, I think two-thirds are opposed to negro suffrage. Many who have been mustered out of the army have remained there; many of those are in favor of letting the negroes vote. It is my opinion that generally there is a majority against negro suffrage—a small majority.

Question. If the negroes should be allowed to vote, any part or the whole of them, and if a question should arise involving the safety of the Union, the preservation of the government, on which side would the negroes be likely to vote?

Answer. They would vote on the Union side, to a man. I think they are entirely reliable.

Question. Are there any of the adult male negroes who are unable to understand the issues that were involved in the war between secession and Union?

Answer. I think there are very few but that have an understanding of it, some more perfect than others. They all seemed to recognize the great fact of their liberation by the northern forces. I was with General Sanburn recently, who has charge of the negroes in the Indian territory, at Fort Smith. A negro walked up to him and said, "Sir, I want you to help me in a personal matter." "Where is your family?" "On Red river." "Have you not everything you want?" "No, sir." "You are free!" "Yes, sir, you set me free, but you left me there." "What do you want?" "I want some land; I am helpless; you do nothing for me but give me freedom." "Is not that enough?" "It is enough for the present; but I cannot help myself unless I get some land; then I can take care of myself and family; otherwise, I cannot do it." They all seem to have a distinct idea that they are free, and that they are indebted for it to the north.

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WASHINGTON, D. C., *February* 19, 1866.

Major General Joseph R. West sworn and examined.

By Mr. BOUTWELL:

Question. State your age and residence.

Answer. I am forty-three years of age; I reside in San Francisco, California.

Question. State how long you have been in the army of the United States during the rebellion.

Answer. From August, 1861, to January, 1866.

Question. What parts of the south, if any, have you visited since Lee's surrender?

Answer. Alabama, Louisiana, and Texas.

Question. When were you in Alabama, and what opportunities had you while there for ascertaining the opinions of the people?

Answer. I was in Mobile shortly after its capture, and had some social intercourse with old residents in the south. Immediately after the downfall of the southern confederacy, the people were very much intimidated in consequence of their acts, and were more subdued at that period than at the present time. I was with the first body of troops that went into Texas. I was ordered from Alabama to go with Sheridan's cavalry to Texas. We went through the capital of the State, Austin, and from there to San Antonio. A certain class of the people evinced an attachment to the Union which I had not met in any other State, but it was a very small proportion of them.

Question. So far as you have a knowledge of Alabama, what was the sentiment of the people there in regard to the Union?

Answer. They did not love it; they accepted the situation with very ill grace.

Question. Can the troops be withdrawn with safety from Alabama?

Answer. I think not.

Question. So far as you know, what has been the influence of the Freedmen's Bureau upon the blacks, beneficial or otherwise?

Answer. I do not think the black man would have a possible chance among them unless he has the support of the government through that bureau. I was stationed in Arkansas and served there quite extensively; and, from the nature of my command, I was thrown more in contact with the people at large than any other officer there; I had a movable command—a cavalry command.

Question. For what time were you in Arkansas?

Answer. From April, 1864, to February, 1865.

Question. What, during that time, was the state of public sentiment in Arkansas with regard to the Union?

Answer. You must understand that nearly all the men with whom I came in contact were those who were professing loyalty at that time to the United States; it was very difficult to find a male rebel.

Question. Where were they at that time?

Answer. Scattered about in the army of the confederacy. There were a few non-combatants and old men. They were patient, and had no opportunity of expressing their true sentiments. I was present at the inauguration of Governor Murphy, and I also came in contact with the legislature of the State. I was there at a very critical time, and had a good many conferences with all the representatives.

Question. Was that a legislature elected by Union votes exclusively?

Answer. Yes, sir.

Question. Have you any means of knowing what proportion of the citizens of Arkansas over twenty-one years of age were engaged in the rebellion?

Answer. At the outset I should say that at least three-fifths of the people of Arkansas were in favor of secession. At the time of the reorganization of the State government and the adoption of the State constitution, almost every man left in Arkansas, out of the confederate service and lines, (which occupied the southwestern portion of the State,) was in favor of the new organization, the abolition of slavery, and the re-entering into the Union upon those conditions.

Question. Have you been in Arkansas since the return of the rebel soldiers?

Answer. I have not.

Question. From your knowledge of the negro race, are they disposed to labor if they are properly paid?

Answer. Not if they can get a living in any other way. Any person who has ever been compelled to an occupation thinks that his greatest liberty consists in casting of that trammel, and I think that the negro's indisposition to work is more attributable to that reason than to any natural slothfulness on the part of the negro. His task is lifted from him, and he feels that the only enjoyment which his liberty has brought him is exemption from labor.

Question. Will he not learn his mistake after awhile?

Answer. I think he will.

Question. Do you entertain any danger of negro insurrection if the negroes are properly treated?

Answer. Not a bit, if they are properly treated.

Question. If the military and the Freedmen's Bureau were withdrawn from the south, what would you anticipate as the result upon the truly loyal whites, and upon the negroes in the south?

Answer. The loyal whites would have to flee the country if they could get away. The negroes would be coerced at the will of the secession population.

Question. Do you know any of the persons from Arkansas claiming seats in the House or Senate? If yea, what is their reputation for loyalty?

Answer. I know Mr. Snow and Mr. Baxter claiming seats as senators. Baxter's reputation for loyalty even among the rebels was unquestioned. He never submitted to their dictation in any way. Mr. Snow had to accept the situation, and, although protesting against their rule, he lived for some time under it. Of the members claiming seats in the House of

Representatives I only know Colonel Johnson, and his public record is such that I can fully assent to it, as being a thoroughly loyal man, and as having served in the military service of the government.

Question. Where were you born, and where did you live previous to the rebellion?

Answer. I was born in the city of New Orleans, Louisiana, from a Pennsylvania parentage. I went to Pennsylvania when I was eighteen months old, and was educated there. I lived south from my seventeenth to my twenty-fifth year, when I went to California, of which State I have been a resident ever since.

Question. If there is anything you wish to add you are at liberty to do so.

Answer. You asked me what would be the consequence if the Freedmen's Bureau and the soldiers were withdrawn from the south. I would like to except Arkansas from my answer. I think that a very small body of troops can protect the Union people of Arkansas, with the assistance of the Freedmen's Bureau. I think that that is indispensable. I think that Arkansas is in that condition that with the Freedmen's Bureau and a small military force the loyal people there will be able to retain possession of the government, but in other States it is very different. I have no confidence in the loyal feeling that is alleged to be common in some of the others—not a bit. I have a brother in the south, a merchant in New Orleans, and I consider him as big a rebel as any.

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WASHINGTON, D. C., *February* 19, 1866.

William D. Snow sworn and examined.

By Mr. BOUTWELL:

Question. State your residence and age.

Answer. My residence is Pine Bluff, Arkansas; my age is thirty-four.

Question. Are you here claiming a seat in the Senate from the State of Arkansas?

Answer. Yes.

Question. How long have you resided in Arkansas, and what has been your occupation while there?

Answer. I resided there between five and six years; perhaps contractor would express my occupation better than anything else.

Question. Did you take part on either side in the war?

Answer. I should prefer that you ask that question of others who know me. I can only say that my sympathies during the entire struggle were with the United States; that I took no part in the war as against the United States, and by all means in my power, and as soon as opportunity offered, I accomplished all that I could in favor of the Union.

Question. Have you held any office in Arkansas previous to your appointment as senator?

Answer. No, sir.

Question. What means have you had of knowing the condition of Arkansas since Lee's surrender?

Answer. A continuous communication with most of the leading men on both sides. I mean those whom I know to be Union men and those who participated in the rebellion.

Question. What do you estimate the voting population of Arkansas to be at the present time?

Answer. I think there ought to be, under all circumstances, between 20,000 and 25,000 voters in the entire State now, of all shades of opinion.

Question. What was the vote in 1860, before the war?

Answer. If I remember correctly, it was about 54,000.

Question. How do you account for the loss?

Answer. I account for it first by the decimation of the confederate army. I understand there were about 17,000 volunteer troops from Arkansas in the confederate army. If my memory serves me right, there were some 20,000 conscripts, making about 37,000 troops in the confederate service from Arkansas. The best information I can get as to the number of troops who have entered the federal service is from the Adjutant General, who states it at about 13,000, making in both armies nearly 50,000 men taken from the voting population. I learned from the paymaster who pays the Arkansas troops that the average number of recruits to each of the Arkansas regiments was something between 1,400 and 1,500, the deaths having been very large. I arrive at my conclusion from the fact that on the confederate side of the line, in October, 1863, an election was held four months prior to the election at which was inaugurated our government, and in that election I was informed by A. H. Garland, late confederate senator, whose brother was elected to Congress, that such had been the losses of the Arkansas troops in the confederate army, and so sparse was the population comprised within their lines, that in both the army and in that section which they occupied they got but 3,500 votes, perhaps less. Our vote in the succeeding March was, I think, between 12,000 and 13,000.

Question. Have not a large number of men returned from the rebel army at the close of the war to their old homes in Arkansas?

Answer. I am unable to say. The impression that I got from my letters is, that they were

not a very large number; that the Arkansas troops suffered terribly. For instance, there were 5,000 Arkansas troops taken at the Post of Arkansas who were transferred to Virginia, and very few of whom, comparatively, returned. Kirby Smith's army lay inactive for 18 months, the troops rotting in camp, until the Arkansas contingent, as I understood, fell even below the Missouri contingent.

Question. Do your laws disfranchise those who participated in the rebellion?

Answer. We had a disfranchising act, but the supreme court, at a recent session, declared the act unconstitutional.

Question So that hereafter all will vote?

Answer. Hereafter the late rebels will vote under the provisions of the amnesty proclamation.

Question. What proportion of those 20,000 men would prefer the government of the United States to the confederate government if it were possible to establish the confederate government?

Answer. I think a large majority would prefer the government of the United States. I judge so from the fact that the election held to adopt the constitution was as free and fair an election as was ever held anywhere. The people turned out with vigor, and I know that a very material change has taken place in the feelings of the people.

Question. Suppose it should prove to be true that one-half of those who had gone in the confederate army had returned and were at home in Arkansas, what then would be your opinion as to the sentiments of the people?

Answer. Supposing that one-half of the 37,000 had returned, I think that sympathies would be more equally balanced; the turbulent secessionists having volunteered and very many of the conscripts being Union men. In other words, I believe that, under such circumstances, and under proper auspices, such as a certainty that the officers elected to Congress would be admitted, and that the support of the United States government was back of them, we could get 18,000 to 20,000 votes to-day in Arkansas.

Question. Is the condition of Arkansas such that it would be safe to withdraw the military?

Answer. In regard to that I am unable to say. I can only judge from the almost entire tranquillity of the country, and from the expressions contained in my letters, and from conversations which I have had with gentlemen from there. I think that order would be preserved beyond doubt. Having been absent from there since the 25th of April last, I cannot say from my personal knowledge. The testimony I get is in favor of the idea that the State government, particularly if recognized, would be able to sustain itself, and that government is entirely in the hands of loyal men.

Question. Do you regard the continuance of the Freedmen's Bureau as important to your State, or otherwise?

Answer. I have been gratified to see that the relations of the people of Arkansas to the freedmen are of a more amicable and satisfactory nature than they have been elsewhere, judging from newspaper reports. The necessity for the Freedmen's Bureau I do not regard as being as great in Arkansas as it is elsewhere. I do not think that the loyal people, or even a majority of the people, have any objection to it; and, if I do not mistake, they would prefer it. Honestly administered, it promptly settles disputes between master and servant, fixes wages, gives both an inexpensive court of appeal in the nature of arbitration, and, in the existing condition of the African race, affords certainty to labor and investment.

Question. Have you any personal knowledge of any of the other States that were in rebellion except Arkansas?

Answer. No, sir; I cannot say that I have to any extent, not to a sufficient extent to give an opinion that would be of any value.

Question. Are the negroes in Arkansas disposed to work if they are properly paid?

Answer. I can give you my experience, and perhaps it may illustrate the experience of others in that respect. Having a good deal of confidence in the black man, if once allowed to take the proceeds of his own labor, my father undertook to gather the crops of two or more plantations in the vicinity of Pine Bluff, and in his absence I acted for him, thus bringing me in direct contact with the hands he employed. I think that he employed about two hundred and fifty. My estimate was, after analyzing the reports of the different parties in charge, who kept an exact record of the time and work of each hand, that at that early day, when the freedmen were yet disturbed, while they were not fully aware of the obligations belonging to their new status, about seventy-five per cent. of them worked faithfully and satisfactorily. My conviction was and is, that under proper treatment, with a little patience, as they acquire experience the percentage will be largely increased, and that the number of inefficient ones will be no greater than with any other people of the same class. I was rather surprised at the facts. What the state of affairs may be now in respect to the freedmen, I am unable to say from personal knowledge, but my information and belief is that it is improved, and that it will continue to improve as they become educated to their new status.

Question. Is there any danger of a negro insurrection if the negroes are properly treated?

Answer. None at all, sir.

Question. What is the disposition of the negro in regard to education?

Answer. My experience has been that they are eager to learn, anxious for education. This

is the result of my observation of some of my own servants, taught by my wife, and also of a general observation wherever schools were established.

Question. Are they disposed to save their earnings?

Answer. At the time I was in contact with them, immediately after the arrival of our army, and while money was new to them, and they had scarcely learned its use, they were not disposed to save it. My information on that point since is, that they have improved very greatly, and are buying land. At that time they were more like children—trusting, dependent, lavish, and improvident.

Question. What distinction is made by your laws in the civil and political rights of negroes, as compared with those of white men?

Answer. I have been examining that point with more particularity since I arrived here; the equality of civil rights being generally conceded at home, and having had no occasion to examine it there. I have with me the old constitution of Arkansas and the new one. Both constitutions retain the word "white" in that clause which permits the franchise. The old constitution, section 1 of article 2, reads:

"That all *free* men, when they form a social compact are equal, and have certain inherent and indefeasible rights, amongst which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness."

Our convention, recognizing the manhood of the negro, struck out the word "free," and now the section reads in the new constitution:

"That all *men*, when they form a social compact, are equal," &c.

Section 10 of the same article in the old constitution reads:

"That no *free* man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land."

In the new constitution, the convention struck out the word "free," so that it now reads:

"That no *man* shall be taken or imprisoned, or disseized of his freehold, liberties or privileges," &c.

So far as I have been able to learn, the question in regard to the perfect equality of civil rights has not been raised as against the negro. I think the question has been raised in regard to the possession of real estate, and by an almost concurrent opinion the decision has been arrived at that there was no distinction. In regard to testimony, I do not think the question has been raised as against him, but it seems apparent to me that the intention of the convention was (and this seems to be the general opinion of all) that there is an equality of civil rights under the organic law of our State.

There is one other clause in the constitution to which I may refer. The old constitution and the new constitution are identical in this: The old constitution declares, "that the free white men of the State shall have a right to keep and to bear arms for their common defence." The new constitution retains the words "free white" before the word "men." I think I understand something of the reasoning of the convention on that score. At the time this new constitution was adopted we were yet in the midst of a war, and, to some southern eyes, there was yet an apparent chance as to which way the war might terminate; in other words, the rebellion was not entirely crushed. Two years ago in January, there was also some uncertainty in the minds of timid men as to what the negro might do, if given arms, in a turbulent state of society, and in his then uneducated condition; and to allay what I was confident was an unnecessary alarm, that clause was retained. In discussing the subject, the idea prevailed that that clause, being simply permissive, would not prevent the legislature, if at a future time it should be deemed advisable, from allowing the same rights to the colored man. I understand that that principle was kept in view also in the decision of the supreme court in regard to the disfranchising act of the legislature; that is, that the court decided that the legislature could not restrict the right of franchise under the constitution, but might enlarge it. I understand that that has been the decision of the supreme court in our State. I learn it directly from one of the judges. I have not seen the decision.

Question. What is the present opinion of the people as to conferring suffrage on the negroes or on any class of them?

Answer. I do not think they are prepared for it. I may say this, however—(and I do say it with certainty, for the question was canvassed with a number of members of the legislature)—that they would rather have given suffrage to loyal black men, had it have been necessary, than to have been controlled by rebels. A portion of the legislature of Arkansas, as last assembled, would have been willing to have granted the right of suffrage with educational qualifications. The chief reason why that was not attempted was this: Our constitution provides that, whenever three-fourths of one legislature propose an amendment, and three-fourths of another legislature ratify it, it becomes an amendment. The question was discussed in caucus, as to whether or not it was practicable to carry that amendment in view of the prejudices of the rank and file of the people who were brought up in the midst of slavery, and it was decided that it would not be safe to divide the Union men on that subject while the State was still inchoate and unrecognized, and the rebels were acting as a unit.

Question. If the negroes were enfranchised, and a question should arise involving the separation of Arkansas from the United States, on which side would the negroes vote?

Answer. I should have very great confidence in their voting on the side of the Union. But, in that connexion, justice to the loyalty of Arkansas and to the acquiescence and good conduct of the mass of our people of all classes requires me to say that a majority of the people of Arkansas, I am satisfied, beyond the shadow of a doubt, would to-day vote the same way. With the negro voting, it would be no surer than it is to-day. With him it is sure; without him it is equally sure. I have no question but that the negroes would vote almost, if not quite, unanimously, in favor of the Union. I should have more confidence in their voting right on the question of the Union than I should on financial questions and questions of foreign policy.

Question. If you desire to state anything else to the committee you may do so.

Answer. Something has been said in reference to the paucity of the votes at the last State election. I think an explanation of the fact may be offered. It arose from two or three considerations: First, that in two of the districts all the candidates were loyal, and there was no contest except on the question of personal preference; second, that the loyal men of Arkansas had already elected representatives to Congress, who had been rejected. There was a feeling of discouragement and despondency, a general feeling that another election was practically useless. The delay of justice had paralyzed, though it has not eradicated, the vigor of their patriotism. The life and energy which should attend an election of that kind were lost. That, superadded to the fact that the country is very poor, that post offices are not yet generally established, that polling places were scarce and the roads in bad condition, having been torn up by the war, was calculated to make the vote a very light one. In many counties there was really no contest.

(Witness presents to the committee a copy of the constitution of the State of Arkansas, framed by the last convention which met for that purpose, and which is attached to his testimony.)

Under the permission you so courteously accord to state such other facts as occur to me, I desire to call the attention of the committee to the following facts, which I state under the obligations of my oath:

First. The movement which resulted in the establishment of the existing free State government in Arkansas was the spontaneous act of the loyal people themselves, while the war yet subsisted with great vigor, in the face of many military discouragements, and while defeat, which seemed possible to many, even at the north, would have been an immediate sentence of death or extradition, with a total abandonment of their all, to every man who engaged in it.

Second. It was commenced under these circumstances, with the encouragement, as the result proved, of more than one-half of the then existing voters of the State, within six weeks of the capture of the capital, and before the issuance even of President Lincoln's proclamation of December 8, 1863, and was not the result of any inspiration, military or civil, from Washington; though when the proclamation was known and the countenance of President Lincoln secured, they were laid hold of by the loyal people thus moving as the sheet anchors of their hope.

Third. The mode and manner of accomplishing the glorious result which has been achieved in Arkansas, or the results themselves, anticipating, as they did, by nearly two years, even the demands of advancing public opinion in the north, as expressed by Congress and the President, in repudiating, through the constitution, the rebel debt, so far as Arkansas could, (first two paragraphs of the constitution;) in abolishing slavery and carefully guarding even apprenticeship during non-age, (page 13, art. 5, constitution;) in awarding equality of civil rights to all men, (sec. 2, art. 2; sec. 10, art. 2;) in declaring not alone the ordinance of secession, but all political acts of the secession convention null and void, (constitution, 1st and 2d clause;) and in providing by ordinance that "no act of the legislature of the State prohibiting the education of any class of the inhabitants thereof shall have the force of law." I say that the mode and manner of accomplishing these results, nor the results themselves, were not, as has been charged, prescribed by presidential intervention, but were the voluntary acts of the State into whose status you are now inquiring, the self-evoked ideas and principles of a loyal and aggrieved people, who had learned in the school of suffering at once the perfidy and enormity of slavery and the confederacy. In corroboration of this, I beg to hand you the following telegraph from President Lincoln, dated several weeks after the convention had adjourned, and which I know to be authentic:

"WASHINGTON, *February* 8, 1864.

"To I. MURPHY:

"My order to General Steele about an election was made in ignorance of the action your convention had taken or would take. A subsequent letter to General Steele directs him to aid you in your own plan, and not to thwart or hinder you. Show this to him.

"A. LINCOLN."

Fourth. I desire also to call your attention to this peculiarity in the State of Arkansas; so harmonious were the people in a desire for the resumption of federal relations, even during the initiatory of the free State government, that it was not even deemed necessary by President Lincoln to appoint a provisional governor, clothed with military or any other power. The people themselves, the almost unanimous source of this indisputably republican State

government, cheerfully sustained the power of the provisional governor appointed by the convention, and on the ratification of the constitution by twelve thousand majority, the State passed as quietly and naturally from the hands of the provisional governor of the convention, into those of the authorities and the same governor, elected by the people, as it ever did from one administration to another.

Fifth. More than a year after, though our representatives had not been recognized, and no act of sustenance or support, or word of appreciation or encouragement from Congress had ever greeted the ears of loyal Arkansas, the legislature *unanimously* ratified the constitutional amendment, showing an undiminished patriotism, and an abiding faith in the sympathy and ability of a majority of the people to support them.

Sixth. The State is now fully organized, county officers being appointed and acting in every county of the State; courts are established in every judicial district; their decrees are respected and judgments executed without molestation or disturbance, and in no single instance, to my knowledge, has the commander of the department been called upon to aid in the execution of civil law by active military interference.

Seventh. The returned rebels now very generally give in their adhesion to the State government, with all its concomitants and consequences to the negro. So unanimous is the belief in the tranquillity of affairs, the stability of the free State government, and through it in the harmonious resumption of federal relations, that our State credit at home, no bad barometer of public confidence, has risen, until our warrants, without recognition, and with an empty treasury, are in demand at ninety (90) cents on the dollar. There is not, to my knowledge, any man of distinction in the State, formerly identified with secession, now openly opposed to the Union. Recusants there may be, and are, but they are without weight of character or influence. Their first object of attack would naturally be the State government, yet though an attempt has recently been made to assemble a State convention against that, as the beginning of an opposition party movement, after a two month's notice, and unwearied efforts on the part of the few irrepressible malcontents, but fourteen (14) delegates assembled, who, conscious of the abortion, made haste, without taking any action, to adjourn.

Eighth. There is a very general desire for northern immigration. No social proscription or political ostracism is exercised towards northern men that I am aware of; it may possibly exist in some remote neighborhoods, but is not general. On the contrary, northern immigration, capital, and inventions, are warmly invited, as the general rule. In illustration of this, I may mention that of the thirty (30) officers of our "Immigrant Aid Society," scattered among eminent men all over the State, twenty-five or six are old citizens of Arkansas, while two are ex-federal, and two ex-confederate general officers. This is not a mere paper institution, but is an active organization, well adapted to, and vigorously carrying out, the work for which it is designed.

Ninth. In further illustration of the earnest and honest desire of the people of Arkansas to harmonize thoroughly their policy with that of the government in national affairs, I offer the following resolutions, adopted by the house of representatives of the general assembly, to insure the election of uncompromising Union men as senators in Congress:

*A copy of resolutions of the house of representatives of the general assembly of the State of Arkansas, passed prior to going into election for United States senators, requiring each candidate to take and subscribe to the test oath prescribed by the United States Senate, and propounding certain questions, with the answers thereto, by William D. Snow, one of the senators elect from Arkansas, and a candidate at said election:*

*Resolved*, That whereas it devolves upon the general assembly of this State to fill the vacancies now existing in the federal Congress, by the election of two United States senators, and that this house, feeling the deep importance of the duty so devolving upon them, desires that the most fit persons be selected to fill such vacancies; and believing that patriotism, honesty, and capacity are the only measures by which such fitness can be truly judged: Therefore be it

*Resolved*, That any person who may or shall offer himself as a candidate for the suffrages of this house for the position of United States senator must, prior to going into the election of United States senators, file with the clerk of this house a plain and unequivocal answer to the following questions, and also take and subscribe the test oath prescribed for United States senators, and that such oath and such questions shall be subscribed and sworn to before the clerk of this house:

1. Have you ever taken an oath to support the constitution of the Confederate States; if you have, under what circumstances?

(Answered,) "No."

2. Have you ever signed any petition or paper requesting any convention, body, legislature or assemblage of citizens to authorize or request them to transfer the State of Arkansas from the federal Union, or to acknowledge the right of secession from said federal Union by said Arkansas, or to request said body, assemblage, convention or legislature to pass any act

or resolution of secession, or if, when passed, did you indorse such procedure; if so, under what circumstances?

(Answered,) "No."

3. Have you ever held any elective or military office in this State since the supposed act of secession of the State of Arkansas; if so, what was such office?

(Answered,) "No."

4. Have you ever aided or abetted, directly or indirectly, the secession of the State of Arkansas from the federal Union?

(Answered,) "No."

WILLIAM D. SNOW.

TEST OATH.

I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto. And I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WILLIAM D. SNOW.

Subscribed and sworn to before me this 1st day of May, 1864.

JOHN W. MOORE,
*Chief Clerk House of Representatives.*

In relation to the vote of Arkansas, I desire to say that, to the best of my recollection, so heavy had been the draft of the war on the voting population of the State in the first year or eighteen months, that when Henry Rector, who had been legislated out of office by the convention, ran against Horace Flannigan for governor, (Rector having announced his dissatisfaction with the confederacy, and being supported by many conservative men, and the contest being a vigorous one,) the vote of the entire State had already fallen to about thirty-two thousand from the fifty-four thousand of less than two years previous. Of the forty four thousand votes cast at the election for members of the convention, the Union candidates received a popular majority of about eight thousand. The secession ordinance was defeated at the regular session of the convention, and was only passed at an irregularly called session with only twenty days' notice after some months' interval, and the ordinance never was referred to the people. To show the manner in which our people regard immigration, as a means of material, moral, and mental growth and expansion, and that there exists not only no prejudice, but, on the contrary, that an earnest effort to promote it is being made, I hand you one of the circulars of the Arkansas Immigrant Aid Society, previously mentioned by me, remarking that this is only one of a series still being issued.

## CONSTITUTION OF THE STATE OF ARKANSAS.

We, the people of the State of Arkansas, having the right to establish for ourselves a constitution in conformity with the Constitution of the United States of America, recognizing the legitimate consequences of the existing rebellion, do hereby declare the entire action of the late convention of the State of Arkansas, which assembled in the city of Little Rock on the 4th day of March, 1861, was, and is, null and void, and is not now, and never has been, binding and obligatory upon the people.

That all the action of the State of Arkansas, under the authority of said convention, of its ordinances, or of its constitution, whether legislative, executive, judicial or military, (except as hereinafter provided,) was and is hereby declared null and void: *Provided*, That this ordinance shall not be so construed as to affect the rights of individuals, or change county boundaries, or county seats, or to make invalid the acts of justices of the peace, or other officers in their authority to administer oaths, or to take and certify the acknowledgment of deeds of conveyance or other instruments of writing, or in the solemnization of marriages: *And provided, further*, That no debt or liability of the State of Arkansas incurred by the action of said convention, or of the legislature or any department of the government under the authority of either, shall ever be recognized as obligatory.

And we, the people of the State of Arkansas, in order to establish therein a State government, loyal to the government of the United States, to secure to ourselves and our posterity the protection and blessings of the federal Constitution, and the enjoyment of all the rights

of liberty and the free pursuit of happiness, do agree to continue ourselves as a free and independent State by the name and style of "The State of Arkansas," and do ordain and establish the following constitution for the government thereof:

## ARTICLE I.

### *Boundaries of the State.*

We do declare and establish, ratify and confirm the following as the permanent boundaries of the State of Arkansas—that is to say: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees north latitude to the St. Francis river; thence up the middle of the main channel of said river, to the parallel of thirty-six degrees thirty minutes north, from the west to the southwest corner of the State of Missouri; and from thence to be bounded on the west to the north bank of Red river, as by acts of Congress of the United States, and the treaties heretofore defining the western limits of the Territory of Arkansas: and to be bounded on the south side of Red river by the boundary line of the State of Texas to the northwest corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said river to the thirty-sixth degree of north latitude, the point of beginning—these being the boundaries of the State of Arkansas as defined by the constitution thereof, adopted by a convention of the representatives of the people of said State, on the 30th day of January, anno Domini eighteen hundred and thirty-six, being the same boundaries which limited the area of the Territory of Arkansas as it existed prior to that time.

## ARTICLE II.

### *Declaration of rights.*

That the great and essential principles of liberty and free government may be unalterably established, *we declare:*

SECTION 1. That all men, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty: of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace and happiness. For the advancement of these ends, they have at all times an unqualified right to alter, reform, or abolish their government in such manner as they may think proper.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and no man can, of right, be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, interfere with the rights of conscience, and that no preference shall ever be given to any religious establishment or mode of worship.

SEC. 4. That the civil rights, privileges or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

SEC. 5. That all elections shall be free and equal.

SEC. 6. That the right of trial by jury shall remain inviolate.

SEC. 7. That printing presses shall be free to every person, and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SEC. 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels the jury shall have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable search and seizures; and that general warrants, whereby any officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and shall not be granted.

SEC. 10. That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or out-lawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land.

SEC. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the crime may have been committed; and shall not be compelled to give evidence against himself.

SEC. 12. That no person shall for the same offence be twice put in jeopardy of life or limb.

SEC. 13. That all penalties shall be reasonable, and proportioned to the nature of the offence.

SEC. 14. That no man shall be put to answer any criminal charge, but by presentment, indictment or impeachment, except as hereinafter provided.

SEC. 15. That no conviction shall work corruption of blood or forfeiture of estate under any law of this State.

SEC. 16. That all prisoners shall be bailable by sufficient securities, unless in capital offences, where the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless where in case of rebellion or invasion the public safety may require it.

SEC. 17. That excessive bail shall in no case be required, nor excessive fines imposed.

SEC. 18. That no *ex post facto* law, or law impairing the obligations of contracts, shall ever be made.

SEC. 19. That perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges, or honors ever be granted or conferred in this State.

SEC. 20. That the citizens have a right in a peaceable manner to assemble together for their common good to instruct their representatives, and to apply to those invested with the power of the government for redress of grievances or other proper purposes, by address or remonstrance.

SEC. 21. That the free white men of this State shall have a right to keep and to bear arms for their common defence.

SEC. 22. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. 23. The military shall be kept in strict subordination to the civil power.

SEC. 24. This enumeration of rights shall not be construed to deny or disparage others retained by the people, and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

## ARTICLE III.

### *Of departments.*

SECTION 1. The power of the government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

SEC. 2. No person or collection of persons, being of one of those departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## ARTICLE IV.

### *Legislative department.*

SECTION 1. The legislative power of this State shall be invested in a general assembly, which shall consist of a senate and house of representatives.

### *Qualifications of electors.*

SEC. 2. Every free white male citizen of the United States who shall have attained the age of twenty-one years, and who shall have been a citizen of the State six months next preceding the election, shall be deemed a qualified elector, and be entitled to vote in the county or district where he actually resides, or in case of volunteer soldiers within their several military departments or districts, for each and every office made elective under the State or under the United States: *Provided*, That no soldier, seaman, or marine in the regular army or navy of the United States shall be entitled to vote at any election within the State in time of peace: *And provided, further*, That any one entitled to vote in this State in the county where he resides may vote for the adoption or rejection of this constitution in any county in this State.

### *Time of choosing representatives.*

SEC. 3. The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

### *Qualifications of a representative.*

SEC. 4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-five years, who shall not be a free, white male citizen of the United States, who shall not have been an inhabitant of this State one year, and who shall not at the time of his election have an actual residence in the county he may be chosen to represent.

*Qualifications of a senator.*

SEC. 5. The senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

SEC. 6. No person shall be a senator who shall not have attained the age of twenty-five years, who shall not be a free, white male citizen of the United States, who shall not have been an inhabitant of this State one year, and who shall not at the time of his election have an actual residence in the district he may be chosen to represent.

SEC. 7. The general assembly shall meet every two years, on the first Monday in November, at the seat of government, until changed by law, except that the general assembly for the year 1864 shall meet on the second Monday in April of that year.

*Mode of election and time and privileges of electors.*

SEC. 8. All general elections shall be *viva voce* until otherwise directed by law, and commence and be holden every two years, on the first Monday in August, until altered by law, (except that) the first election under this constitution shall be held on the second Monday in March, 1864, and the electors in all cases, except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections and in going to and returning therefrom.

*Duty of governor.*

SEC. 9. The governor shall issue writs of election to fill such vacancies as shall occur in either house of the general assembly.

SEC. 10. No judge of the supreme, circuit, or inferior courts of law, or equity, secretary of state, attorney general of the State, district attorneys, State auditor or treasurer, register or recorder, clerk of any court of record, sheriff, coroner, or member of Congress, nor any other person holding any lucrative office under the United States or this State, (militia officers, justices of the peace, postmasters, and judges of the county courts excepted,) shall be eligible to a seat in either house of the general assembly.

SEC. 11. No person who now is or shall be hereafter a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the general assembly, nor to any office of trust or profit, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 12. The general assembly shall exclude from every office of trust or profit, and from the right of suffrage within this State, all persons convicted of bribery, or perjury, or other infamous crime.

SEC. 13. Every person who shall have been convicted, either directly or indirectly, of giving or offering any bribe to procure his election or appointment shall be disqualified from holding any office of trust or profit under this State, and any person who shall give or offer any bribe to procure the election or appointment of any person shall, on conviction thereof, be disqualified from being an elector or from holding office of trust or profit under this State.

SEC. 14. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State which shall have been created or the emoluments of which shall have been increased during his continuance in office, except to such office as shall be filled by the election of the people.

SEC. 15. Each house shall appoint its own officers and shall judge of the qualifications, returns, and elections of its own members. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house shall provide.

SEC. 16. Each house may determine the rules of its proceedings, punish its own members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but no member shall be expelled a second time for the same offence. They shall each from time to time publish a journal of their proceedings, except such parts as may require secrecy; and the yeas and nays upon any question shall be entered on the journal at the desire of any five members.

SEC. 17. The door of each house, when in session or in committee of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish by fine and imprisonment any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence during their session, but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 18. Bills may originate in either house, and be amended or rejected in the other, and every bill for an act shall be read three times before each house, twice at length, and in no case shall a bill be read more than twice on one day; and the vote upon the passage of any law shall in all cases be taken by yeas and nays, and by recording the same; and every bill having passed both houses, shall be signed by the president of the senate and the speaker of the house of representatives.

SEC. 19. Whenever an officer, civil or military, shall be appointed by the joint or concur-

rent vote of both houses or by the separate vote of either house of the general assembly, the vote shall be taken *viva voce*, and entered on the journal.

SEC. 20. The senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly and for fifteen days before the commencement and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 21. The members of the general assembly shall severally receive from the public treasury compensation for their services, which may be increased or diminished: but no alteration of such compensation of members shall take effect during the session at which it is made.

*Manner of bringing suits against the State.*

SEC. 22. The general assembly shall direct, by law, in what courts and in what manner suits may be commenced against the State.

SEC. 23. The general assembly shall not have power to pass any bill of divorce, but may prescribe by law the manner in which such cases may be investigated in the courts of justice, and divorces granted.

SEC. 24. The governor, lieutenant governor, secretary of state, auditor, treasurer, and all judges of the supreme, circuit, and inferior courts of law and equity, and the prosecuting attorneys for the State, shall be liable to impeachment for any malpractice or misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of trust or profit under this State. The party impeached, whether convicted or acquitted, shall nevertheless be liable to be indicted, tried, and punished according to law.

SEC. 25. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate; and when sitting for that purpose the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried, the chief justice of the supreme court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the senators elected: and for reasonable cause which shall not be sufficient ground of impeachment, the governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the judges of the supreme and inferior courts: *Provided*, The cause or causes of removal be spread on the journals, and the party charged be notified of the same, and heard by himself and counsel before the vote is finally taken and decided.

SEC. 26. The appointment of all officers, not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all officers, both civil and military, acting under the authority of this State, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

SEC. 27. No county now established by law shall ever be reduced by the establishment of any new county or counties to less than six hundred square miles, nor to a less population than its ratio of representation in the house of representatives, nor shall any county be hereafter established which shall contain less than six hundred square miles, or a less population than would entitle each county to a member in the house of representatives.

SEC. 28. The style of the laws of this State shall be, "Be it enacted by the general assembly of the State of Arkansas."

SEC. 29. The State shall from time to time be divided into convenient districts, in such manner that the senate shall be based upon the free white male inhabitants of the State, each senator representing an equal number, as nearly as practicable, and the senate shall never consist of less than seventeen nor more than thirty-three members; and as soon as the senate shall meet after the first election to be held under this constitution they shall cause the senators to be divided by lot into two classes, nine of the first class and eight of the second, and the seats of the first class shall be vacated at the end of two years from the time of their election, and the seats of the second class at the end of four years from the time of their election, in order that one class of the senators may be elected every two years.

SEC. 30. An enumeration of the inhabitants of the State shall be taken, under the direction of the general assembly, on the first day of January, one thousand eight hundred and sixty-five, and at the end of every ten years thereafter, and the general assembly shall, at the first session after the return of every enumeration, so alter and arrange the senatorial districts that each district shall contain as nearly as practicable an equal number of free white male inhabitants.

SEC. 31. The ratio of representation in the senate shall be fifteen hundred free white male inhabitants to each senator, until the senators amount to twenty-five in number, and then they shall be equally apportioned upon the same basis throughout the State, in such ratio as the increased number of free white male inhabitants may require without increasing the senators to a greater number than twenty-five, until the population of the State amounts to five hundred thousand souls, and when an increase of senators takes place they shall from time to time be divided by lot and be classed as prescribed above.

SEC. 32. The house of representatives shall consist of not less than fifty-four nor more than one hundred representatives, to be apportioned among the several counties in this State,

according to the number of free white male inhabitants therein, taking five hundred as the ratio, until the number of representatives amounts to seventy-five, and when they amount to seventy-five they shall not be further increased until the population of the State amounts to five hundred thousand souls: *Provided*, That each county now organized shall, although its population may not give the existing ratio, always be entitled to one representative. And the first session of the general assembly, after the return of every enumeration, the representation shall be equally divided and reapportioned among the several counties, according to the number of free white males in each county, as above described.

*Mode of amending the constitution.*

The general assembly may at any time propose such amendments to this constitution as two-thirds of each house shall deem expedient, which shall be published in all the newspapers published in this State three several times, at least twelve months before the next general election; and if at the first session of the general assembly after such general election two-thirds of each house shall by yeas and nays ratify such proposed amendments, they shall be valid to all intents and purposes as parts of this constitution: *Provided*, That such proposed amendments shall be read on three several days in each house, well as when the same are proposed as when they are finally ratified.

## ARTICLE V.

*Abolishment of slavery.*

SECTION 1. Neither slavery nor involuntary servitude shall hereafter exist in this State otherwise than for the punishment of crime, whereof the party shall have been convicted by due process of law; nor shall any male person arrived at the age of twenty-one years, nor female arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture or contract hereafter made, unless such person shall enter into such indenture or contract while in a state of perfect freedom, and on condition of a *bona fide* consideration received or to be received for their services. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this State, or if made in this State, where the term of service exceeds one year, be of the least validity, except those given in case of apprenticeship, which shall not be for a longer term than until the apprentice shall arrive at the age of twenty-one years if a male, or the age of eighteen years if a female.

## ARTICLE VI.

*Executive department.*

SECTION 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the governor of the State of Arkansas."

SEC. 2. The governor shall be elected by the qualified electors at the time, and where they shall respectively vote for representatives.

SEC. 3. The returns of every election for governor, except those of the election of eighteen hundred and sixty-four, which shall be sealed and directed as ordered in the schedule appended to this constitution, shall be sealed up and transmitted to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 4. The governor shall hold his office for the term of four years from the time of his installation, and until his successor shall be duly qualified, but he shall not be eligible for more than eight years in any term of twelve years; he shall be at least thirty years of age, a native-born citizen of Arkansas, or a native born citizen of the United States, or a resident of Arkansas ten years previous to the adoption of this constitution, if not a native of the United States, and shall have been a resident of the same at least four years next before his election.

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive within that period any other emolument from the United States, or any one of them, or from any foreign power.

SEC. 6. He shall be commander-in-chief of the army of this State, and of the militia thereof, except when they shall be called into the service of the United States.

SEC. 7. He may require any information, in writing, from the officers of the executive department on any subject relating to the duties of their respective offices.

SEC. 8. He may, by proclamation, on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that shall have become, since their last adjournment, dangerous from an enemy or from contagious diseases. In case of disagreement between the two houses with respect to the time of adjournment, he may adjourn

them to such time as he shall think proper, not beyond the day of the next meeting of the general assembly.

SEC. 9. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant pardons after conviction, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons, and he may, in the recess of the senate, respite the sentence until the end of the next session of the general assembly.

SEC. 12. There shall be a seal of this State, which shall be kept by the governor, and used by him officially.

SEC. 13. All commissions shall be in the name and by the authority of the State of Arkansas, be sealed with the seal of this State, signed by the governor, and attested by the secretary of state.

SEC. 14. There shall be elected a secretary of state by the qualified voters of the State, who shall continue in office during the term of four years, and until his successor in office be duly qualified; he shall keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, and shall perform such other duties as may be required by law.

SEC. 15. Vacancies that may happen in offices, the election of which is vested in the general assembly, shall be filled by the governor, during the recess of the general assembly, by granting commissions, which shall expire at the end of the next session.

SEC. 16. Vacancies that may occur in offices, the election to which is vested in the people, within less than one year before the expiration of their term, shall be filled by the governor granting commissions, which shall expire at the end of the next term; but if one year or a longer period remains unexpired at the time of the vacancy, then, and in that case, the governor shall order an election to be held to fill the vacancy.

SEC. 17. Every bill which shall have passed both houses shall be presented to the governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it shall have originated, who shall enter his objections at large upon their journals and proceed to reconsider it; if, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by a majority of the whole number elected to that house it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within three days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in such case it shall not be law.

SEC. 18. Every order or resolution to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the governor before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

SEC. 19. A lieutenant governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish for whom they vote as governor, and for whom as lieutenant governor.

SEC. 20. He shall, by virtue of his office, be president of the senate, have a right when in committee of the whole to debate, and whenever the senate are equally divided shall give the casting vote.

SEC. 21. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members as president for that occasion; and if during the vacancy of the office of the governor the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the State, the president of the senate shall in like manner administer the government.

SEC. 22. The lieutenant governor, while he acts as president of the senate, shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 23. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor until the time pointed out by the constitution for the election of a governor shall arrive, unless the general assembly shall provide by law for the election of governor to fill such vacancy.

SEC. 24. The governor shall always reside at the seat of government.

SEC. 25. No person shall hold the office of governor or lieutenant governor, and any other office or commission, civil or military, either in this State or under any State, or the United States, or any other power, at one and the same time.

SEC. 26. There shall be elected by the qualified voters of this State an auditor and treasurer for this State, who shall hold their offices for the term of two years, and until their respective successors are elected and qualified, unless sooner removed; and shall keep their respective offices at the seat of government, and perform such duties as shall be prescribed by law; and in case of vacancy by death, resignation, or otherwise, such vacancy shall be filled by the governor as in other cases.

### *Militia.*

SEC. 1. The militia of this State shall be divided into convenient divisions, brigades, regiments, and companies, and officers of corresponding titles and rank elected to command them, conforming as nearly as practicable to the general regulations of the army of the United States, and all officers shall be elected by those subject to military duty in their several districts, except as hereinafter provided.

SEC. 2. The governor shall appoint the adjutant general and other members of his staff, and major generals, brigadier generals, and commanders of regiments shall respectively appoint their own staff, and all commissioned officers may continue in office during good behavior; and staff officers during the same time, subject to be removed by the superior officer from whom they respectively derive their commissions.

## ARTICLE VII.

### *Judicial department.*

SEC. 1. The judicial power of this State shall be vested in one supreme court, in circuit courts, in county courts, and in justices of the peace. The general assembly may also vest such jurisdiction as may be deemed necessary in corporation courts, and, when they deem it expedient, may establish courts of chancery.

SEC. 2. The supreme court shall be composed of three judges, one of whom shall be styled chief justice, any two of whom shall constitute a quorum, and the concurrence of any two of said judges shall in every case be necessary to a decision.

The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations as may from time to time be prescribed by law.

It shall have a general superintending control over all inferior and other courts of law and equity. It shall have power to issue writs of error, supersedeas, certiorari and habeas corpus, mandamus and quo warranto, and other remedial writs, and to hear and determine the same. Said judges shall be conservators of the peace throughout the State, and shall have power to issue any of the aforesaid writs.

SEC. 3. The circuit court shall have original jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction of all crimes amounting to felony at the common law, and original jurisdiction of all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by the general assembly; and original jurisdiction in all matters of contract, where the sum in controversy is over two hundred dollars. It shall hold its terms at such place in each county as may be by law directed.

SEC. 4. The State shall be divided into convenient circuits, each to consist of not less than five nor more than seven counties contiguous to each other, for each of which a judge shall be elected, who, during his continuance in office, shall reside and be a conservator of the peace within the circuit for which he shall have been elected.

SEC. 5. The circuit courts shall exercise a superintending control over the county courts, and over justices of the peace in each county, in their respective circuits, and shall have power to issue all the necessary writs to carry into effect their general and specific powers.

SEC. 6. Until the general assembly shall deem it expedient to establish courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the supreme court, in such manner as may be prescribed by law.

SEC. 7. The qualified voters of this State shall elect the judges of the supreme court; the judges of the supreme court shall be at least thirty years of age; they shall hold their offices during the term of eight years from the date of their commissions, and until their successors are elected and qualified.

Immediately after such election by the people, the lieutenant governor and speaker of the house of representatives shall proceed by lot to divide the judges into three classes: The commission of the first class shall expire at the end of four years; of the second class, at the end of six years; and of the third class at the end of eight years; so that one-third of the whole number shall be chosen every four, six and eight years.

SEC. 8. The qualified voters of each judicial district shall elect a circuit judge. The judges of the circuit court shall be at least twenty-five years of age; and shall be elected for the term of four years from the date of their commissions, and shall serve until their successors are elected and qualified.

SEC. 9. The supreme court shall appoint its own clerk or clerks, for the term of four years. The qualified voters of each county shall elect a clerk of the circuit court for the respective counties, who shall hold his office for the term of two years, and until his successor is elected and qualified: and courts of chancery, if any be established, shall appoint their own clerks.

SEC. 10. The judges of the supreme courts and circuit courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be diminished during the time for which they are elected They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States. The attorney general, the State's attorneys, and clerks of the supreme and circuit courts, and courts of chancery—if any such be established—shall receive for their services such salaries, fees, and perquisites of office, as shall from time to time be fixed by law.

SEC. 11. There shall be established in each county in the State a court to be holden by the justices of the peace, a court called the county court, which shall have jurisdiction in all matters relating to taxes, disbursements of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties.

SEC. 12. The qualified voters of each county shall elect a county and probate judge, who shall hold his office for two years, and until his successor is elected and qualified. He shall, in addition to the duties that may be required of him by law, as a presiding judge of the county court, be a judge of the court of probate, and have such jurisdiction in matters relating to the estates of deceased persons, executors, administrators and guardians, as may be prescribed by law, until otherwise directed by the general assembly.

SEC. 13. The presiding judge of the probate and county court, and justices of the peace, shall receive for their services such compensation and fees as the general assembly may from time to time by law direct.

SEC. 14. No judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the supreme court shall be thus disqualified from presiding on any cause or causes, the court or judges thereof shall certify the same to the governor of the State, and he shall immediately commission specially the requisite number of men of law knowledge, for the trial and determination thereof. The same course shall be pursued in the circuit and inferior courts as prescribed in this section for cases of the supreme court. Judges of the circuit courts may temporarily exchange circuits, or hold courts for each other, under such regulations as may be pointed out by law. Judges shall not charge juries with regard to matter of fact, but may state the testimony and declare the law.

SEC. 15. The qualified voters thereof shall elect an attorney for the State, for each judicial circuit established by law, who shall continue in office two years, and until his successor is elected and qualified, and reside within the circuit for which he was elected at the time of and during his continuance in office. In all cases where an attorney for the State, of any circuit, fails to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*.

SEC. 16. The qualified voters of this State shall elect an attorney general, whose salary shall be the same as that of circuit judge, who shall be learned in the law; who shall be at least thirty years of age, and shall hold his office for the term of four years from the date of his commission, and until his successor is elected and qualified; and whose duty it shall be to prosecute the State's pleas before the supreme court, and give his opinion in writing on all questions of law or equity, when required by the governor or other officer of State, and perform such other duties as may be prescribed by law.

SEC. 17. All writs and other process shall run in the name of the "State of Arkansas," and bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude "against the peace and dignity of the State of Arkansas."

SEC. 18. The qualified voters residing in each township shall elect the justices of the peace for each township. For every one hundred voters there may be elected one justice of the peace; provided, that each township, however small, shall have two justices of the peace. Justices of the peace shall be elected for the term of two years, and shall hold their offices until their successors are elected and qualified; shall be commissioned by the governor, and shall reside in the township for which they are elected, during their continuance in office; the first election for justices of the peace shall take place on the second Monday in March, 1864, and the second election on the first Monday in August, 1866, *and at the regular elections thereafter*. Justices of the peace, individually, or two or more of them jointly, shall have original jurisdiction in cases of bastardy, and in all matters of contract, and actions for the recovery of fines and forfeiture where the amount claimed does not exceed two hundred dollars, and concurrent jurisdiction with circuit courts where the amount claimed exceeds one

hundred dollars, and does not exceed two hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto*, where the damages claimed do not exceed one hundred dollars; and prosecutions for assault and battery, and other penal offences less than felony, punishable by fine only. Every action cognizable before a justice of the peace instituted by summons or warrant shall be brought before some justice of the peace of the township where the defendant resides. They may also sit as examining courts, and commit, discharge, or recognize any person charged with any crime of any grade. For the foregoing purposes they shall have power to issue all necessary process. They shall also have power to bind, to keep the peace or for good behavior.

SEC. 19. The qualified voters of each township shall elect one constable for the term of two years, who shall hold his office till his successor is elected and qualified, who shall, during his continuance in office, reside in the township for which he was elected. Incorporated towns may have a separate constable and a separate magistracy.

SEC. 20. The qualified voters of each county shall elect one sheriff, one coroner, and one county surveyor, for the term of two years, and until their successors are elected. They shall be commissioned by the governor, reside in their respective counties during their continuance in office, and be disqualified for the office a second term if it should appear that they or either of them are in default for moneys collected by virtue of their respective offices.

## ARTICLE VIII.

### *General provisions—education.*

SEC. 1. Knowledge and learning generally diffused throughout a community being essential to the preservation of a free government, and diffusing the opportunities and advantages of education through the various parts of the State being highly conducive to this end, it shall be the duty of the general assembly to provide by law for the improvement of such lands as are, or hereafter may be, granted by the United States to this State for the use of schools, and to apply any funds which may be raised from such lands, or from any other source, to the accomplishment of the object for which they are or may be intended. The general assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, scientific, and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, commerce, manufactures, and natural history, and countenance and encourage the principles of humanity, industry, and morality.

SEC. 2. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. No person who denies the being of a God shall hold any office in the civil department of this State, nor be allowed his oath in any court.

SEC. 4. No money shall be drawn from the treasury but in consequence of an appropriation by law; nor shall any appropriation of money for the support of the army be made for a longer term than two years; and a regular statement and account of the receipts and expenditures of all public money shall be published with the promulgation of the laws.

SEC. 5. Absence on business of this State, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

SEC. 6. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

SEC. 7. Internal improvement shall be encouraged by the government of this State, and it shall be the duty of the general assembly, as soon as may be, to make provision by law for ascertaining the proper objects of improvement in relation to roads, canals, and navigable waters, and it shall also be their duty to provide by law for an equal, systematic, and economical application of the funds which may be appropriated to these objects.

SEC. 8. Returns for all elections for officers who are to be commissioned by the governor, and for members of the general assembly, shall be made to the secretary of state, except in the election of 1864 they be made as directed in the schedule appended to this constitution.

SEC. 9. Within five years after the adoption of this constitution, the laws, civil and criminal, shall be revised, digested, and arranged, and promulgated in such manner as the general assembly may direct, and a like revision, digest, and promulgation shall be made within every subsequent period of ten years.

SEC. 10. In the event of the annexation of any territory to this State by a cession from the United States, laws may be passed extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession, anything in this constitution to the contrary notwithstanding.

SEC. 11. Imprisonment for debt shall not be allowed in this State, except when an allegation of fraud on the part of the debtor shall be clearly proved.

SEC. 12. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of suffrage, and of the right of holding any office of honor or profit in this State, and shall be punished otherwise in such manner as is or may be prescribed by law.

## ARTICLE IX.

### *Revenue.*

SEC. 1. All revenues shall be raised by taxation to be fixed by law.

SEC. 2. All property subject to taxation shall be taxed according to its value—that value to be ascertained in such manner as the general assembly shall direct, making the same equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value: *Provided*, The general assembly shall have the power to tax merchants, hawkers, peddlers, and privileges in such manner as may from time to time be prescribed by law: *And provided, further*, That no other or greater amount of revenue shall at any time be levied than required for the necessary expenses of the government, unless by a concurrence of two-thirds of both houses of the general assembly.

SEC. 3. No poll-tax shall be assessed for other than county purposes.

SEC. 4. No other or greater tax shall be levied on the productions or labor of the country than may be required for expenses of inspection.

### SCHEDULE.

SEC. 1. In order that civil government may be in full operation and effect at the earliest day possible, it is further ordained and provided that a general vote on the ratification of the constitution and ordinance of this convention, and a general election, shall be taken and held throughout the State, as far as practicable, on the 2d Monday of March next, as follows, to wit: Any number of persons, being white male citizens of the State, over the age of twenty-one years, at the county-seat of any county, or (in case of volunteer soldiers in the federal army) at the camp of their respective companies, having first taken the oath prescribed in the President's proclamation of December 8, 1863, before any justice of the peace, or other person authorized to administer an oath within the county in which they reside, or within which they are encamped, may appoint a commissioner of elections, with power to appoint such election judges as may be necessary, who shall also be an enrolling officer for said county or company, who shall proceed as follows, to wit: Said commissioners shall prepare an enrolling and poll-book, to which shall be appended the constitution, ordinances, and schedule of this convention; one column shall then be headed with the oath contained in said proclamation of the President; another column headed "constitution and ordinances ratified;" another column, "constitution and ordinances rejected;" other columns shall be arranged so that a vote may be taken for all officers to be voted for within the county or company where the election is proposed to be held; said commissioner shall then take the oath aforesaid before any justice of the peace, or other officer authorized to administer oaths, and enrol his own name at the head of the column, under the said oath, written out in full; the said commissioner shall then, on the said 2d Monday of March next, within usual election hours, proceed to hold an election, as follows: *viva voce: And provided, also*, That said commissioner may keep the polls open for three days, to wit; Every white male citizen over the age of twenty-one years, of the county, or (in case of a military company) of the State, presenting himself to vote, and not being included in the exceptions contained in the said proclamation, shall take the oath contained in said proclamation, administered by any justice of the peace, or other officer authorized to administer oaths; and when his name has been there after duly enrolled or subscribed in the proper column, the commissioner shall cause his vote to be recorded, first upon the question of the constitution and ordinances, and then in the election of all officers to be voted for.

SEC. 2. That, within five days after the holding of said election, said commissioner shall foot up the said vote, and certify the result over his signature as commissioner; he shall then make a duplicate of said book, (except that the constitution and ordinances of this convention need not be appended to the copy,) and forward the said copy to Little Rock, addressed to the provisional government; the original book shall be preserved by said commissioner, and deposited by him, as soon as the counties are organized, with the clerk of the county wherein the election is held, or (in case of soldiers) in the county wherein the voters reside.

SEC. 3. Within ten days after the receipt of the said enrolling and election-return books by the provisional governor, it shall be his duty, with the assistance of the secretary of state, to examine the same, and declare the result by proclamation, as follows, to wit:

1st. Whether the constitution and ordinances of this convention have been adopted or rejected within the meaning of the President's proclamation.

2d. He shall announce the whole vote polled for or against said constitution and ordinances.

3d. He shall declare what persons are elected to the various offices throughout the State, except that of governor and lieutenant governor of State, deciding the result by plurality.

SEC. 4. All persons thus declared to be elected State officers shall enter upon the discharge of their respective offices as soon thereafter as they take and subscribe an oath before any justice of the peace, or other officer authorized to administer oaths, as follows: That they will faithfully perform the duties of their respective offices; that they will support the constitution and laws of the State and of the United States; and said oath, in case of State offi-

cers, shall be filed in the office of the secretary of state, and in case of county officers they shall enter upon the duties of their respective offices immediately after the election, upon filing said oath with the county commissioners.

SEC. 5. At the first session of the legislature, and during the first week of the session, the said provisional governor shall place the said return books before that body, who shall declare the result as to the election of governor and lieutenant governor, and secretary of state, who, before entering upon the duties of their respective offices, shall take the oath herein prescribed for other officers.

SEC. 6. It is also further ordained and declared, that in counties wherein, for any cause, elections are not held on the said 2d Monday of March next, the same may be held for the several local officers provided for in the constitution, ordinances, and schedule of this convention, in the same manner as hereinbefore described, at any time thereafter, till the whole State is fully organized and represented.

SEC. 9. The officers to be voted for in this election are, governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, three judges of the supreme court, nine circuit judges, and nine district attorneys, (according to act of January 15, 1861,) county judges, clerks, sheriffs, coroners, constables, justices of the peace, and all other officers provided for in the constitution and ordinances of this convention, or which may exist by law, and members of the legislature, according to the ratio or apportionment of senatorial districts in force in the year 1860, and members to Congress in districts Nos. 1 and 2, according to the act approved January 19, 1861, (no election being ordered in district No. 3, this convention recognizing the election of Colonel James M. Johnson as the representative from that district.) And it is further hereby declared that all laws in force in this State on the 4th day of March, 1861, are still in force, not inconsistent with the provisions of this constitution, and which have not expired by limitation therein contained.

JOHN McCOY, *President of the Convention, and delegate from Newton county.*
LUTHER C. WHITE, *Crawford county.*
C. A. HARPER, do. do.
JOHN AUSTIN, do. do.
JOSIAH HARRELL, do. do.
HARMON L. HOLLEMAN, *Sebastian county.*
JNO. R. SMOOT, do. do.
RANDOLPH D. SWINDELL, do. do.
G. W. SEAMANS, *Madison county.*
JAMES T. SWAFFORD, *Saline county.*
W. HOLLEMAN, do. do.
JOHN M. DEMINT, do. do.
ENOCH H. VANCE, do. do.
MILES L. LANGLEY, *Clark county.*
J. M. STAPP, do. do.
C. T. JORDAN, do. do.
JOHN BURTON, do. do.
JOHN C. PRIDDY, *Montgomery county.*

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## ARKANSAS THE HOME FOR IMMIGRANTS.

LITTLE ROCK, ARKANSAS, *October*, 1865.

No State in the Union presents greater inducements to immigration than Arkansas at the present time. The State is as tranquil as before the rebellion. Civil law is re-established in every county, and all parties are anxious that the arts of peace should again be fostered, and the great resources of the State, agricultural, commercial, manufacturing, and mineral, developed.

The emancipation of the slave has entirely changed the relations of labor to capital, and now the way is open and unobstructed for immigrants, whether from other States or foreign nations. For the purpose of encouraging and giving a practical direction to this immigration, the Arkansas Immigrant Aid Society has been organized, and is now actively in operation, disseminating such information as will be of value to the settler. The names of its present board of officers (whose tenure of office is a year) are hereto appended, and communications addressed to any of them will receive prompt attention. With Caleb Langtree, esq., of this city, chairman of the bureau of agricultural lands, publisher of a sectional map of the State, and who is thoroughly acquainted with its resources, it will be especially advantageous to communicate. Already applications for specific quantities of land have been made. Parties are told where they can be found and the price thereof. Titles are carefully investigated, and, generally, the society is prepared to meet all the exigencies of its organization.

The State of Arkansas extends from 33° to 36½° north latitude, and from 91½° to 94° west longitude, and has an area of 53,000 square miles. Although admitted into the federal Union in 1836, she still possesses many of the characteristics of a new State, and offers a rich field for the capitalist, the artisan, and the farmer especially, since the desolation of war has rendered productive industry unusually necessary and remunerative. The internal resources of the State can hardly be exaggerated. Eight rivers, the St. Francis, Black, White, Arkansas, Saline, Bayou Bartholomew, Ouachita, and Red, all navigable, to a greater or less extent, and with numerous tributaries, themselves navigable at certain seasons, flow through it to the Mississippi, and contribute to a fertility and diversity of soil unsurpassed on the globe. But the testimony of thoroughly scientific men is probably better than our own with regard to the quality of soil. The celebrated Dr. Peter, of Louisville, says that "Arkansas may boast, among her river bottoms and in her cretacious and lower silurian soils, of as fertile lands as any on the continent. Some of her soils are so rich in carbonate of lime that they may be classed as marls, rather than soils. Others contain so much oxide of iron, that they resemble in color, as, probably, in composition, the famous red soil of the island of Cuba, on which the best cigar tobacco is raised. Others, again, may be employed as a cheap pigment for common painting, being of the nature of red ochre or Spanish brown, which are found to be among the best paints which can be used for the preservation of wood, &c., which is exposed to the weather."

The disposition, moreover, of the arable land of the State is eminently favorable to its development. The great diversity of soil, to which allusion has already been made, the succession of hills and valleys, the number of creeks and springs, the rivers traversing nearly every section of the State, and her great mountains, conspire to produce a diffusion of advantages that renders every county in the State desirable for settlement.

Within the limits proposed in this circular, it will be impossible to particularize to any considerable extent. Allusion, however, may be made, in a general way, to the productions of different localities. In northern Arkansas, all the grains, such as wheat, oats, rye, barley, and corn, are grown with great success, and the apple, the pear, the peach, the quince, and the grape, and all species of the melon, thrive most abundantly. South of and along the Arkansas river, which cuts the State into nearly two equal parts, from northwest to southeast, all these fruits are grown equally as well, and others of a more tropical nature, such as the fig and apricot, are easily produced, and as for the variety and quality of garden vegetables, Arkansas stands unrivalled. Cotton is, nevertheless, the great staple of the State, and for years to come its cultivation will unquestionably be remunerative in a high degree. Her uplands produce from 800 to 1,200 pounds of seed cotton per acre. On the creek and river bottoms, and other favorable localities, from 1,500 to 2,000 pounds of seed cotton per acre are easily produced. In the valleys of various streams, scattered here and there throughout the State, the walnut, pawpaw, elm, box elder, pecan, and other trees that indicate a varied and fertile soil, thrive in great profusion. And passing along her larger rivers, observers are struck with the quantity and size of the timber growing upon their banks. In the southern portion of the State, the forests of white oak are immense, from which, in former years, great quantities of staves were made and sent to the New Orleans market; and from this section came also the famous cypress rafts, that supplied with logs the mills of the lower Mississippi. The timber on the uplands is abundant. It consists principally of the black, white, red, and post oaks, hickory, yellow pine, dogwood, and maple, while along the margins of the little streams there may be seen the walnut, beach, elm, and gum.

Arkansas has also medicinal springs of great value, especially the Hot springs, in Hot Spring county, southwest of Little Rock. The latter possess, in fact, most remarkable qualities. Many of them have a temperature ranging at the fountain head as high as 148° Fahrenheit, surpassing the Warm springs of Virginia, in this respect, by 50°, and having a most potent effect in the cure of many diseases. Says the lamented Dr. David Dale Owen, late State geologist: "In many forms of chronic diseases, especially, the effects of these springs are truly astonishing. The copious diaphoresis which the hot bath establishes, opens, in itself, a main channel for the expulsion of principles injurious to health, made manifest by its peculiar odor. A similar effect in a diminished degree is also effected by drinking the hot water, a common, indeed almost universal practice, among invalids at the Hot springs. The impression produced by the hot douche, as above described, is indeed powerful, arousing into action sluggish and torpid secretions. The languid circulation is thus purified of morbific matters, and thereby renewed vigor and healthful action are given, both to the absorbents, lymphatics, and to the excretory apparatus, a combined effect which no medicine is capable of accomplishing."

The mineral resources of Arkansas are also of undoubted superiority, and will richly repay investigation and development. Upon this subject, Dr. Owen again says: "There are resources of the State in ores of zinc, manganese, iron, lead, and copper, marble, whet and hone stones, rock crystal, paints, nitre-earths, kaolin, granite, freestone, limestone, marls, green sand, marly limestones, grindstones, and slate, which may well justify the assertion that Arkansas is destined to rank as one of the richest mineral States in the Union. Her zinc ores compare very favorably with those of Silesia, and her argentiferous galena far exceeds in percentage of silver the average ores of other countries. Her novaculite rock cannot be excelled in fineness of texture, beauty of color, and sharpness of grit.

"Her crystal mountains stand unrivalled for extent, and their products are equal in brilliancy and transparency to any in the world. Numerous iron regions have been discovered, many of which are well worthy the examination of the iron-master. Wide belts of country have been indicated where marble prevails. Sources have been pointed out where the best limestones can be procured, both for burning to lime, making hydraulic cement, and for the improvement of land, as mineral fertilizers and physical ameliorators of the soil."

The State possesses, also, great advantages in her coal formations. The Illinois coal-fields, covering parts of Indiana, of western Kentucky, and of Illinois, throw out spurs into Arkansas. Coal has already, indeed, been found and surveyed in twelve counties of the State, and in those that are furthest from the great coal basin, which extends east of the Mississippi, a fact said by scientific men to be indicative of a superior quality of coal, for the reason, as stated by Dr. Owen, that the further the spurs are removed from the centre of the coal basin, the more valuable becomes the coal, from the scarcity of the combustible material. Thus arises the great value of the coal strata of western Arkansas, offering safe returns to capital, and inviting the construction of railroads in a manner that will not long remain unheeded. Promising surface indications of petroleum have likewise been discovered in the vicinity of Little Rock and elsewhere, and the Arkansas Petroleum Company has been projected with the prospect of a complete organization within a reasonable length of time.

The climate of Arkansas may be designated as neither too cold in winter nor too warm in summer. In the shelter of the valleys in the northern and of the canebrakes in the southern part of the State, stock not only survive, but keep in good condition, the entire winter. The fierce northers experienced in Texas are wholly unknown in Arkansas. But, aside from the inducements of soil, climate, and production, Congress made, in times past, several valuable donations of land to the State:

1st. To encourage the manufacture of salt, twelve salt springs were selected by the State and confirmed as her property, to which Congress added six sections of land to each, making seventy-two sections in all. Many of these springs produce well, and have heretofore been freely worked, the parties leasing from the State.

2d. The magnificent grant of the swamp lands, amounting, in the aggregate, to at least ten millions of acres; and though the word "swamp" might, to strangers, convey the idea of wet and irreclaimable land, yet that class of lands is very small indeed, compared with the vast quantity of fine agricultural tracts comprised in the grant. First-class swamp land sold, and very probably will sell again, at seventy-five cents per acre; the second-class, at fifty cents per acre—a price so low that the poorest and most humble worker of the soil will find no difficulty in securing himself a home.

3d. The sixteenth section in every township is also donated to the actual settlers in that township for educational purposes. Many of these sections have been disposed of at good prices, and the money loaned out at ten per cent. interest. Much of this fund will probably be lost, but there can be no doubt that, under a judicious system of legislation, with the honest co-operation of the county courts, much will be saved, thus forming a sacred fund to be used for the instruction of the rising generation.

Thus, somewhat at length, but still doing by no means full justice to the State, and attempting but little of that detail which, in the progress of the society, will be made the subject of a much larger publication, are exhibited some of the principal features of the State, and the inducements to emigrate thereto.

Branch organizations are being established, to operate in the various portions of the State, and furnish the central society full, frequent, and accurate information, statistical and otherwise, all of which will be duly published and generally circulated.

There is no reason why Arkansas should not take one of the proudest positions in the galaxy of American States; and the Arkansas Immigrant Aid Society, springing into existence at the close of a desolating war, are nevertheless hopeful not only, but confident, that their State can rapidly be settled up. The northern exodus has begun. Trade and commerce, agriculture and manufactures, will soon assert their sway. Common schools abound, and morality keeps pace with prosperity.

*Officers of the Arkansas Immigrant Aid Society.*—Hon. Robert J. T. White, secretary of state, Little Rock, Arkansas, president. His excellency Isaac Murphy, governor of Arkansas, Little Rock; Hon. Liberty Bartlett, judge of the 5th judicial circuit, Little Rock; Dr. R. L. Dodge, Little Rock; Hon. Jesse Turner, Dr. Richard Thruston, Van Buren, Crawford county; Hon. John D. Smoot, of Fort Smith, Sebastian county; Gen. J. C. Tappan, of Helena, Phillips county; Hon. E. W. Gantt, of Washington, Hempstead county; Gen. Powell Clayton, of Pine Bluff, Jefferson county; Hon. Simeon D. Rosson, of Rich Woods, Izard county, vice-presidents. Albert W. Bishop, adjutant general of Arkansas, Little Rock, corresponding secretary. John P. Jones, Little Rock, recording secretary. John Whytock, district attorney, 5th judicial circuit, Little Rock, attorney. Major D. H. Barnes, Little Rock, treasurer. Caleb Langtree, esq., publisher of Langtree's Sectional Map of Arkansas, Little Rock; Hon. J. R. Berry, State auditor, Little Rock; John B. Luce, esq., Fort Smith, Sebastian county, bureau of agricultural lands. Lucien J. Barnes, esq., United States internal revenue assessor for district of Arkansas, Little Rock; Col. M. LaRue Harrison, Fayetteville, Washington county; Hon. James Thomas Elliott, Camden, Ouachita county,

udge 6th judicial circuit, bureau of commerce and manufactures. Wm. O. Stoddard, esq., United States marshal, eastern district of Arkansas; Dr. James A. Dibrell, Little Rock; Hon. Thomas Boles, judge 4th judicial circuit, Dardanelle, Yell county, bureau of mines and mineral lands. J. S. Pollock, esq., Col. Wm. S. Oliver, James Garibaldi, esq., Little Rock, committee of ways and means.

*Corresponding members.*—General John Edwards, Fort Smith, Arkansas; Henri Jacobi, esq., Little Rock, Arkansas; Israel M. Moore, esq., Searcy, White county, Arkansas; W. H. Hallibiurton, esq., De Witt, Arkansas county, Arkansas. [Others will be added.]

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WASHINGTON, *February* 20, 1866.

Major J. W. Smith sworn and examined:

By Mr. BOUTWELL:

Question. State your name, residence, age, and occupation.

Answer. My name is J. W. Smith; age, forty; residence, Little Rock, Arkansas; occupation, additional paymaster in the army.

Question. What has been your means of information touching the condition of the people of Arkansas and their opinions concerning this government?

Answer. I have lived in Little Rock two years and a half; have travelled over a considerable portion of the State making payments to troops, and have met men from all portions of the State and conversed with them.

Question. When did you leave Little Rock?

Answer. I left there on the 9th of this month, I think.

Question. Is there or not a settled condition of public affairs there, so that business is attended to in the ordinary way?

Answer. Yes; it is as settled now as it ever was in all that portion of the State where I live. There is no trouble of any kind whatever.

Question. Have any considerable number of soldiers from the rebel army returned to the State since Lee's surrender?

Answer. Yes, sir.

Question. Have you any opinion as to the number?

Answer. No; I have not. They are coming in every day. I can form no idea of the number.

Question. As far as you know, what proportion of those who went into the rebel army have since returned?

Answer. I believe that four-fifths, and perhaps more, of those who went into the rebel army are dead. Several regiments and single companies were raised about Little Rock. One regiment went out twelve hundred strong, and of some of the companies only four or five are left, and some as high as twenty or thirty. Most of those living have come back.

Question. What appears to be their purpose concerning the future?

Answer. Judging from their present arrangements I should suppose their intention is to be good, loyal men. Most of the prominent men have obtained, or sought to obtain, northern men as partners, and that whole country is filled with southern men and northern officers or men acting as partners in their business matters.

Question. Is the sentiment of the people, so far as you have observed it, more or less hostile towards the government than it was in the months of April and May last?

Answer. It is less hostile.

Question. In the elections there are the people more likely to sustain a man who has been an avowed Unionist from the beginning, or a man who has been complicated in the rebellion?

Answer. There has been no disposition at all to take a man who has been complicated with the rebellion, because that would make their position still more embarrassing. I think all the members from Arkansas are good, loyal men. I know several of them personally.

Question. What ones do you know personally?

Answer. I know Colonel Johnson, Judge Byers, Mr. Kyle, and Senator Snow.

Question. And you regard them all as those who have been loyal men?

Answer. I do not think there is any question of it.

Question. Have any of them been connected with the rebellion?

Answer. I think not, in any shape or form. Colonel Johnson raised a regiment of United States troops, and has been in the service three years. Mr. Kyle left his home and came within our lines early in the war, and has since been a thoroughly loyal man. Judge Byers has from the first been regarded as one of the strongest Union men in the State, and is regarded as an entirely safe man.

Question. What is the condition of the colored people of Arkansas?

Answer. They are all at work who will work; there is employment for more laborers than are in the State, and every one who will work at reasonable, or even large wages, is employed.

Question. What is the general disposition of the negroes as to work? Are they disposed to work, or otherwise?

Answer. They are generally disposed to work, and there is no difficulty in reference to them. I have travelled up and down the valley of the Arkansas, and I know all the plantations, almost, within a hundred miles of Little Rock. I do not know so much about the Red river country, personally but I see men from there almost every day. My office adjoins the Freedmen's Bureau headquarters, and I know almost as much about the negroes as if I were in the Freedmen's Bureau. They are all employed, and employed at good wages.

Question. Is there a disposition among the negroes to be educated?

Answer. As far as those who are in the cities are concerned, there is; and I do not know but there is as much disposition among those outside, but they have not the same opportunity. Arrangements are being made for the education of all the negroes in the towns.

Question. What is the disposition among the white people who are old settlers in Arkansas, in reference to the improvement of the negroes? Is it favorable, or otherwise?

Answer. I can give you one instance which is probably a prominent one. Bishop Lay has been a southern man and a rebel; he was with Hood's army all the time, as a missionary; he has since been sent to Arkansas and the Indian territory, as missionary bishop; he is now the rector of a church in Little Rock; he told me the Episcopal Missionary Board had appropriated $6,000 for his field, and that he expected to devote a part of it to the education of the negroes. Two men beside himself will be stationed at Little Rock, and a portion of their time will be devoted to the enterprise of schools and churches for the negroes.

Question. Is there any desire among the negroes, so far as you know, to purchase land?

Answer. I do not know much about it. There have been a few sales of land made to negroes within my knowledge. Judge Watkins, late judge of the supreme court of Arkansas, I know, lately deeded some lands to negroes.

Question. Is there any prejudice or feeling against negroes becoming land-holders?

Answer. I have never heard of any.

Question. What is your opinion of the operations of the Freedmen's Bureau in Arkansas? Are they beneficial, or otherwise?

Answer. It gives confidence to the negroes; they think they have some one to protect them and look after their interests. I do not see much disposition on the part of the land-holders to oppress them, nor do I think there is much danger of it at this time, from the fact that they want their labor. There are many plantations lying idle because hands cannot be obtained to work them.

Question. What is their average pay?

Answer. Twenty dollars a month is the average price of good field hands.

Question. How is it about their board and clothing?

Answer. They get their board and doctor's bills paid; they clothe themselves; the women, who are first-class field hands, get $15 a month; those who are less useful get a less price. There are a certain portion of the negroes at Little Rock who seem to fear going into the country, who fear oppression, or something, they do not know what; they are the more ignorant class, and their number is not very large.

Question. Is the question of negro suffrage discussed at all among the people?

Answer. It has been discussed to some extent.

Question. As far as you have observed, what is the feeling there on that subject?

Answer. The citizens are opposed to it as a general thing.

Question. For what reason?

Answer. I do not know, except the old prejudice, which still remains to some extent; partly, too, from the ignorance of the negroes.

Question. Is it not also true that many of the whites are ignorant?

Answer. Very. I have paid companies of Arkansas troops where very few of the men could write their names.

Question. They all vote?

Answer. They do.

Question. Is there any reason given for negroes not voting, that is not applicable to a very large class of white voters there?

Answer. No, sir; none at all.

Question. Is there any necessity for continuing a military force in Arkansas?

Answer. I do not think there is, as far as the preservation of order is concerned. There has been no disturbance of any consequence for a long time there. As far as I know, in a circuit of 75 or 100 miles about Little Rock, there has been but one murder within the last six months; and that, I presume, would be considered a good condition of things even in one of the old States.

Question. The courts there are in operation?

Answer. All in operation.

Question. Where were you born?

Answer. In Connecticut.

Question. When did you leave there?

Answer. I think in 1846.

Question. Where have you resided since?

Answer. A part of the time in this city, a part of the time in Missouri, and a part of the time in Vermont.

WASHINGTON, *February* 21, 1866.

Brevet Major General Rufus Saxton sworn and examined.

By Mr. BOUTWELL:

Question. Have you been in the military service of the United States during the rebellion?

Answer. I have.

Question. In what capacity?

Answer. At the commencement of the war I was assistant quartermaster; I was then promoted to be a brigadier general, and afterwards a major general by brevet of volunteers. I have now been mustered out of the volunteer service, and am a captain in the quartermaster's department, with the brevet rank of colonel.

Question. What have been your means of information, since Lee's surrender, concerning the condition of public sentiment in the States of Georgia, Alabama, Mississippi, and Arkansas, or either of them?

Answer. I have been an assistant commissioner of the Freedmen's Bureau for the States of South Carolina, Georgia, and Florida, since its organization, until the 15th of last month, when I was relieved. The first part of the time I was assistant commissioner for the three States I have named. In August I was relieved from the charge of Florida; in December from Georgia, and in January from South Carolina. I have had opportunities of observing the condition of affairs through the reports of my subordinate agents in those States; from my own observations during my inspections and from my intercourse in my own office with the leading rebels.

Question. Confining your remarks to the State of Georgia, what is the condition of the people there, so far as you know, and their temper and opinions concerning the government of the United States?

Answer. I think a small portion of the people earnestly desire to fulfil their obligations as citizens of the United States to the best of their ability. But a large majority of the people, I think, are disloyal at heart, and have no love for the Union, and look forward to the time when they can set up a separate organization for themselves. The influence of this small class who desire to do what it is right is not very great. I do not think they could live there in safety without the presence and protection of the soldiers of the Union. I think, as a general rule, they have no faith in the freedom of the blacks, and it is their desire to prove that their emancipation is a failure; that the best condition of the colored man is one of servitude.

Question. In the election of persons to office, who would be preferred by the people—those who have been identified with the Union cause, or those who have been identified with the rebellion?

Answer. Those who have been most strongly identified with the rebellion. The fact that a person is and has been thoroughly loyal to the United States, I think, would be fatal to his election to any office in the gift of the people; at least that is the case, so far as my knowledge extends.

Question. Has there been any observable change either way in public sentiment since Lee's surrender? If so, what change has there been?

Answer. To the best of my knowledge there has not been, except that I think they are, if possible, more openly disloyal now than they were at first.

Question. Did you have the means of knowing the antecedents of the men who were appointed to office under the provisional government of Georgia? If so, will you state whether they were men who had been identified with the rebellion, or men opposed to it?

Answer. I cannot state from my own personal knowledge in regard to that. The general impression upon my mind, without having time to investigate the matter thoroughly, but from conversations I have held there, is, that it was a general rule to appoint those who had been disloyal; that their disloyalty was no bar to their appointment to office.

The reason I did not investigate the matter so that I could answer your question more positively was, that it was so completely established in my mind that such was the case that I did not even take the trouble to inquire about it. That was the general conversation. I arrived at this conclusion from my conversations with Union people, and also with those who are disloyal. Union men, who have been true to the government throughout the war, have complained to me that they have less influence now, if possible, than they had while the war was going on; and that that fact greatly discouraged them.

Question. You say the people are, if possible, more openly disloyal now than they were at the time of Lee's surrender. To what do you attribute that?

Answer. I explain it in this way: When Lee's army surrendered, the leaders of the army and a great portion of the intelligent soldiers believed that they would never afterwards have *any* political rights; and they were surprised at the leniency which has been shown to them by the government of the United States. And the fact that they have received so much encouragement I think has operated to make them more openly defiant than they were before.

Question. Is it, then, your opinion that if a sterner policy had been pursued by the government, and pardons had been refused, or granted only in a small number of cases, the condition of the country would have been better than it is now?

Answer. It is.

Question. What is the disposition of the people of Georgia towards northern immigrants into that State?

Answer. I cannot say with regard to the cultivators of the soil; but with regard to those entering into commercial business there, I believe it to be the settled policy of the people not to give a northern man any chance whatever, if they can avoid it. I think the general impression among all northern men who have gone into business there is that they are persecuted simply because they are northern men and Union men. I think that among the great majority of the white population there, hatred to "the Yankees," so called, is thorough and intense.

Question. If the military forces of the United States were to be withdrawn, what would be the condition of avowed Union men and northern men there?

Answer. I think that their position there would be such that it would be hardly possible for them to remain there; particularly those who have taken any prominent part on the side of the government. I do not think they would be allowed to express openly their Union sentiments without the protection of the United States troops.

Question. So far as there has been any legislation or public action in Georgia, what do you understand to be the policy of the State in regard to the freedmen?

Answer. The legislation with regard to the status of the freedmen in Georgia was not developed until after I was relieved as assistant commissioner of the Freedmen's Bureau for that State; and having been so thoroughly occupied with my business as commissioner for South Carolina, I have not given the subject that attention which would enable me to answer your question properly. It is my impression that the legislation of the State has been unfair towards the freedmen; but I have only general impressions in regard to that subject, and cannot answer the question more definitely. I have looked over some of their acts, but have not studied them sufficiently to enable me to answer distinctly. My opinions expressed here are not founded entirely on my own personal observation and inspection, for my inspection has been confined to small portions of the State; but I believe my expressions of opinion will apply equally well to the other portions of the State which I have not visited. It is my opinion that the former slaveholders, even if they earnestly desired it, could not be just to their former slaves, for they do not know what justice to the negro means.

Question. Considering the negroes as a class by themselves, what is your opinion of their disposition to labor if they are properly paid and properly treated?

Answer. I think that the freedmen share with the rest of the human race a natural disinclination to labor, but to no greater extent than it is shared by the white race. I think that with proper stimulus to industry they would be as industrious as any other people. I know this to be the case, because I have tried the experiment myself. The only stimulus they formerly had to labor was that of the lash. That is removed; but the stimulus of wages, and their finding out that by the products of their own labor they can obtain those necessaries of life which they desire, will be sufficient to make them a thrifty and industrious people.

Question. What is their disposition in regard to purchasing land, and what is the disposition of the landholders in reference to selling land to the negroes?

Answer. The object which the freedman has most at heart is the purchase of land. They all desire to get small homesteads and to locate themselves upon them, and there is scarcely any sacrifice too great for them to make to accomplish this object. I believe it is the policy of the majority of the farm owners to prevent negroes from becoming landholders. They desire to keep the negroes landless, and as nearly in a condition of slavery as it is possible for them to do. I think that the former slaveholders know really less about the freedmen than any other class of people. The system of slavery has been one of concealment on the part of the negro of all his feelings and his impulses; and that feeling of concealment is so ingrained with the very constitution of the negro that he deceives his former master on almost every point. The freedman has no faith in his former master, nor has his former owner any faith in the capacity of the freedman. A mutual distrust exists between them. But the freedman is ready and willing to contract to work for any northern man. One man from the north, a man of capital, who employed large numbers of freedmen, and paid them regularly, told me, as others have, that he desired no better laborers; that he considered them fully as easy to manage as Irish laborers. That was my own experience in employing several thousands of them in cultivating the soil. I have also had considerable experience in employing white labor, having, as quartermaster, frequently had large numbers of laborers under my control.

Question. If the negro is put in possession of all his rights as a man, do you apprehend any danger of insurrection among them?

Answer. I do not; and I think that is the only thing which will prevent difficulty. I think if the negro is put in possession of all his rights as a citizen and as a man, he will be as peaceful, orderly, and self-sustaining as any other man or class of men, and that he will rapidly advance in the scale of civilization.

Question. It has been suggested that, if the negro is allowed to vote, he will be likely to vote on the side of his former master, and be inveigled in the support of a policy hostile to the government of the United States; do you share in that apprehension?

Answer. I have positive information from negroes, from the most intelligent freedmen in those States, those who are leaders among them, that they are thoroughly loyal, and know

their friends, and they will never be found voting on the side of oppression. I think all their instincts, that is, of all the intelligent ones, are on the side of the Union; and there are intelligent ones among them who will instruct the others how they should vote. I think it vital to the safety and prosperity of the two races in the south that the negro should immediately be put in possession of all his rights as a man; and that the word "color" should be left out of all laws, constitutions, and regulations for the people; I think it vital to the safety of the Union that this should be done.

Question. What, in your judgment, would be the effect of withdrawing the military and the Freedmen's Bureau from those States, and leaving the freedmen of the south to the legislation and rule of the white population?

Answer. I think the result of such a policy as that would be fearful to contemplate. I fear it would lead to an insurrection, and to a war of races. I think the only way in which the two races can live together in peace and prosperity is by giving the black race the same political rights that the whites enjoy.

Question. What reason, if any, have you for supposing that the black people will not submit quietly to the control and authority of the white race?

Answer. I have it from conversations with intelligent freedmen, men of thought and intelligence, who have told me so, and it is the result of all my experience of nearly four years with those people. I know there is the strongest desire on the part of the freedmen to secure arms, revolvers particularly, and I believe it is for future operations; and I believe if justice is not done them they will eventually attempt to obtain it for themselves. I will tell you what the leader of the colored Union league and other colored men in Charleston said to me: they said that they feared they could not much longer control the freedmen if I left Charleston. I do not recollect their exact words, but the substance was, that they feared the freedmen would attempt to take their cause into their own hands. My counsels to them were to heed the lesson which the war had taught, never to act against the government, but always to support it, and trust to it to see that they had all their rights as freemen; and I believe that my teachings and counsels to them, in this respect, had great influence in keeping them quiet.

Question. Do you know whether or not there was any foundation for the apprehensions expressed by the white people of the south in regard to an insurrection of the negroes about Christmas time?

Answer. I do not; but I think all such apprehensions were utterly groundless. I think the rumor was intended for the purpose of injuring the freedmen. I believe that unless the freedmen are oppressed there is not the slightest danger of an insurrection among them. I do not think there was any danger of an insurrection among the blacks while they were slaves; but now they have had a taste of liberty, many of them have learned the use of arms by service in our armies, and it is this feeling of a desire to protect themselves which they now have which makes it so dangerous to pursue an unjust policy towards them. It will be far safer for the south to give the freedmen all their rights as citizens and men.

Question. Are the mass of the adult males among the freedmen sufficiently intelligent to comprehend the leading questions of public policy, especially those questions which relate to the preservation of the Union?

Answer. I think many of them are; but of course the majority, having been slaves so long, and being uneducated, cannot yet fully comprehend those questions. But I believe there are intelligent men among them who would lead them and guide them in such a way that there would be no danger in giving them all their rights as citizens.

Question. What is the disposition among the negroes in regard to acquiring knowledge and education?

Answer. They have an intense desire to learn to read and write. They crowd all the schools that are established for their education by the benevolent people of the north. There are many night schools for adults, in which they make creditable progress in reading and writing. I have here a petition signed by several hundred freedmen asking that they may be allowed the rights of citizenship. They are freedmen who were in my district under my charge. There are many who signed with a mark, but there are a great many names signed by the parties themselves, and I am assured that the most of them have learned to write since the war. Some of them may have known how to write before. You will observe, upon examining the signatures, that they must have been made by men who have not long known how to write, and the similarity of writing is like what is seen in persons taught by the same teacher. And there is another thing to be noticed: having no names as slaves but Bob, Jim, Sam, &c., they have adopted such names for themselves as happened to strike their fancy.

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WASHINGTON, D. C., *February* 21, 1866.

Miss Clara Barton sworn and examined.

By Mr. HOWARD:

Question. Of what State are you a native?

Answer. I am a native of Massachusetts.

Question. Were you raised and educated there?

Answer. I was; in Worcester county, Massachusetts.

Question. What has been your employment during the last year?

Answer. I have been searching for the missing men of the Union army.

Question. Where have you been engaged in that business?

Answer. I have been engaged in it here in Washington.

Question. Where else?

Answer. Nowhere else in that business. That business has led to other matters which have called me away.

Question. State where else you have been, and in what you have been engaged.

Answer. I commenced to search in the spring of 1865. In the latter part of June, 1865, I formed the acquaintance of a young man who had been a prisoner at Andersonville, and who had brought away the death record of that prison. He requested an interview, and, on giving it, I learned from him how the dead were buried in Andersonville, and I became satisfied that it was possible to identify them. I carried the question before General Hoffman, who, with the assistance, I think, of the Assistant Secretary of War, laid it before the Secretary, Mr. Stanton, who sent for me to come to him the next day. I did so, and stated to him my impressions, requesting that parties be sent out to identify the graves at Andersonville, and to mark them. He declared his gratitude even at the suggestion, all having thought it impossible; stated that an expedition should be started immediately, and that he would select some officer for the purpose, and he invited me to accompany it. We were ready in a week, and on the 8th of July we left Washington. I requested that the young man should also go with the party to identify the graves. We reached Andersonville, Georgia, on the 25th of July, and very soon the colored people there commenced to gather about me.

Question. What did you discover in relation to the colored people?

Answer. I discovered that they were in a state of ignorance, generally, at that time of their own condition as freedmen. Some of them knew it. They all, of course, mistrusted it. They had all heard it from one another. A few knew it from their masters, and only a few; and what they did hear they had very little confidence to believe. Hearing that a party of Yankees, and especially a Yankee lady, was there, they commenced to gather around me for the facts, asking me their little questions in their own way, which was to the effect, if they were free, and if Abraham Lincoln was really dead. They had been told that he was dead; that he had been killed; but at the same time they had been informed that, now that he was dead, they were no longer free, but would be all slaves again; and with that had come the suspicion, on their part, that he was not dead, but that it was a hoax to hold them in slavery. They would travel twenty miles in the night, after their day's work was done, and I would find them standing in front of my tent in the morning to hear me say whether it was true that Abraham Lincoln was dead, and that they were free. I told them Abraham Lincoln was dead; that I saw him dead; that I was near him when he died; and that they were free as I was. The next question was, what they should do. There were questions between the negro and his master in regard to labor and in regard to pay. I saw or discovered that the masters were inclined to get their labor without pay. Of course I had no way of proving that, but I inferred it. They were at work. Most of them offered to work until Christmas time, and to take a part of the profits. General Saxton, I should think, made some regulation specifying just what portion of each crop the negroes should have. They were all very anxious to hear the rules read. The commandant of each post had issued certain rules and regulations. These they had never heard read, and they came to me to know what the paper said. The rules were published daily in the Macon papers. They said they had been told that General Wilson's orders said that they should work six days in the week hard, and half a day on Sunday. They wanted to know if it was so. My course with them was to read General Wilson's paper, as they called it. I have read it through sometimes forty times a day. They stood around my tent in great numbers on a Sunday; more than a hundred, men, women, and children, and every day more or less. Perhaps there were very few hours that I was not engaged in advising them, and attempting to decide some causes for them.

Question. Did General Wilson's order contain such a thing as that?

Answer. Oh, no, sir; General Wilson's order was protective of them in its character. The order was good, and the best of it was that they could understand it. When it was read to them they never failed to comprehend the most important parts of it. It was well drawn. I found that, if it had been read to them properly by their owners or masters, they would have understood it; for, as I read along to them, I would ask if they understood that; "Oh, yes," they would say, "we understand that." Then I would read another passage, and ask them if they understood that; "Oh, yes." "What do you understand by it?" They would put it in their own terms, and I saw that they understood it.

Question. Did they pretend to you that their old masters had given that peculiar version of General Wilson's order—that they should work six days in the week hard and half a day a Sunday?

Answer. In many instances they gave me that impression. They told me that in so many words, and said that they had been told so by the men for whom they worked. Some of them

were not with their old masters, but were hired out, as they called it, to other parties; but that was the impression they were under. Of course they became relieved when they heard the order and understood it. Sometimes they came with complaints of cruelty. I never found myself, perhaps, fully drawn out, excepting in one instance of fearful cruelty. They came with a great many little complaints. I could understand how that state of things would naturally create jealousy on the part of owners, and perhaps make the negro more or less unmanageable, and perhaps impudent. Of these little things I took no notice, for I thought them natural. I simply advised them always to go back, for their own interest, and to work faithfully until Christmas, and to take their part of the crop, as I could see there was no money for them. I think they never failed to follow my advice. I know of no instance where a negro went away whom I advised to return. On the 7th of August I was awoke in the morning by our colored cook coming to my tent and saying that a man wished to see me. Immediately opposite my tent there was a colored man—a good-looking man, intelligent and bright faced; a yellow man, about a mulatto, I should think. He told me his name was Arnold Cater; that he had been born and raised as a house servant with Governor William Rabon, of Georgia; that he had been a few years ago sold to pay the debts of the family; that he was then (at the time I saw him) forty-five years old; that when he was sold he was separated from his wife and five children; and that he was purchased by speculators and taken to southwestern Georgia. Perhaps I ought to state how the negroes came into southwestern Georgia. It is a poor section of the country, and the people there have been poor. They have been emphatically "poor whites." They were not wealthy enough to own slaves. They did their own work. But when the border States found it politic to sell their slaves, they sold them at a lesser price to speculators, who found it to their interest to purchase them and to run them into southwestern Georgia, and put them at a price at which these poor people could buy them, so that every poor man bought one or two slaves, as he could afford it, just as he would buy an ox or a cow. They kept them in their families and worked them like cattle. The slaves had no respect for their masters. The slaves have no respect for a poor man who owns them. They all seemed to apologize when they were asked where they came from. They would say, "We were not raised here." They all dated back to better days. They had been all raised in wealthy families in Virginia or South Carolina. This man that I have been speaking of had been taken away from his wife and five children, taken to southwestern Georgia, and sold to one Nick Wylie. Nick Wylie had a large number of slaves. During the years of the war he had not been on his own plantation, but some two hundred miles away, perhaps in the service; I do not know. He had an overseer by the name of Jim Bird, who must have been the personification of cruelty. This negro told me that some two years before, he married, after their style of marrying, a young woman about eighteen years old, who was a slave on the Wylie plantation. They had one child, who was then a little over one year old. This man was a blacksmith. While he was at work, a few days before, his wife had proved unable to do the task of spinning which was given her. She was again within two months of her confinement, and was unable to do her task. She complained that she could not do it, and failed by a knot or two, as their term was, of completing it. When he came home at night from his day's work he found her lying in her hut. She had been bucked and gagged.

Question. Describe the process.

Answer. The person is seated upon the ground, the knees drawn up, the hands put under the knees, and a stick run through over the arms and under the knees, the hands being tied in front; that makes them utterly immovable; then there is a gag put in the mouth and tied at the back of the head—this woman had been treated in that way—then the overseer had come behind her, kicked her on the back, and thrown her over. She had been stripped in the mean time, for they never whip the negro with the clothes on; she was thrown on her face, and lashed on her back, so that, when her husband found her, he said she was a gore of blood, and she must have been; she had been untied, and was lying there as she had been left. He did not tell me that he remonstrated very much; I suppose he dared not. Next day the woman was ordered again to her task; she was utterly unable to do it, and scarcely able to stand; she bought all the yarn she could to try and make up the eight knots that she had to turn in; she failed to get quite enough, failing by a knot, or half a knot. The overseer sent to her the next night, when her task was counted, and she had failed again, ordering her to come to him the next morning at seven o'clock, as he was going to whip her; that he had not whipped her yet, but should do so the next morning. Arnold then had no way but to gather up his wife, walking as well as she could; and, after night time, they started for Americus, twelve miles below Andersonville. They were some twenty miles in the country from Americus; they dared not take the direct road, for they knew that the overseer would mistrust that they had gone to Americus, and would overtake them; they, therefore, went around, travelling some thirty or forty miles. After two days they reached Americus by a circuitous route. The overseer had been there, and had warned the military authorities that he had two runaway slaves, a man and a woman, who were coming there, and he wanted them returned. I think he stated he had punished them. They went into Americus without going direct to the military authorities; but the people saw them, and saw that she was lame and hurt, and took her in somewhere. He went to work for people there at blacksmithing at a dollar a day. He heard of me at Andersonville, and he thought to

reach me there; he heard there was a settlement of Yankees forming at Andersonville: he started with his wife, for, after being a week there, she had got a little better. He had been paid for his work in confederate money, and, when he found himself on the train, the conductor would not take that money, and put them both off. He left the wife at Americus, came to me at Andersonville, and told his story. I wrote immediately to the commandant at Americus, stating the case to him, and asking him to send a sergeant and wagon, or team of some kind, with that man back to Nick Wylie's to get whatever he had left—(he spoke of having left chickens, furniture, bed and bedding, and the baby which he had been obliged to leave)—and send them to me. He took the note to the commandant at Americus, and it was done as I requested. Two days after, the whole assemblage drove up in front of my tent—Cater, his wife and the baby, the chickens, and the bed and bedding. I took his wife into my tent and examined her back; she was a young, bright-colored woman, a little darker than he, with a fair, patient face, with nothing sulky in her look; I found across her back twelve lashes or gashes, partly healed and partly not, some of them cut into the bone. She must have been whipped with a lash half as large as my little finger—it may have been larger; any of these gashes was from eight to ten inches in length; the flesh had been cut completely out most of the way. It had been a curling whip; it had curled around her arms, cut out inside the arm, over the back, and the same on the other side. There were twelve of those long lashes, partly healed and partly not; she could not bear her clothing on her at that time, except thrown loosely over her shoulders; she had got strong enough so as to be able to walk, but she was feeble, and must have been unable to work before that occurred; she was in no condition to work.

Question. She was in a state of pregnancy, then?

Answer. Yes, sir; that was the difficulty. She was one who, from her face, would never have rebelled against labor that she could have done; of that I am satisfied.

Question. Do you know what became of her?

Answer. I referred them to Colonel Griffin, then in charge at Andersonville. The colonel put Cater to work at his trade as a blacksmith, and gave them a house to live in. I would have taken them away with me if I could; but it was impossible, and I left them there working for Colonel Griffin, he at his trade and she as a waiting girl.

Question. From your intercourse with the people there did you learn that treatment similar to that was of frequent occurrence among the slaveholders?

Answer. I should judge that it was not an uncommon thing. That was all that I observed myself. How far they would be inclined to exaggerate I cannot say. They might magnify their wrongs; but they told me a great deal of them. I believed what I saw. I knew what I saw.

Question. When did you leave that part of the country to come back?

Answer. I left on the 25th of August, I think, and came back to Washington through Chattanooga and the west.

Question. What did you discover to be the feeling among the whites in Georgia, where you visited, toward the government of the United States and toward the loyal people of the United States?

Answer. I should suppose that in no instance was I able to get at their real feelings. They would be less likely to show their real feeling to me than to almost any other person. That was shortly after the arrest of Wirz, and the impression was general when I went there that I went to make observations with reference to further arrests. The women, supposing that I, a woman, had come to look after the women in particular, commenced to call upon me the first day of my arrival. I speak of the white women who had lived in the neighborhood during the time of its occupation as a prison. They appeared to associate together in threes and fours, and came to call upon me very neighborly, very bland, all taking the utmost pains to assure me that they had no part nor lot in the treatment of our prisoners, but throwing it back upon Winder, who was dead and in his grave. They all appeared willing enough to save Wirz. They, of course, would all have done better, and they did not think that Captain Wirz was bad at heart, but that he was ordered to do all those things by Winder. They wanted to screen Wirz, because if they could get the matter to stop inside of him, that was the last would be heard of it—there was no going over that; but if it went over him, there was no knowing how far it would go. So they screened everybody but Winder, and themselves they made immaculate. They were all willing to admit that the greatest atrocities had been committed on the prisoners, and that they had been shocked at the sight. They were ready to admit everything that we had ever thought of. They did not think, however, that Mr. Davis knew anything about it; but you would have supposed, to have heard them talk, that old General Winder was answerable for every crime and inhumanity ever committed in the confederacy; and he, fortunately, was dead, and no harm could be done to him. They centred everything there. There was every reason why none of them should tell me the truth, and there was a strong personal reason why they should falsify to me, and I took it so. They were, as I saw, "making friends of the mammon of unrighteousness." I read at once what their standing was, and what their fears were. So I have no idea that I got any truthful expressions from white people there.

Question. Did you examine the prison ground at Andersonville?

Answer. I did, very thoroughly, every inch of ground used.

Question. Of course you found it difficult to discover any trace of the barbarities practiced there?

Answer. Of course there were no prisoners there then: but the appearance of the whole ground was sufficient evidence, considering the number of prisoners who had been there. All spoke of inhumanity. It was impossible that that number of men could be kept within the enclosure without the most intense suffering.

Question. Was the enclosure standing when you were there?

Answer. Yes, sir. It is a stockade formed of pine trees twenty feet long, and from a foot to a foot and a half through, set five or six feet in the ground, close together, and pointed at the top.

Question. What was the area of the enclosure?

Answer. From twenty-five to twenty-seven acres, more or less. It had been much less at one time. It was originally only eleven acres. They had got some thirty thousand men within that eleven acres. But they found it impossible, as prisoners were constantly sent there, to keep them in that space, and the stockade was increased to the size that they called twenty-seven acres. I had it measured while I was there, and I made it some twenty-five or twenty-six acres.

Question. Do you know how many prisoners they had there at any one time during the war?

Answer. From thirty to thirty-four thousand.

Question. How was the enclosure provided with water?

Answer. A slow, small, sluggish stream runs through nearly the centre of it. The ground was unbroken woods when they commenced to enclose it. Two round hills are close together, and between them runs a little brook formed of springs, for the whole land there is springy, and wherever two hills meet anywhere in that country a brook runs between them. A little stream like that ran between these two hills. As I saw it in the summer, one could almost have walked through it with common high shoes without wetting the feet. Still with a rain it rose very rapidly. This stream ran through from west to east, and at the head of it, just outside the stockade, they placed the cook-house and bake-house for the prisoners, for the guards, and for all. Every impurity from both these houses that was thrown out washed directly into the stream and went immediately into the stockade, and that was all the water the prisoners had to use. I saw grease and refuse matter still adhering to the roots of the coarse grass which grew upon the banks, which had run down and lodged there at the time. This was some months after, and I can judge from that what it must have been.

Question. You say the current was sluggish—slow?

Answer. Very slow.

Question. Was the ground along the immediate banks of that stream muddy and loose, or hard?

Answer. It is the red clay which is so changeable in its nature. It was very hard in dry weather, almost as a rock, but still the least rain softened it; it became soft, slippery, deep, and washed and gullied to almost any depth.

Question. Was that the character of the soil in all the lot?

Answer. Yes, sir.

Question. What contrivances had there been there for the protection of the prisoners from the rain, the sun, and the storms?

Answer. There were a few sheds, with simply a covering over the tops, but no sides, on the top of either hill; but I have been told by prisoners that at first there were none of them, and that the last five sheds (five on one end and five on the other) were only erected a few weeks before the stockade was abandoned. I may almost say that there was no protection. Some of the men had blankets and some of them had the little shelter tent. They put these together as well as they could and gathered under them; there was no other protection.

Question. Were there no other means of procuring water for the prisoners except from those springs?

Answer. Yes, sir; Sweet Water creek, which is fifteen feet wide and three feet deep, runs within pistol shot of what was the old hospital.

Question. How near to the enclosure?

Answer. The old hospital was just outside of the enclosure, at the south end of the stockade.

Question. Did you understand whether the prisoners were or were not allowed to procure fresh water from Sweet Water creek?

Answer. Oh, they could not have procured it.

Question. Do you know whether they were permitted?

Answer. They were not permitted to go outside of the stockade.

Question. Why did not their keepers allow them to procure fresh water on Sweet Water creek?

Answer. That is a matter about which I am not informed. I can only speak of the probabilities. It is probable that the old hospital may have had such an arrangement; but the prisoners within the stockade, I should think, could not have.

Question. Were the prisoners in any way, either by themselves or keepers, supplied with water from Sweet Water creek, or from any other source?

Answer. That is a question which I cannot answer, and must not attempt; but I can send to you a person who does know, who was a prisoner all the time, and who can answer the question.

Question. Did they bury any of the dead within the enclosure?

Answer. There was one grave marked, one spot of earth against which there was a board which showed that a man was buried there. That was all that I saw.

Question. Where were the dead buried?

Answer. They were buried from three to four hundred yards from the stockade, in a piece of ground which had formerly been an old church-yard in olden times; that is the present cemetery.

Question. Describe as well as you can the mode of their burial.

Answer. They were buried in trenches, from 100 to 150 feet in length.

Question. How deep were the trenches?

Answer. We could not see, as no trench was opened while we were there; but I suppose they were sufficiently deep for the comfort and safety of the persons who were about there, for there were three thousand rebel guards there. I presume the bodies were buried sufficiently deep for practical purposes.

Question. Can you state, from credible information, what was probably the number of prisoners who died there and were buried?

Answer. There are 12,920, as near as I can estimate it, whose graves are marked in some way, and we know of no others; we have no trace of any more; they lack a few of 13,000, and we have no knowledge of there being any more there.

Question. Was the monster Winder there during the whole time until the stockade was taken possession of by the Union troops?

Answer. I cannot say at what time he left; they pointed out quarters to me which they said had been his residence.

Question. Were the dead buried in any other place except this old church-yard?

Answer. Only such as died of small-pox. Half a mile from there they had a small-pox hospital and burying-ground.

Question. Part of your mission there was to identify the dead?

Answer. Yes.

Question. How did you identify them?

Answer. There was a numbered board placed at the heads of the men as they lay in the trenches.

Question. Simply numbered?

Answer. Yes, sir; the trench was dug continuously, and as the men were carried out from the hospital a paper was pinned on the breast of each, specifying his name, company, and regiment. Space was only allowed for the body, the arms being laid over it. As the body was laid in, the paper was taken off and placed in the hands of a man whose business it was to receive it and keep it carefully, putting it in its regular order after the one that came before, never changing its position, and so on till all were laid in for the day and covered up. Then he went with the papers to the young man who kept the death register and laid them down, face downwards, in which order they were registered in the book and numbered. Then the board was numbered corresponding with those numbers, and they were placed in regular order in the cemetery.

Question. So that the identification would depend upon the accuracy of the correspondence between the number given to the clerk and the number on the board at the head of the dead body?

Answer. Yes, sir.

Question. Thus leaving it very liable to mistake?

Answer. Oh, yes, sir; there would be liabilities to mistakes. Still the matter was in the hands of our own men. The dead were all buried by our own men, and they have assured me that they always took the utmost pains to be correct. It was the young man who kept the register from whom I gathered this information. He assured me that he believed the utmost pains were always taken, and that, so far as he was concerned, he knew that he had been free from mistakes. He had been faithful, and he believed that the others had been so, for it had been always in their minds to keep the thing correct. The dead had been their own comrades.

Question. Did you make any stay in South Carolina?

Answer. No, sir; we passed up the Savannah river.

Question. Are you able to speak of the condition of things in South Carolina?

Answer. I am not prepared to.

Question. So far as you have been able to collect information, and so far as you believe, what is the state of feeling on the part of secessionists in Georgia towards the government of the United States?

Answer. I think they have no respect for it.

Question. How do they feel towards the freed negroes?

Answer. I think far less kindly than when they owned them themselves.

Question. Would they, or would they not, if they had the power, reduce them again to slavery?

Answer. That I cannot say; but I should not want to take the chances of being a slave there, were it in their power.

Question. Is there any other fact that you wish to state?

Answer. I am not aware of any; I think not.

Question. How did you find the feeling of the blacks towards the government of the United States, and towards the loyal people?

Answer. The very best of feeling—friendly, full of confidence in the United States government, loving the northern people.

Question. Did you meet with any blacks during your journey who were friendly to the rebel cause?

Answer. I cannot say that I did meet one; I heard no black person express himself or herself in that way.

Question. How did the blacks tell you they had conducted themselves during the war?

Answer. They said they had been "mity fraid."

Question. Did they seem to understand what was the object of the war, or what was to be its final result as to them?

Answer. They began to comprehend it. I think they understood it. I think, so far as their intelligence will permit, they understand it as clearly to-day as we do; they now grasp it distinctly.

Question. Have you any reason to suppose that there were secret associations among the negroes during the war, or before the war, by which intelligence was communicated from one locality to another?

Answer. If I may believe what they say, it was so; I have been repeatedly told so. They have, in their crude way, attempted to describe to me their evening meetings, as they stole away from one plantation to another, previous to the war, and during the war.

Question. You have had a good deal of intercourse with the blacks; what is your idea about their capacity to acquire knowledge? Do they possess a capacity equal to that of the whites, generally speaking?

Answer. In their present condition they can hardly be compared with the whites; still, to a certain extent they learn as easily, as readily. I do not think that their reasoning powers have been educated up to a standard that enables them to grasp subjects which whites can grasp, but their imitation leads them to acquire many things as readily as white people do.

Question. What can you say in regard to their general truthfulness? How, in that respect, do they compare with white people in a similar condition of life, if it were possible to suppose such a similarity?

Answer. They have been, in a great measure, taught to speak falsely and to act falsely.

Question. Taught by whom?

Answer. Their very condition has taught them that; the condition of slavery teaches falsehood. But there is a principle of religious character in their nature which holds them above white people of as low a grade. They are more religious, but the nature of their condition has not made them more moral.

Question. Are they wanting in truthfulness in their communications with one another?

Answer. To a certain extent I think they are; but not more so, probably, than white people under similar circumstances—if it were possible to imagine them. By that I mean that I do not think they are untruthful because they were created negroes, but from the condition and station in which they have been placed. Naturally, I think the negro not less moral, not less religious, not less truthful than any other race, only as his condition has made him so.

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WASHINGTON, D. C., *February* 24, 1866.

H. S. Welles sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In the city of New York; I have lived there ten years or more.

Question. Do you hold any office?

Answer. No, sir; I never did.

Question. Have you recently visited the southern States, or any of them?

Answer. Within the last three weeks I have travelled from here through West Virginia, East Tennessee, and Georgia, by Atlanta, Macon, and Milledgeville, back to Augusta, and thence to Savannah. I was in Savannah over two weeks, and met a great many acquaintances—planters from southern and middle Georgia.

Question. What was the main object of your journey?

Answer. I represent the Brunswick and Florida Railroad Company. The entire interest of that road is owned by northern citizens. The road lies between the port of Brunswick and the Atlanta and Gulf railroad, in southern Georgia. It was entirely taken up, the rails, rolling stock, and everything, by the impressment act of the confederate government, and the materials were scattered among the various railroads, gunboats, bomb-proofs, forts, &c. I have been down there as the agent of the company, authorized to recover the property, or

to obtain compensation for it; consequently, I have come in contact with great numbers of people, and a great variety of people.

Question. Did you recover any of the property?

Answer. I have got traces of almost the entire amount of property. The government of the United States has possession of about one-half of it, which I expect to recover by the government releasing it. The other portion is either held by railroads, or is on gunboats, or sunk in the harbor of Savannah. Our counsel advises that we can recover from the railroads possession of the property, which was distributed among them by the confederate government.

Question. Have you had pretty free intercourse with the people wherever you have been?

Answer. I made it my business to talk with people and ascertain the true position and feeling, so far as I was able to judge.

Question. How do you find the general state of feeling among the secession element at the south towards the government of the United States?

Answer. With few exceptions, they accept the position of things as it is, by compulsion; they acknowledge that they are a conquered people, and have got to submit to the condition of things; in other words, the secession element is, as a general thing, about as much secesh to-day, and as bitter in its feeling towards the government of the United States and the people of the north, as it ever has been. That is the impression made on my mind from my intercourse with them.

Question. Among what class of people do you find this feeling most prevalent—the lower, the middle, or the higher class?

Answer. The lower class are more bitter in their expressions; the business men, and the more thinking men, are much more moderate, and express much more satisfaction than any other class.

Question. What do the ex-officers and soldiers of the confederate army say about the state of things?

Answer. They are disposed for peace. Those who were most active, and the officers of higher rank in the confederate army, are much more disposed to accept the condition of things, and to have peace and quiet, than those are who have had less experience of war.

Question. How do the common soldiers appear to feel it?

Answer. They say they have had enough of war. That is their expression.

Question. Among the masses of the people where you have been, have you been in the habit of hearing contemptuous or indignant expressions towards the government of the United States?

Answer. In a few instances I heard those expressions where I was not a party to the conversation; for instance, among passengers in railroad cars. It has been only in a few instances, and from persons exceedingly violent.

Question. What expressions have you heard most striking in their character?

Answer. I have heard them say in those instances that they would take up arms at any time, and never would regard the oath they had been compelled to take; that they took it to have the facilities of the United States mail, and for trading facilities. On the contrary, in most instances, judicious, thinking, business men, merchants, accept the condition of things in good faith, and regard all their obligations to the government of the United States in good faith.

Question. Have you heard anything said among them in regard to the payment of the federal debt contracted in the prosecution of the war?

Answer. I talked that thing very fully and specifically on many occasions, for I considered it a test. I often purposely got parties excited in conversation so as to develop their real feeling. I would most frequently put to them the question: "How would you vote on the repudiation of the national debt if you were on the floor of Congress, after all your debt had been confiscated and your States left in the condition they are?" In a majority of instances the expression would be, "I would vote to repudiate the national debt." I thought that was a test question.

Question. Have you heard these remarks frequently?

Answer. Well, I would hear them every few days when I would seek conversations for the purpose of feeling the position of these parties.

Question. How did such declarations seem to be received by the audience, if there was any audience?

Answer. The more thinking and earnest business men did not countenance it; but the men who had lost largely in negroes, and the men who never had anything, were ready to sustain that expression of feeling.

Question. It seemed to please them?

Answer. It rather seemed to please them.

Question Did you, in the course of your journey and your stay at the south, hear anything said about a war between this country and a foreign country?

Answer. I have heard expressions there that we were likely to get in a war with France, and in some instances the expression was that they would take up arms in favor of France. That expression was, however, from the most violent portion of them. It was not anything like a uniform expression. It was only in occasional instances that I heard it.

Question. Did you ever hear that expression rebuked by any bystander?

Answer. Yes, sir; oh, yes; it did not seem to be received with favor by the more thinking portion of them. We were twenty-four hours in travelling a hundred miles on the railroad, on account of broken track, broken engines, and bridges down, so that people were thrown together and talked a great deal more than in ordinary railroad travelling.

Question. In what sections of the country did you mainly find these persons express themselves in favor of joining the enemy in case of war?

Answer. I heard it principally on railroad trains from persons who were entire strangers to me. They did not know where I was from, and I did not know where they were from.

Question. You travelled, known to be a northern man?

Answer. Oh, yes; I made no secret of it.

Question. Were you treated with any indignity?

Answer. No, sir; not in a single instance.

Question. How did the secessionists, where you have visited, feel in regard to the freedmen and the abolition of slavery?

Answer. From long-continued education, regarding the negro as a slave and of no account, they naturally look upon him as unfit to govern himself, and as requiring harsh treatment to keep him in subserviency.

Question. Did you hear any regrets expressed at the abolition of slavery?

Answer. Oh, yes, sir.

Question. Were they common?

Answer. Oh, yes, sir.

Question. Did you hear any intimation thrown out in regard to the future treatment of the blacks by southern legislatures and southern people?

Answer. Not by southern legislatures. The expression seemed to be, particularly in upper, and middle, and southern Georgia, of great confidence in the Freedmen's Bureau, and of its being the great means whereby the industry of the country was to be promoted. Much of that arises from the able management of General Tilton in Georgia. He manages all of the State of Georgia except the coast. He has pushed the matter of inducing the negroes to make contracts. To a certain extent he compelled them to do so; that is, he has persuaded them with energy, letting them know that if they would not go on and make contracts and work industriously for the old planters, they should remove from there and not obstruct him in having others to work. He is exceedingly popular with the planting community of the State of Georgia, and is a very efficient officer.

Question. How do the blacks regard him?

Answer. The blacks regard him with the highest esteem and confidence. My impression, from inquiries, is that in the State of Georgia, owing to the efficient management of the bureau there, there will not be less than three-fourths of the crop of cotton produced that was produced in 1860; and some whom I regard as good judges think there will be a full crop of cotton, equal to that of 1860. It is not so with rice. The negroes on the rice plantations on the Santilla river, and to a great extent on the Altamaha river, are idle, and decline to make contracts. I introduced some of the rice planters to General Tilton at Savannah, explained to him their position, and asked his interposition to induce the negroes to work and make crops. They explained to him their own position and that of the negroes, and he said he would do everything that lay in his power. The planters explained to him, however that it was too late for a rice crop; that if he or an efficient officer could have been there at an earlier day it would have given confidence to the negroes, and induced them to go to work, and they could have made very handsome rice crops this year; but the plantations have to be dried, the banks are broken and flooded, and these low bottoms take a month or two to be dry enough to plant the rice. It is too late for that now, so that there will be very little rice crop raised in the State of Georgia this year.

Question. Do the negroes appear to have a dislike to work on rice plantations? It is a dangerous sort of labor, is it not?

Answer. Oh, no, sir. My experience in the south for many years past is that a community of negroes who have been on a cotton plantation in the upper country, and who get upon a rice plantation, never want to go back to the cotton plantation, from the fact that they have fishing in the waters and hunting in the bottoms, and all that pleasant sort of life. Negroes take naturally to the water. It wants a firm, steady, dignified hand in all the departments of the Freedmen's Bureau. It needs officers whom the negroes are compelled to respect, and who have authority enough over them to force them to make contracts, or to show that they have some business—some way of living besides stealing. The authority of the United States should reach so far as to take from the plantations when the crops are gathered, under the auspices of the Freedmen's Bureau, sufficient to fulfil the contracts with the freedmen, if the planter should neglect or refuse to comply with the contract. The Freedmen's Bureau, judiciously and ably conducted, is the salvation of the south. That is my conclusion as to the Freedmen's Bureau.

Question. From what you have seen and heard from candid and thoughtful men at the south, what would be the effect of a discontinuance of that bureau?

Answer. I think it would be disastrous to the negro population, and I think it would be equally injurious to the planting interest.

Question. State in what way it would be injurious to the planting interest.

Answer. By restricting the amount of crops. The negroes would not work with anything of the efficiency that they will now, in the confidence they have in the Freedmen's Bureau to protect their interests.

Question. Why would they not work? What would be the trouble?

Answer. Two things: first, their native, natural, indolent habits; and secondly, the fear that they would not be paid according to contract by their employers, unless they had the protection of the Freedmen's Bureau.

Question. Would they probably be reasonably paid by the planters?

Answer. I hate to answer that. I think in a majority of instances they would not. We will say in many instances. I do not wish to say a majority.

Question. If the freedmen felt secure as northern laborers do that they would get a fair compensation for their labor without the intervention of bureau authority, would they then work?

Answer. I do not think they would work with anything like the efficiency, keep as good habits, and produce such good crops, as they would with the authority of the bureau over them.

Question. State what your observation has been as to the general feeling among the intelligent and fair-minded planters about the necessity and utility of that bureau.

Answer. To the best of my judgment, the fair-minded planters are for having the bureau sustained with efficiency.

Question. In regard to the sea-islands, what is the trouble about them? What is the complaint in reference to them on the part of whites and blacks? I want a plain statement of the facts as you have ascertained them there.

Answer. The people there who are interested in those sea-islands and in the rice plantations back thirty miles from the coast regarded the authority of General Sherman's order as valid so long as its necessity for military purposes continued; but when they came forward and took the oath of amnesty, and complied with the proclamation of the President, they were, or a majority of them on the coast of Georgia were, competent to reclaim this land, and they made moves for that purpose. When this bill was introduced, which was to sequestrate their lands for a term of years, continuing to keep them dispossessed without compensation, it created great excitement among them. They deemed it an exhibition of a lack of good faith on the part of the government of the United States, and it militated seriously against the confidence that they had in the Congress of the United States. They felt as though if the land could be taken for three years it could be just as well taken for all time.

Question. Will you, in direct connexion with that subject, see to what clause of the bill you refer?

(Witness refers to section 5 of the Freedmen's Bureau bill, recently vetoed by President Johnson, as follows:)

"SEC. 5. *And be it further enacted*, That the occupants of land under Major General Sherman's special field order, dated at Savannah, January sixteen, eighteen hundred and sixty-five, are hereby confirmed in their possession for the period of three years from the date of said order, and no person shall be disturbed in or ousted from said possession during said three years, unless a settlement shall be made with said occupant by the former owner, his heirs, or assigns, satisfactory to the Commissioner of the Freedmen's Bureau: *Provided*, That whenever the former owners of lands occupied under General Sherman's field order shall make application for restoration of said lands, the Commissioner is hereby authorized, upon the agreement and with the written consent of said occupants, to procure other lands for them by rent or purchase, not exceeding forty acres for each occupant, upon the terms and conditions named in section four of this act, or to set apart for them, out of the public lands assigned for that purpose in section four of this act, forty acres each, upon the same terms and conditions."

Witness. This is not exactly the thing they claimed it was. Their idea was this: that having accepted the provisions of amnesty on taking the oath, they should be put in possession of their property. Among the conditions prescribed in the orders promulgated by the Freedmen's Bureau was that the negroes should have the gathering of the crop then planted, or should be paid for the crops and improvements before the removal of the freedmen from it. They say: "We accepted these terms; we waited until the crop was gathered; we then asked to be restored to our property, and the Congress of the United States steps in with a bill saying you cannot have it for three years." That was the construction upon it, and it was the generally accepted construction of the law. It created very great dissatisfaction among all classes there. They regarded it as a stepping stone towards further absorption of their real estate, and towards subjecting all their lands and property to be taken possession of by the government without the action of the confiscation laws to prove first that they were rebels. They deemed it illegal and unconstitutional, and it created a great deal of disaffection. The general freedmen's bill, aside from that item as to the lands embraced in Sherman's order, was, by the thinking portion of the people of Georgia, regarded with favor; but with that provision in, they deemed it highly detrimental to their interests, against their constitutional rights, and contrary to good faith, in view of the amnesty proclamation.

Question. About how many negroes have settled on those islands under General Sherman's order?

Answer. I have no competent data to go by, but judging from hearsay I should judge there were several thousand.

Question. Have they been cultivating the islands?

Answer. Oh, yes, sir; they have been raising good crops, as I have been told. All those negroes who are there working as communities would be employed by the owners of the land, and I have no doubt a very large number more. In the instance of the heirs of Thomas Butler King, they had taken their negroes into the interior and had fed them and taken care of them, all the time waiting to go back to the islands, and had made arrangements with them for pay under the stipulations of the Freedmen's Bureau. They themselves were not allowed to go on the island, were not allowed to pay a visit to the island, as they informed me, and their old negroes who were born and brought up there were not allowed to go back either. It is a very elegant plantation, and strange negroes were put on there.

Question. How do the people of the south, so far as you have seen, feel in reference to the education of the negroes; do they seem to favor it, or are they opposed to it?

Answer. I do not recollect hearing them make use of any expressions about it; I think that very few of them have thought enough about it. There is one instance further in reference to these islands which you ought to know about.

Question. State it.

Answer. I refer to the great Cumberland island lying off the coast of Georgia, the greater part of which is owned by Colonel Stafford; he was born and brought up there; he is now an old gentleman seventy-four or seventy-five years of age. About a year ago, before the war ended, I visited him on his island; he was living there all alone, attended by two or three negro women, all the servants that were left to him on his immense plantation of thirty thousand acres, of which ten thousand are under plough. When the war broke out the confederates ordered off both islands all the people, white and black. In some instances they did not go, and among those who remained was Colonel Stafford. The confederates came in boats to remove his corn and his cotton; he understood they were coming to remove his cotton, and he determined they should not have it. He first asked them to let him alone, saying he was an old man, beyond the conscript age; that he was on an island; that he wanted no excitement, and wanted to be let alone on his own little island. They determined to remove his property and to remove him, but he declined to go alive, and they let him alone. He had, as he informed me, six hundred bales of sea-island cotton of his own raising, piled up and in his gin houses. He set his negroes to work piling up that cotton, and on the approach of the confederates to carry it away, rather than they should have it, he fired it and burned it up. He would have fired all his corn-cribs, but he could not do it without burning all his buildings; consequently they loaded their vessels with his corn and carried it away. He had a twenty-thousand acre range of pasture land on which he had large droves of cattle. The confederate forces drove off steamboat-loads of his cattle for their use; the federal gunboats came in and drove them away, and the federals helped themselves to beef, and pork, and honey, &c., so that the old gentleman was awfully stripped by both armies, while he never gave anything to either. Among other things, as he told me, three hundred of his able-bodied negro men went either into the United States army or the United States navy, and now the old gentleman says, standing on his porch, with tears flowing down his face, and with his long gray locks floating in the wind, "Here I am with nothing but the land, and the order of General Sherman takes me off the island."

Question. Has he left the island?

Answer. I did not see him when I was down there the last time, and I do not know whether he has left the island or not. Now there is the case of a man, guilty of no belligerent act, who suffered from all parties, and now the Congress of the United States proposes to legislate him off his land without compensation. You can see how, in the case of a man known all through the south, and also well known in the north, such an act of Congress strikes the mind of everybody in the south. They say, "My God! where are we? What sort of a government do we live under?"

Question. How do they feel in that region about the negro enjoying the right of suffrage?

Answer. Oh, they are deadly opposed to it.

Question. Do you suppose they ever would agree to it?

Answer. No, sir, except it may be in a modified form

Question. That is, under some restriction as to property or intelligence?

Answer. Yes, sir, under property or educational qualifications.

Question. Did you visit South Carolina?

Answer. I was in Charleston two days.

Question. How did you find the state of feeling in that city?

Answer. I travelled from there through the State. The popularity of the Freedmen's Bureau is not so favorable in South Carolina as it is in the State of Georgia. I judged that it arose from a less efficient exercise of the functions of the bureau as to inducing or compelling the negroes to make contracts and go on and work.

Question. Who had charge of the bureau in South Carolina while you were there?

Answer. I do not know. I think that General Saxton had been removed, and that General

Scott had charge; but whether he was in charge of the whole State or coast part I am not aware.

Question. Did you hear any other expressions among the South Carolinians in regard to the government of the United States? Have they changed their views as to the right of secession?

Answer. In conversation they regard the matter of State rights, or the right of secession—to use the expression of one of them—as played out.

Question. Do they evince a willingness to become loyal, faithful citizens of the United States; to uphold the government and go on as friends of the government; or are they looking for some future event by which they may succeed in getting out of the Union?

Answer. I think they accept the condition of things as they are, without looking forward to further revolutions.

Question. In case of a hard war between the United States and any foreign power, such as England or France, by which we should be put to our utmost efforts to defend the national honor and interests, and in case these people should discover, or should think they discovered a fair chance to secure their independence and shake off the authority of the United States, what course, in your opinion, would they pursue?

Answer. I think that in case of a war with England, particularly, we would have almost the unanimous support of the southern soldiery; but I think that if, independent of a foreign war, these people had a reasonable show of success, a reasonable chance of gaining their independence, they would embrace the opportunity. That is putting it strong.

Question. In such a case you would not expect to see much opposition to a rising among them against the government? You would expect to see a pretty substantial unanimity among the people, would you not?

Answer. The feeling in the past war was one of almost entire unanimity, so far as I have been able to learn the sentiments a year ago and during this present season.

Question. What, in your judgment, has been the effect of President Johnson's liberal policy in granting amnesties and pardons to rebels; has it inspired them with respect and love for the government of the United States, or has it increased their contempt and hatred of it?

Answer. Among the masses of the people who availed themselves of that kindness it has had a beneficial effect. It has promoted confidence in the government of the United States. With some persons of violent dispositions, and with leading politicians, I think it has had the effect of making them more contemptuous; making them look upon us with a less degree of respect.

Question. What political schemes do they really cherish, so far as you can observe, in case they are re-admitted into the Union?

Answer. I really have no definite idea of their plans.

Question. Do they look to an alliance with the so-called copperhead or democratic party of the north?

Answer. I cannot say that I have heard expressions of that kind.

Question. How do the leading planters and the solid men among the secessionists regard northern democracy?

Answer. They regard the ultra democratic party of the north as their friends and allies, and they look to them as their sustainers in opposition to the republican party.

Question. Have they at the same time a respect for the political principles of the northern democracy?

Answer. They regard the democratic party as their sustainers, the ultra democratic party; what we term here the copperhead party. That is the prevailing sentiment, according to my judgment.

Question. Were you in the south during the war?

Answer. No, sir. I was on the coast of Georgia and in Florida from the latter part of January, 1865, until about a month after the surrender of Johnston.

Question. Have you property in the south?

Answer. Yes; a large property in southern Georgia.

Question. Chiefly consisting of railroad property?

Answer. Chiefly of railroad property and lands.

Question. Are you a native of Georgia?

Answer. No, sir. I was born in Pennsylvania, and live in the city of New York.

Question. Is there anything else you wish to state to the committee?

Answer. No, sir.

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WASHINGTON, *March* 1, 1866.

Brevet Lieutenant Colonel Hunter Brook sworn and examined.

By Mr. BOUTWELL:

Question. Please give your name, age, and present employment.

Answer. My name is Hunter Brook; I am thirty-five years of age; I belong to the United

States army, and am acting provost marshal general and judge advocate of the department of Alabama.

Question. What have been your opportunities, since Lee's surrender, of obtaining a knowledge of the condition of the people in the States of Arkansas, Mississippi, Alabama, and Georgia, or either of them?

Answer. I have been in the State of Alabama on military duty constantly since the 23d of July, 1865. For the first month I was provost marshal of the district comprising the twelve lower counties of Alabama. After that I was provost marshal general of the State. I received the reports of the local provost marshals of the different districts, of which there were four in the State—Huntsville, Talledega, Montgomery, and Mobile. I received their regular reports, and heard, of course, of any extraordinary event that occurred. I superintended, to some extent, the administering of the amnesty oath, for which we had an officer of some grade in nearly every county in the State. My instructions to subordinate provost marshals, in sending these officers out, was, that, in addition to their regular reports, they should also report as often as possible the general temper and condition of the people as to loyalty. These instructions were complied with only partially; but I was in constant communication with these officers, either personally or otherwise, and had opportunities of learning what their experience was.

Question. Considering the latest accounts which you received, what was the condition of the people of Alabama in reference to loyalty?

Answer. The people seemed to be fretting, as a general thing, under military rule, and I think entirely without cause. The result of this was, that we heard a great deal of disloyalty, and very little of loyalty, both from public men in the State and from private citizens. In the city of Mobile, where I am stationed, there are, of course, many prominent citizens whose behavior is unexceptionable, and whose general reputation for loyalty nobody could impeach. But these men seem to differ with the government entirely as to its policy upon the subject of slavery, and to adhere to their old teachings and feelings on that subject. I do not know in the State of Alabama of a loyal newspaper upon that question. I understood there was a paper published in Huntsville, called the Liberty Herald, or something of that description, but I never heard of it in the State, and if it is published, it is certainly some temporary enterprise, conducted by parties from the north. It was never recognized in the State. The whole tenor of the press of the State is to excite trouble and disloyalty constantly. You could scarcely, out of three prominent newspapers of Mobile, and one of which is owned by a northern man, pick up a copy that does not contain a fling either at the military occupation or the Freedmen's Bureau, although officially I have never been called upon to offer any resistance, or interfere in any way as the military police officer of the department in behalf of the Freedmen's Bureau in the State. They have always maintained themselves. During the recent elections in Alabama the department commander received information that the amnesty oath, which had been prescribed by the President as a necessary qualification for voting, was generally disregarded. I instituted inquiry through the local provost marshals, and found that to be the fact. A report of it was made and forwarded through General Thomas to Washington. The department has never since received any instructions about it, and the parties elected at that election to local offices have assumed, and are now carrying on, the duties of their offices.

Question. If the people of Alabama were left to themselves to act as they pleased, would they prefer to remain under the present government, or to see the confederacy established?

Answer. I think a majority of them would prefer to see the confederacy established.

Question. What would be the condition of the freedmen and of the Union men who have been truly loyal during the war if the military and the Freedmen's Bureau should be withdrawn?

Answer. I think they would be subjected to a great deal of persecution, and finally compelled to leave the State. Just before I left Mobile there was a despatch published in the papers as being authorized by Governor Patton, stating that he had received information from General Thomas that the troops were to be withdrawn from the State, and that the militia were to be furnished with arms and ammunition. That despatch seemed to create a great deal of excitement among the resident Union men and the northern residents who had settled there and invested their capital both in the country and in the city of Mobile. Not less than fifty men called upon me at my office, and I suppose a larger number did upon General Wood, to know whether the despatch was warranted or not; whether it was going to be carried out, and how soon, which inquiries they made with the hope that they would have time to withdraw their investments, and leave the State when the military did. Of course, the only reply we could give was, that we had no official knowledge of it as yet, and if we had, we had nothing to say. They then begged to know if we could not use some military influence to delay it long enough for them to protest, and a number of reliable persons with whom I was acquainted, ex-officers of the army and others representing a capital of over a million dollars, stated that they would get up a remonstrance of that description and send it on if we could give them any assurance that they would be protected in doing it. I left the next day, before anything was done, and saw by the newspapers that Congress had taken the thing in hand, and passed resolutions upon the subject. Everybody I saw the morning of my leaving seemed to be satisfied so far as we could assure them.

Question. In the elections that have taken place, were Union men or men who had been in the rebellion generally elected?

Answer. Almost invariably men who had been in the rebellion. They elected in Madison county, in the Huntsville district of the State, to the office of sheriff of the county a young man whom I know personally, and who I know before the war could not by any manner of means, with the reputation he had, have been elected constable. But he was the murderer of Brigadier General McCook, was distinguished in the war as a partisan ranger, and, as I was informed by officers who were present in that locality at the time of the election, this was considered his great merit. He was then under sentence for that murder. He was subsequently arrested, I believe, by order of the President of the United States and taken to Nashville in irons. This was after he was elected sheriff.

Question. Do you know of any expectation that the government is to compensate the people for their slaves or for property destroyed or injured by our troops?

Answer. There are people preparing and hoping for the allowance of such claims for property, but whether the expectation is very general or not I am not able to say. Some have hopes of remuneration for such losses, especially those arising from Wilson's raid.

Question. As far as you have observed, what is the disposition among the negroes in regard to education and the general improvement of their race?

Answer. They seem to be very ambitious in that way. I have had very little to do with them directly. My attention has been called to the subject in various ways indirectly. They are very ambitious on the subject themselves, but get little or no encouragement whatever from any influential people of the State that I know of. When General Howard was in Mobile he went with General Wood and called on a Dr. Nott, who is perhaps the ablest physician in the State of Alabama, and a leading man in his profession, in reference to a temporary occupation of the Medical College of Mobile, which was not in use at the time, and for the use of which there was little or no prospect, it being out of capital and there being few students in the State able to attend and pay. The use of the building I refer to was for the establishment of a large colored school. I was informed by General Wood that Dr. Nott replied to that request by saying he would rather see the building burned to the ground than used for any such purpose. My impression is that they kept it any how, as they had it at the time.

Question. Please state any other facts in your possession pertinent to the subject of this investigation.

Answer. In reference to the question of government cotton, I think the management of that matter shows, to some extent, the temper of the people, as far as the government is concerned. We have heard the testimony in open court of as many as a dozen witnesses, considered in the interior as responsible planters, to the fact that a large majority of the people do not and never will recognize the title of the government to that property, and never will give any assistance to the government in obtaining it, as they never have done. Frequent collisions have occurred in different parts of the State between the people and the parties sent there by the Treasury Department, and also by the military, for the collection of this cotton. There are parties of citizens who band together to resist the officers of the government sent out for this purpose. Within five or six weeks steamers loaded with that property have been fired upon. The governor of the State has been officially notified that these occurrences are going on in different sections of the State, but what steps he has taken, if any at all, upon the subject, I do not know.

Question. What was the nature of the government title to the property you refer to?

Answer. It was cotton surrendered by General Dick Taylor as being the property of the confederate government. It had been subscribed by private individuals for the support of that government, but the title to it had gone out of the hands of the original planters. On one occasion I sent a man into the county of Choctaw to collect some information in reference to cotton-stealing. I sent with him a lieutenant and twenty-men to protect him. That man with his party were driven out of the county by armed citizens with the probate judge of the county at their head. We had to send a battalion of cavalry to accomplish what we wished. But that is dying away to some extent. The people feel exceedingly sore in reference to their political position, and it is discussed very bitterly, publicly and privately.

Question. Of what do they complain?

Answer. Of the apparent impossibility of their procuring a representation in Congress.

Question. For what purpose do you understand they chiefly desire a representation in Congress?

Answer. I believe a majority of them desire it in order to establish themselves as citizens; that is, to establish the identity of their State, give validity to their laws, and enable them to declare their sentiments, and, if necessary, to make claims upon the general government both individually and as a State. I believe their general behavior would be much better if some such representation could be permitted. I have no opinion, of course, as an officer, as to how it should be done. I am confident the people feel that they are degraded beyond what they ought to be—whether they are right or wrong in that is another question—and that they would behave a great deal better if they had some such representation. I do not believe that the sober, sound sense of the State is led by their press, for it is an exceedingly weak press. I have heard many of their citizens say, and it is certainly my opinion, that it is the weakest

press in the south. They are unwilling that their sentiments should be represented, or rather misrepresented, as they have so far been by their press, and they therefore would like to have a representation of some sort in the councils of the nation, where their opinions and feelings might at least be *published* with some legitimate authority. As far as disregarding the oath of amnesty as a qualification for voting is concerned, I was informed by several prominent gentlemen who were elected to office in the fall election that the convention of the State had, by authority of the President, just before it adjourned, provided that it should not be a requisite. I have not been able to find this among the records of the convention, nor has General Wood received it officially from the governor. I desire to say, further, that the people of Alabama generally believe that the policy of the President has always been for their speedy restoration as a State with all their former functions; but this belief has been based upon the perverted comments of their press. So far as this policy has been *fairly* understood by officers on duty in the department, with proper modifications, this belief has been encouraged in mere social intercourse, although nothing has been ever said officially. This has been done in good faith, without instruction, and with a view to secure general good feeling and good order. I have heard that officers of the army are charged with discouraging efforts for proper reconstruction, but I sincerely hope the officers of the department of Alabama may be relieved from this charge as unjust and unwarranted.

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WASHINGTON, *March* 1, 1866.

W. A. P. Dillingham sworn and examined.

By Mr. BOUTWELL;

Question. What is your age, residence, and occupation?

Answer. Forty-one; I reside at Waterville, Maine; I am partly a farmer; I will give my occupation as a gentleman.

Question. Have you been in either of the States recently in rebellion since Lee's surrender; and if so, in what States?

Answer. I have been in Tennessee, Mississippi, and Louisiana.

Question. How much time have you spent in each since last March?

Answer. Several months. I spent but a very little time in Tennessee. I was at Memphis, and had business there which detained me but a short time. Most of the time I spent in Mississippi, and a few weeks in New Orleans, Louisiana.

Question. When did you leave Mississippi?

Answer. About the 20th of December last.

Answer. What was your business or occupation while there?

Answer. Treasury agent at Natchez.

Question. What service, as agent, did you perform?

Answer. I had charge of restricted commerce and commercial intercourse with insurrectionary districts.

Question. What means, if any, did that give you of ascertaining the condition and opinions of the people of Mississippi?

Answer. The business of the office was such that persons residing in different parts of the State of Mississippi, having business there, came into the office, and I had an opportunity, and sought the opportunity frequently, after the transaction of the business, to converse with them as to their views of the condition of the country, and other views, and also I had quite a number of cases presented for my consideration and action by the freedmen.

Question. As far as you have observed, what was the prevailing sentiment of the people concerning this government? Was it one of loyalty or disloyalty?

Answer. I think that in last March, before Lee's surrender, the general feeling in Mississippi, within the federal lines, of all classes with whom I had intercourse, was that of entire submission to the federal authority. At that time I very seldom saw persons from beyond the lines having any business with the office.

Question. What has been the state of public sentiment more recently?

Answer. The feeling in Mississippi last spring was that of submission to the government, and a disposition to accept readily any public officers the government might send there in a civil or military capacity. There was a feeling that they had no rights; that these had been forfeited by the rebellion. They were disposed to accept kindly, so far forth as they had any kindly feelings in their natures, whatever the government might propose. This was the feeling last spring, but subsequently that feeling seemed to disappear; and after the policy of President Johnson was thoroughly inaugurated, the old bitterness seemed to develop itself, to the feeling that they desired the management and control of their own State in their own hands, and after their own methods.

Question. Were the men appointed to office under Governor Sharkey generally loyal or disloyal?

Answer. I came up the river at the time Governor Sharkey was returning from Washington to Jackson; I met him at Memphis, and had a brief interview with him on the boat; he

told me had been to Washington, and had been very favorably impressed with President Johnson; that the President received him courteously, and treated him with more consideration than he had anticipated; that he had invested him with more authority even than he would willingly assume; that the President assured him that no person should be appointed to any civil position in the State without his nomination, and that the entire management of the State should be in his hands. And then he told me he should issue his warrant re-establishing in office all the old officers under the State government in Mississippi, provided they would take the oath of allegiance; and the governor very pleasantly remarked, "I think in thirty days we will have the State of Mississippi ready to go back in the Union." I am not aware that the governor appointed any man because he was disloyal, but I think he appointed several who were unfriendly towards the government; for instance, a judge at Vicksburg, appointed by Governor Sharkey, had been a rebel colonel; he had lost an arm in the service, and had recently come out of the army; and several of the officers appointed in Natchez had been notorious rebels.

Question. Do you know anything of the views which these appointees of Governor Sharkey you refer to entertained at that time concerning this government; whether they expressed a disposition to support it in good faith, or not?

Answer. The same evening I had an interview with Governor Sharkey. I also conversed quite freely with one of the party of gentlemen who came to Washington with Governor Sharkey. He used about this language: "The slate is made up in this way at Washington: the South is a unit, and the democrats and the conservative men at the north are to rally around President Johnson, form a new party and re-elect him to the presidency." "And," said he, "we accept that proposition very cheerfully." He said the radicals at the north proposed even to educate niggers and give them the right of voting. The gentleman who made this remark was one who accompanied Governor Sharkey; and the same gentleman also assured me that President Johnson told him he should be appointed United States marshal of Mississippi soon. The young man had not been out of the rebel service but a short time when he made this statement. He cut the confederacy, as it were, and then started at once for Washington. I would also state, in answer to your general question, that last November, on my passage down the Mississippi river, I was in company with General Dick Taylor for about a week, and became quite intimately acquainted with him. We discussed the questions before the country very freely, and here is one point which I will briefly allude to among many points that were brought up. We were speaking of the feelings in the rebel States towards men nominated and elected to office. I asked the question why in the State of Mississippi the regular nominee for governor of the State convention, called by order of Governor Sharkey, all the delegates to which were elected by the people in the presence of no federal bayonets, was not supported? Judge Fisher, the nominee of that convention, was a man of eminent learning, of high judicial position, a man who had been a non-combatant during the war, his age releasing him from conscription, and I asked why they did not elevate him to the governorship instead of General Humphreys. The general was very frank in his reply. Said he, "The southern people, Mr. Dillingham, will support for either State or municipal office no individual who was indifferent to the success of the confederates during the war. Unless a man fought for his country, (meaning the confederacy,) he could not receive the votes of the southern people." Said I, "General, you retain all your old attachments, prepossessions, and prejudices of the southern people." "Certainly I do." Said I, "General, suppose President Lincoln were living, and for the next presidential election Jeff. Davis and Lincoln were rival candidates; whom would you support?" Without hesitation, he said, "Certainly Jefferson Davis."

Question. According to your observation, is it your opinion that the people of Mississippi would prefer, if they had the power to choose, the establishment of the confederacy or the maintenance of the Union?

Answer. They would prefer the establishment of the confederacy.

Question. Have you any opinion as to the proportion of people there who would prefer the confederacy to the Union, if the confederacy were possible?

Answer. I had conversations with many persons, and of the different classes of persons, and those who expressed an attachment for the government and rejoiced that the confederacy had failed were exceptions to the rule. I think three-fourths to be moderate, in my estimate.

Question. If the people of the State of Mississippi should be left to execute their own will, without interference from the national government in reference to the freedmen and those persons who are known to have been supporters of the Union during the war, what would be the probable policy of that State in regard to these two classes of persons?

Answer. Of course they would recognize the emancipation proclamation, with their present feelings towards the government and with the understanding that they must execute it; but even after accepting that proclamation of emancipation they would do just this: they would give the negroes their personal freedom, so that they should not be bought and sold, and if their own views could be carried out they would not allow them to buy, hold property, or testify in the courts unless it was in cases between negroes, or to have schools, or exercise the elective franchise, which, in their judgment, is the sum of all evils; they would support no loyal whites for office, and as far as they possibly could I think they would exclude them from their society, and that they would be generally under the ban of their displeasure.

Question. Do you know any of the men that have been elected by the people of Mississippi as representatives or senators in Congress except Governor Sharkey?

Answer. I do not. I have no personal acquaintance with any other.

Question. Did you observe the operation of the Freedmen's Bureau; and if so, what is your opinion of the bureau as to its being beneficial or otherwise?

Answer. I think it has been serviceable. The officers, many of them in Mississippi, in Natchez, and about there, I was personally acquainted with, and they were generally men of good abilities, and discharged their duties acceptably and faithfully. Why, sir, the agents of the Freedmen's Bureau were the sheet anchor and hope for the poor colored men there. I do not know what these colored men, many of them, would have done without their aid in collecting their claims for services rendered, and meeting successfully the unjust and oppressive acts of the old citizens with rebel antecedents. I will furthermore state that I had occasion to go into Wilkerson county, thirty miles from Natchez, where there had been disturbances in the relations between the old masters and the freedmen. The freedmen felt that unless they left their old masters, went away and sought new employers, somehow or other they were still slaves, and would not receive any wages for their labor. Labor was in a very unsettled condition there; many whites also feared insurrection about Christmas. They requested that an agent, with a few persons connected with the bureau, should be sent there. A few officers, perhaps two or three, were sent, and their effect upon all that colored population, far and near, was most gratifying. The agent gave notice that he would address the colored people, and they came from far and near. There must have been two or three thousand persons at least. He spoke to them of their new relations and duties; what the government would do for them; that it would see that they had their wages for the services rendered; then he enjoined upon them the duty of industry and fidelity. These people went home, and several old citizens with whom I had conversation upon the subject remarked the improved state of things the presence of the agent there had produced upon the colored people.

Question. What, as far as you have observed, is the disposition of the colored people with reference to labor for which they are properly paid?

Answer. I can give you one case which, I think, is a representative one. I know James McGill, who lives at St. Joseph, Louisiana; who, by the way, is a very conscientious and upright man, though he sympathized with the rebellion. I had a considerable acquaintance with him in the Treasury Department, and therefore I allude to his case particularly. He accepted the new order of things, and told those who had been his slaves that they were free, (he had them drawn up about him where he could address them;) that they could go if they were so disposed; but he recommended them to remain with him, and said, you know whether I have been kind to you when I was your master; you know whether I have treated you kindly and justly; now, I think it would be better for you to remain with me; if you will do so I will pay you for your services so much a month; you shall have homes, and I will make you just as comfortable and as happy as I can. His people all remained with him, and at the close of the year he paid them according to agreement. He had very little, if any, difficulty with them during the entire year. I saw him last December, when he was about making new contracts with his freedmen, and he said his people worked better under the free system than under the old slave system; and furthermore, he said to me they did better this last year than they did the year before. And where men employing them treat them kindly, and pay them justly, I have never heard of any serious difficulty about the negro refusing to labor.

Question. As far as you have observed, what is the disposition of the negro in regard to education?

Answer. To improve every opportunity. That seems to be an extravagant statement, and yet I can deliberately and truly make it.

Question. How is it in regard to saving their earnings; are they disposed to do so, or otherwise inclined?

Answer. I often heard the remark made in Natchez that the negroes have more greenbacks than the white people have in that city. I think where there is a savings bank, and friends who have influence with them would suggest to them the propriety of saving their means and investing them in United States bonds, they would heed such suggestion very generally; but otherwise, I think they would be disposed, like other people having money, to spend it as other persons do.

Question. You spoke of an apprehension about Christmas of insurrection; do you apprehend any danger from negro insurrection?

Answer. None in the least. I took pains to see Major Reynolds, provost marshal in Natchez, in reference to that impression, which was prevalent even among sensible, intelligent people of the old citizens. In Natchez some of the old citizens went so far in their apprehension of disturbance about Christmas as to call upon Major Reynolds and ask him to provide against it. The major took a very sensible course. He invited several leading colored men in Natchez to call at his room. They did so; and he asked them if anything of that kind was in contemplation. The colored men made the remark that there would be no insurrection upon the part of the blacks; if there were any insurrection it would be gotten up by the whites. There is this noticeable and lamentable change in the state of public senti-

ment between last spring and the present winter. I frequently had occasion to travel on the boats about the time Mobile fell and the government was giving transportation home to rebel officers and soldiers, and on these boats at that time the rebel soldiers, of course, were very quiet and well-behaved. The officers occasionally would come into the cabin, but were silent, and conducted themselves as though they were there by favor. During last winter I had occasion again to travel considerably on boats on the river, and the change was marked: rebels, open, bitter and defiant rebels, seemed to be as plentiful as blackberries, and rebel officers, or those who had been officers in the rebel army, seemed to be the principal characters on board the boats. Coming up the river in December, we had as passengers a large delegation of General Morgan's men, some of them most desperate characters, who had disgraced guerilla warfare. They came on that boat, and they felt that they had been reconstructed fully. I saw a letter recently from a colored sergeant in New Orleans, written to his old colonel in Waterville, Maine. He said that when colored soldiers were mustered out of the army they go into the country to visit their friends, and they are subjected to all kinds of outrages—hunted, bruised, and some of them shot. Here in New Orleans, if it is known that a colored man has been in the United States army, he is not employed if it is possible to find a negro who has not been in the army. And he adds: "In God and in Congress are all our hopes; if they do not do something for us, what will become of the colored man?"

Question. Can you give the name of the person you met in the steamboat in company with Governor Skarkey, on his return from Washington?

Answer. That was Colonel Hamilton.

Question. Was he afterwards appointed or chosen to any office in the State? If so, what.

Answer. I am not aware that Colonel Hamilton received his commission as United States marshal; but he had the assurance. He told me while in Washington that he should receive it.

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WASHINGTON, *March* 2, 1866.

S. R. Harrington sworn and examined.

By Mr. BOUTWELL:

Question. What is your age, residence, and occupation?

Answer. I am 28 years of age; I am now a resident of this city, and am a lawyer by profession.

Question. Have you been, during or since the war of the rebellion, in Arkansas, Mississippi, Alabama, or Georgia?

Answer. I was in the State of Arkansas nearly three years during the war, and have been there since.

Question. When did you leave Arkansas?

Answer. About the 1st of December, 1865.

Question. In what capacity were you employed after the surrender of Lee?

Answer. I was then out of the service. I was here when Lee surrendered. I visited friends in the north, and returned to Arkansas in September last. I left Arkansas the first time in January, 1865, when I was mustered out of the service.

Question. What position did you occupy in the service?

Answer. I was major in the 5th Kansas cavalry, and for a portion of the time acting assistant inspector general of the department.

Question. What portions of Arkansas did you visit when you were last there?

Answer. I was at Pine Bluff, on the Arkansas river, and at points in that vicinity, out through the country among the citizens, and looking at plantations.

Question. So far as you observed, what was the condition of the people, and their sentiments and purposes with reference to the national government?

Answer. They seemed cheerfully to accept the result of the war—that is, the large majority of them, and are so glad to have peace that they do not regret the failure of the confederacy. I speak of the officers who had served in the confederate armies. A great many of them told me that they were glad the war had resulted as it did; that they had been defeated; that they had looked upon the leaders of the confederacy at the commencement as patriots, but that now they had different views of them; that they considered their motives mere selfishness and a desire for power, and the moment they discovered they were not fighting for slavery they lost confidence in their leaders.

Question. If it were possible to establish the confederacy, would a majority of the people of Arkansas, so far as you know, prefer its establishment to a continuance of the Union?

Answer. I think a majority of the people of Arkansas now prefer the Union. The people, in the northwestern part of Arkansas especially, are a poor people, and owned but few slaves. They were devotedly attached to the Union. I was with them at the breaking out of the war. The only channel through which the leaders could get them to espouse the cause of the confederacy was the subject of the negro. Being an ignorant people, they are governed

by their prejudices, and when the people were made to believe that the war upon the part of the government was for the purpose of placing the negro on an equality with them, they seemed willing to go out of the Union. That was the only argument used by the speakers in that part of the State. Many of the people, however, remained loyal all through the war, hundreds of them, especially, in the northwestern portion of the State. Down on the cotton plantations there is a different class of people. There disloyal sentiments were much more prevalent at the breaking out of the war. But I conversed since the war with many of the most prominent men, such as Judge Compton, one of the supreme judges of the State before the war, and he held the same position under the confederate government. He said the question had been decided by the best court known to man, the sword, and he acquiesced in the decision, although he had ardently wished it otherwise. There was a confederate colonel present, who remarked, "Yes, because had we succeeded we would have gone on to hell." There are a great many northern people settling there. Probably forty ex-officers who served with me have settled in the vicinity of Pine Bluff, where they are farming or practicing their professions. They are welcomed by the citizens with much more cordiality than they would have been before the war. Although there is still much prejudice against the northern people, there is more respect for them than before the war.

Question. Do you know anything of the men from Arkansas who are here claiming seats in Congress?

Answer. I was acquainted with Mr. Snow, senator elect, and Colonel Kyle, member of Congress elect. I formed their acquaintance during the war, while I was an officer.

Question. Do you esteem them as loyal men through the war?

Answer. Colonel Kyle has a record without a blemish. I had it from rebels during the war, who said that he was always an old abolitionist, and that they ought to have hung him before we came there. I never knew that Colonel Kyle professed anything else than loyalty. It seems that many persons supposed that Mr. Snow was loyal to the confederacy before we came. Mr. Snow, however, was very glad to receive us when we came, and welcomed us as friends, and his conduct since then, so far as I have known, has been that of a patriotic, loyal man.

Question. According to your observation, what is the condition of the freedmen in Arkansas?

Answer. So far as my observation went, there was universal satisfaction expressed with General Sprague in his manner of conducting the Freedmen's Bureau. There seemed to be a desire that there should be no doubt as to the qualification or right of the negro to make a contract. Some of the returned rebels found some fault with the test oath, and some with the amendment of the State constitution, striking out the word "free" wherever it occurred, placing the white man and the negro upon an equality, so far as it regards contract, oath, &c. There were, however, different views in regard to the legality of that act, or the full meaning of it, among the lawyers of the State. Some contended that it gave the negroes a right to vote. Others contended that striking out the word "free" did not affect the matter any way. There was some quibbling about that, and some act of the State was desired.

Question. What would be the feeling of the people of Arkansas in reference to conferring upon the negroes the right to vote, either universal or qualified suffrage?

Answer. A qualified suffrage might find some supporters, a very respectable number. But unqualified suffrage would find hardly any advocates. There is a strong prejudice against the colored man in that respect.

Question. What is the disposition of the negroes in regard to work? Are they disposed to labor?

Answer. Yes, sir, and they are equally sought for. There are not enough there to perform the labor required, so many of the cotton plantations have been opened up this year by northern men. The negroes show a disposition to contract with northern men, rather than with their former masters.

Question. If the season is favorable, what do you anticipate will be the crop this year in Arkansas, as compared with the crops before the war?

Answer. Probably about one-half.

Question. Why should there be so much diminution?

Answer. The plantations have been so much destroyed and overgrown with brush and weeds, and the fences and cotton gins have been destroyed to such an extent, and there is such a scarcity of labor; all these causes will have their effect.

Question. Have you any information as to the number of men on both sides Arkansas has lost during the war?

Answer. I have not.

Question. Of what State are you a native?

Answer. Of the State of New York. I went to Kansas in 1855, and was there all through the troubles there.

WASHINGTON, D. C., *March* 2, 1866.

General B. H. Grierson sworn and examined.

By Mr. BOUTWELL:

Question. State your age, residence, and occupation.

Answer. I am thirty-nine years of age. I reside in Jacksonville, Illinois. I have no occupation at present.

Question. Have you been connected with the army during the last war; if so, for how long a period, and in what capacity?

Answer. I have been, for nearly five years, in various grades, first as aid to General Prentiss, afterwards major and colonel of the 6th Illinois cavalry, and brigadier and brevet major general of volunteers.

Question. In what parts of the country have you been employed while in the military service?

Answer. In Missouri, Kentucky, Tennessee, Mississippi, Louisiana, and Alabama. I have been in Georgia also, but only for a short time.

Question. Have you had any means of ascertaining the condition of the people in either of those States, and especially their opinions towards the national government since Lee's surrender?

Answer. Yes, sir.

Question. What means have you had, and what are the results of your observations?

Answer. About the time of Lee's surrender I started with five thousand cavalry on an expedition across the State of Alabama. From Mobile I marched into Georgia *via* Greenville and Eufaula, Alabama, where I was stopped by the news of the armistice between General Sherman and General Johnston. Upon receipt of official information of Johnston's surrender I moved with my command to Montgomery, Alabama, and, after Taylor's surrender, marched from there to Columbus, Mississippi, a distance altogether of about seven hundred miles. I think I had good opportunities to judge the people of the south correctly at that time and since.

Question. When did you leave Alabama?

Answer. In a short time after my arrival at Columbus, Mississippi, I was ordered to New Orleans to organize a force for Texas. About the time I was ready, the rebels surrendered there also. I then solicited an order to go home, as the war was over; and I was afterwards ordered to return to Alabama. I reported to General Woods, commanding department of Alabama, on the 16th of September, and was placed in command of the district of Huntsville. I remained in command until the 17th of January, 1866, and did not leave Alabama until about the 1st of February. At the time of the surrender of Lee and Johnston my impression of the people there was, that they were willing to accept almost any terms which might be granted to them by the government. There appeared to be great fear manifested by them that all their property would be confiscated, and that possibly they would not be allowed to remain in the country. That appeared to be the feeling among the wealthy and influential classes. I think at that time they would have been willing to accept any terms granted to them; but they have grown, from time to time, more exacting in their demands. Many of them had the appearance, at first, of accepting the situation, and of being willing to abide the result. This was particularly the case with the private soldiers and poorer classes of the south. There were, of course, a few of the wealthier classes who felt very bitter, and talked a good deal about leaving the south entirely, and about not being willing to remain there, offering to sell their property at reduced prices. I think that, instead of growing more willing to accept the situation, they are showing a more intense feeling of bitterness towards the government. I speak of the leading men more particularly. They do not appear to think that they have done anything wrong. Their only regret seems to be that they had not the means to carry out their designs.

Question. Is the feeling of hostility to the government a feeling which controls a great majority, or only a minority of the people in the region of which you have spoken?

Answer. It is the feeling of the majority. At the time of the appointment of the civil officers, a great many of those who had served during the rebellion were reappointed; there was hardly a loyal man appointed to any civil office; I do not know one who was. That, of course, indicates the feelings of the people. Then previous to the election, officers were stationed at different points to administer the amnesty oath; but a great many would not take it, and voted at the election without regard to it. In many of the counties their votes were taken without question. All who were elected were, so far as I know, men who had sympathized with the rebellion; many of them had been in the rebel army, and were bitter in their feelings against the United States government.

Question. To what do you attribute the change of sentiment between the time of Lee's surrender and later on?

Answer. That would be only a matter of opinion. I think that if the disloyal had been dealt with more severely, there would have been less dissatisfaction and more loyalty in the south to-day. Their demands have steadily increased. At the time I left, they complained that their congressmen were not admitted, and they seemed to think that on that account they were an injured people. I think that every congressman elected in the State of Ala-

bama was elected for his devotion to the cause of the rebellion; some of them served at Richmond as congressmen, and others as officers in the rebel army: but in no case, that I know of, was a loyal man elected. The truly loyal people of Alabama do not wish the present elected congressmen and senators from that State admitted into Congress.

Question. Do you know anything of secret organizations among the rebels?

Answer. I have carefully studied and considered that matter, and from many things that I have noticed—a general murmuring in the south, and a great anxiety to organize the militia, and to get rid of the army and the Freedmen's Bureau—I think there are such organizations. Of course I only give my opinion on that subject from everything I could learn, and from studying the southern people.

Question. What should you anticipate as the result of the withdrawing of the military and of the Freedmen's Bureau?

Answer. I do not think it would be right; I think it would result in great injustice and injury to the colored people, and also to the poorer classes of whites, and all loyal white men at the south.

Question. Do you know whether there is any expectation on the part of people in that section of the country that they are to be compensated in any way for their slaves, or for their other losses incurred during the war?

Answer. Yes, sir; there is a great feeling of that kind; they seem to think that their property has been stolen from them by the government; they do not accept the condition of the freedmen In many places where there are no troops, I have known instances of negroes being forced to call their former owners masters, as heretofore, and of their being told that, when the troops were removed they would be again forced into slavery; that they would be just as much slaves as ever.

Question. So far as you have observed, what is the disposition of the negroes in regard to work, if they are properly paid?

Answer. I have been very agreeably disappointed in regard to that. I found the negroes much more willing to work, and less disposed to depend upon the aid of the government, than I had supposed they would be. I have been surprised to see them go to work so freely and cheerfully I did not expect that a whole system of labor could be changed at once, as it were, and have so few evil results. I feared that a very large number of the negroes would have to be fed and supported a long time by the government; but perceiving their anxiety to get work, and their willingness to work for those who they think will pay them promptly, I have changed my mind entirely in regard to that matter.

Question. Is it your opinion that the negroes, if they had fair chance, will be a self-supporting people?

Answer. Yes, sir.

Question. What is their disposition in regard to education?

Answer. They are manifesting a wonderful desire to learn to read. They have scarcely a leisure moment that you cannot see them with a book in their hand learning to read, particularly those who have been soldiers or servants.

Question. Have you any apprehension that the influence of the negroes, whether they are or are not permitted to vote, would be thrown against the government under any circumstances?

Answer. Never, sir; in my opinion I think they are true. During my whole service in the army I have never yet found a negro who was not true to the country. They were always ready and willing to give information cheerfully—many times information of great value to the service.

Question. Do they generally understand the nature of the controversies in their leading particulars between the south and the north?

Answer. Yes, sir; they have manifested a great deal more intelligence than they have got credit for. In my trip through Mississippi I found in the centre of the State negroes running away from their masters with no vague conception of freedom, I assure you. They had a knowledge that the government was what they should stand by.

Question. What is the disposition of the negroes in regard to acquiring lands and getting homes?

Answer. They desire it, and they desire to remain where they have lived heretofore. They seem to be attached to their former homes or localities.

Question. What is the disposition of the white people in regard to allowing negroes to become land owners?

Answer. They do not favor it. The slaveholders felt some responsibility for the negroes when they were slaves, but they have thrown that off entirely now. They say: "The government freed you, and now let the government take care of you." In hiring negroes they try to hire those who have no old, or young, or feeble persons depending on them. Former slave owners will not lease or sell land to negroes.

Question. Do you apprehend a negro insurrection in case the negroes are not properly treated?

Answer. I think the negroes have shown a remarkable degree of patience, although many of them have been brutally treated since the surrender. They have manifested no disposition to rise in rebellion. The whites were alarmed about Christmas. They feared that there

would be a negro insurrection. The negroes believed that land was to be given to them, and that they would be aided and helped by the government, and the people rather construed that into an opinion that the negroes would rise up in arms against them; but I did not see any evidence to justify any such fear.

Question. If Alabama and Mississippi should be restored to political power in the government of the country, and if the elective franchise were left exclusively in the hands of the white people of those States, what should you expect would be the political character of the representatives from those States in regard to the payment of the national debt, the preservation of the Union, and the assumption of their own debts?

Answer. I think there is a great desire manifested by them for the assumption of their debt. They wish to bring that about, and many desire to be paid for their slaves. I think they would oppose the payment of the national debt. I think they have no patriotism for the Union. They appear to be now as much devoted to the cause of the rebellion as they were during the war. They appear to accept the situation because they cannot do anything else at present, not because they are satisfied with it. I think that, if another election were held for congressmen and senators, they would elect men who are even stronger in their sentiments for the south and against the government than those heretofore elected. They did in some cases try to pick men who would not be objectionable in every respect; but I think these men now would be objectionable to the southern people. I infer this from a great many things. For instance, all employés of railroad, telegraph, and express companies who were loyal to the government, are having their "heads cut off" and their places filled by sympathizers, with the relellion, many of them heretofore officers in the rebel service. I have received a letter from a telegraph operator who had been in the south during the whole war, and who had married a southern woman, stating that they were removing all employés not decidedly in favor of the confederacy, and putting in their places those who were; and he, knowing that his turn was coming, resigned his position and wrote to me to know if I could get him some position at the north. He states that to be the rule adopted. It had been carried out in many cases before I left Alabama. At the time of the surrender, and even after that, they manifested a disposition rather to divide this thing; but that is entirely changed.

Question. So far as you know, how do Alabama and Mississippi compare with Georgia and Tennessee in the particulars of which you have spoken?

Answer. I think there is not very much difference. If any, it is in favor of Tennessee. I think that Tennessee is rather the more loyal State.

Question. If you have any facts or views that you have not stated, you may state them now.

Answer. I have mentioned something in regard to organizing the militia. There seems to be a great desire on the part of the southern people for that, and to remove the Freedmen's Bureau. There is an intense hatred to the Freedmen's Bureau and to its officers. It is looked upon as a disgrace in that country, by those who now control it, to belong to the federal army; but, on the other hand, to have been an officer in the confederate army is a passport to society everywhere throughout the south. I believe that if the militia system were carried out, it would be organized into brigades and divisions, and would be officered throughout by rebel officers. I tried every way I could to get correct information of the people, and to judge them without any unkind feeling. I hoped that they would be loyal, or at least that they would accept the situation sincerely; but I am satisfied that they do not. I believe that there is an organization existing now throughout the south for the renewal of the rebellion. Many circumstances or things which have occurred since the surrender make me believe so. I have a statement from a reliable man that one of the present State representatives of Alabama said that an organization did exist throughout the whole south for that purpose, and I learned from other parties that the "Historical Society" has something to do with it. You may have observed notices of very large attendances at Historical Society meetings in Georgia and Alabama.*

Question. Did you have any interview with Governor Parsons, Governor Sharkey, or Governor Patton while you were in Alabama or Mississippi?

Answer. No, sir. Governor Patton was in Huntville while I was in command, but he did not call at headquarters. He seemed to be congratulating the people in regard to his success

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* The following order of Governor Humphreys of Mississippi, published in the New Orleans Picayune, has been received since the examination of General Grierson:

EXECUTIVE OFFICE, *Jackson, Miss., February* 9, 1866.

SIR: Your suggestion, recommending the organization of Historical Societies in each county of the State, must meet the cordial approbation of the people.

The actors in the great tragedy of the revolution are fast passing away, and much valuable information must be lost by delay. One side of the story has been written—truth has been hushed by the dumb eloquence of numbers and the flush of success; the world's verdict is rendered against the South and her people. Through the labor of these societies, durable records, in the form of maps, charts, and diagrams of the movements and countermovements of both armies—minute details of battles, skirmishes, robberies, conflagrations, and vandalism—together with the heroic part acted by our brave people, will be transmitted to posterity, to whom we appeal for the vindication of the truth of history and the rectitude of our cause.

Very respectfully, your obedient servant,

BENJ. G. HUMPHREYS, *Governor of Mississippi.*

Col. J. L. POWER, *Superintendent Army Records.*

with General Thomas as to the removal of troops from there, and as to the organization of the militia. He told them it would be organized immediately. In fact, he appointed colonels to whom he was to send commissions; and I think before that Governor Parsons had also sent commissions to them.

Question. What were the antecedents of the men thus commissioned?

Answer. So far as I know, they were officers of the late rebel army.

Question. Is there any public sentiment in the country of which you have spoken in regard to a foreign war. If so, what is it, and what are the ideas entertained?

Answer. They seem to manifest a great desire to have this country involved in a war with France in regard to Mexico. I think that, as a general thing, in case of such an event, they would seize that opportunity to turn against the government. Of course, there are exceptions, but that is the true sentiment of the leading people of the south, or of those there who have a controlling influence; and it is my firm belief, after all I have been able to learn of the southern people during the war and since the surrender, that the spirit of resistance still exists there as strong as ever, and that, in the event of this country engaging in a foreign war, the enemies of the government of the United States throughout the south do meditate, and will not fail, to seize that opportunity to attempt again its destruction.

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WASHINGTON, *March* 6, 1866.

Lieutenant Colonel Charles A. Henry sworn and examined.

By Mr. BOUTWELL:

Question. What is your age, residence, and occupation?

Answer. I am thirty-four years of age; I was formerly a physician, but am now a merchant by occupation; I am residing in Arkansas myself, but my family are at present living near Cincinnati.

Question. Have you been in the service of the government since Lee's surrender; and if so, where?

Answer. I have been in service in the department of Arkansas until the 19th of October, 1865, headquarters at Little Rock, as chief quartermaster of the 7th army corps, with the rank of lieutenant colonel.

Question. What opportunities have you had, since the war of the rebellion ceased, of ascertaining the condition of the people of Arkansas, and their opinions upon political matters?

Answer. I have been in very familiar communication with the Union party of the State. I was identified with them in their State organization of 1863 and 1864. My office was somewhat of a rendezvous for them. Part of the business of the people of the State of Arkansas with the quartermaster's department was done by me at my office at Little Rock. I am personally acquainted with nearly all the prominent men in the State, both of the Union and of the rebel element.

Question. Considering all the voting population of Arkansas, without reference to the fact whether they participated in the rebellion or not, would the majority be for the confederacy, if it was possible to establish it, or for the union of the United States?

Answer. So far as my knowledge goes, I think there are very few people in Arkansas who would be in favor of restoring the confederacy. A great many of the men who were prominent in the rebellion have expressed themselves as convinced that they had made a great mistake in going into the rebellion, and are now anxious to become citizens of the United States in good faith. Major General Fagan, of the rebel army, who commanded the rebel department of Arkansas; Governor Rector, who was governor of the State at the time of the passage of the ordinance of secession; Governor Fannigan, who succeeded him in that office; Mr Garland, who was a member of the confederate senate, and several other men occupying prominent positions, have expressed themselves as having become sensible that they had made a great mistake. Fagan and Garland were Union men up to the passage of the ordinance of secession; after that they went into the military and civil service of the confederacy. Rector and Fannigan were original Calhoun men.

Question. Are these men now confided in by the people who have been loyal all the time during the war?

Answer. There is a disposition on the part of the Union people in Arkansas to receive in good faith the assertions of these men, but not for the purpose of making them prominent before the people. There is no disposition on the part of the Union men in Arkansas to confer office upon those who have been in the rebel service; we are willing to have them come into our church as converts, but are disposed to let them occupy back seats for some years to come, as in the case of General Gantt. General Gantt has been a great deal of service to the Union element since he left the confederacy, some three years ago; but he has never been an applicant for office in the State.

Question. When was the last election in Arkansas?

Answer. In October, 1865.

Question. For the election of what officers was it held?

Answer. For the election of members of Congress, and, I think, to fill a few vacancies in county offices; but the election was principally for members of Congress, as Governor Murphy had failed to call an election in the spring.

Question. How did the aggregate vote at that election compare with the number of white persons in the State, males, over twenty-one years of age?

Answer. The vote was a small one. I left Little Rock a few days prior to the election, but the convass was nearly completed before I left. After I returned to Little Rock, in December, I understood that the vote was light, and I was satisfied that it would be.

Question. To what was that due?

Answer. To the fact that the Union party had very little confidence that the members would be admitted into Congress; Mr. Johnson and other members elect had been here for two sessions without being admitted, and the Union people felt somewhat discouraged at the prospect. Those men, it is true, had received their mileage, but had not been admitted to their seats. In the city of Little Rock alone there could have been polled 500 or 600 more votes for the Union candidate if it had been deemed necessary.

Question. When was the last election for governor and members of the legislature?

Answer. March 14, 1864.

Question. Is there another election to be held during the present month?

Answer. No; there is an election to be held, I think, in August for members of the lower house of the legislature, who are elected for two years only.

Question. Do you know what was the aggregate vote at the election in 1864?

Answer. It was between 12,000 and 12,500.

Question. What proportion was that of the voting population of the State at that time?

Answer. At the presidential election in 1860 the vote was 54,000 and some hundreds. That election probably brought out all the vote in Arkansas, as there was a great deal of bitterness in the canvass between the Douglas, the Bell-Everett, and Breckinridge men. At the election in March, 1864, for governor, State officers, and members of the legislature, we estimated that the Union candidates received a majority of the actual voters then present in the State of Arkansas.

Question. How do you account for the loss which that indicated?

Answer. By emigration to the north, both forced and voluntary, of the Union element, and by the absence in the State of Texas and other States south of persons in the rebel military and civil service. We estimated that there could not have been half the voting population in Arkansas at that time that there was in 1860.

Question. Has there been an increase of the voting population since 1864; and if so, to what extent, and from what sources?

Answer. There has been quite a large increase by the return of men of both parties—those who were originally Union men, and those who were originally rebels. The dispersing of the rebel army has thrown several thousands of men back into the State. And there has been comparatively quite a large northern immigration into Arkansas since hostilities ceased.

Question. What do you estimate the voting population of Arkansas to be at this time?

Answer. When I was in Arkansas, in January last, Governor Murphy, Secretary White, Judge Caldwell, United States judge, and myself, spent a great deal of time together in canvassing these matters, and the general opinion appeared to be that we ought to have about 40,000 voters in the State. It is impossible to tell exactly, without a census. Some portions of the State have lost very heavily, and the population has not been replaced. A great many men have been killed on both sides in Arkansas during the war. General Bishop, the present adjutant general of the State, and Governor Murphy assured me that the record showed that nearly 17,000 Arkansians had been in the federal service. In addition to the soldiers in the Arkansas regiments, several thousand volunteered in the Missouri, Kansas, and other regiments that were in Arkansas prior to the formation of the Arkansas regiments.

Question. Do you know how many went into the rebel service?

Answer. The number of rebel Arkansas regiments was some forty-odd; I do not remember whether it was 43, 45, or 47. I know we captured a Colonel Baker, of the 40th regiment, at the battle of Marais du Cygnes. They numbered up to and over forty regiments from the commencement of the war until the close, but a portion of them were one-year men.

Question. Of how many men did the rebel regiments consist?

Answer. It was intended that they should consist of a thousand men each, but I understand that they were never very full; they were usually small regiments. I know that when we met them in battle we usually had as many men in a regiment as they had in a brigade. They accounted for that by saying that their men deserted. We received thousands of men in our regiments who were deserters from the rebel Arkansas regiments.

Question. What number of Arkansas men do you think actually went into the rebel service during the war?

Answer. It is impossible for me to state, except in the way of an opinion.

Question. Well, give your opinion.

Answer. I have an idea that there must have been—conscripts and volunteers—in the neighborhood of 30,000 men from the State of Arkansas in the rebel service, as Hindman made a very rigid conscription; but I have no positive evidence to that effect.

Question. Did any colored men from Arkansas go into the Union service?

Answer. Yes, sir; six regiments, I think.

Question. Regiments of a thousand men each?

Answer. They numbered a thousand each, originally, but they were reduced by disease and losses in some few engagements. The negro regiments that we had in service in our corps who did the most fighting were the 1st and 2d Kansas colored regiments. We had them on the Red river expedition when we undertook to effect a junction with General Banks. They acted with great gallantry at the battles of Pison Springs and Jenkins's Ferry.

Question. Has the colored population of Arkansas been materially diminished during the war?

Answer. Yes, sir.

Question. To what extent, do you suppose?

Answer. Governor Murphy thinks that there are not more than one-half the colored men in the State now that there was before the war. I am unable to tell how that is, for I have no knowledge of the number of colored population there before the war, except from the last census, which shows that there were about 112,000 negroes in Arkansas in 1860. My judgment is that there cannot be more than half that number in the State at the present time.

Question. How do you account for the loss?

Answer. A great many have been lost by disease; a great many have gone off into Kansas and Missouri; a great many went to Memphis; they are scattered all along the Upper Mississippi river. A great many left the State as the servants of officers, and got off in that way.

Question. What is generally the condition of the negroes in Arkansas?

Answer. I think they are pretty comfortable. There is very little suffering among them as a class.

Question. Are they generally at work?

Answer. Yes, sir. In July or August last I sent out a provost guard to pick up idle contrabands in Little Rock to put on my trains as teamsters. The provost marshal of the Freedmen's Bureau sent out a negro guard to pick up all negroes that had no passes. In the limits of Little Rock they found, I think, 43 men. Of these, we released all but twenty-odd, the parties for whom they were at work having come forward and shown that it was owing to carelessness on their part that the negroes had been found without passes.

Question. Do you consider that a large or small number?

Answer. Well, sir, there were several thousand negroes in the city and vicinity at that time. I could have found 2,500 idle white men there. When I left Little Rock there were over a thousand able-bodied negroes in the city. I had in my employ between 300 and 400.

Question. When you speak of 2,500 white men being idle, do you mean men who ought, from their condition in life, to have been at work?

Answer. I do not mean that they all had no visible means of support; but I should say that half that number were of that class—(refugees, paroled rebel soldiers, and camp followers mostly.)

Question. What is the condition of the negroes in Arkansas as to intelligence and a disposition to acquire knowledge?

Answer. So far as my experience goes, they are all very anxious to learn to read and write. I have noticed that the great body of those I have come in contact with have a spelling-book about them somewhere; and I learn from officers of colored regiments that the great majority of the soldiers in their regiments are learning to read and write. Colonel Hudson, of the 60th colored regiment, told me that all his orderly sergeants were able to make out their morning reports, and that none of them could do it when they entered the service. I have been told by officers of colored regiments at Little Rock that they had several men in their regiments whom they could detail as clerks, who had acquired a knowledge of reading and writing since they had been in the service. So far as I have seen there seems to be a general disposition on the part of the colored population of Arkansas to learn to read and write when they get the opportunity, and they most all find the opportunity. The schools in Little Rock are very full. I attended one of their exhibitions there, with Major General Reynolds and staff, upon the invitation of the superintendent. The children presented about the same appearance as that presented by children of the same age in schools in the western States, so far as reading and spelling were concerned.

Question. What is the disposition of the old settlers in Arkansas towards the negroes?

Answer. So far as my knowledge goes, there is no bad feeling existing towards the negroes on the part of men who formerly owned them. The great anxiety seems to be to get them to work for them. They appear to realize what is really the case, that if they fail to treat the negroes kindly they will be unable to secure their services in the future.

Question. What wages are paid the negroes this year?

Answer. I am not positive, as the wages were fixed by General Sprague for the coming year while I was absent from the State. Last year their wages were $25 a month.

Question. Did that include their support?

Answer. The party who hired furnished rations and the house to live in. It was considered an exorbitant price by the parties who hired; they said they were unable to make any money at raising cotton at those wages.

Question. Is there more or less land put into cotton this year than there was last?

Answer. There was not near as much last year as this year. The only land put into cotton last year was in the vicinity of our posts. This year most all the cotton lands in the State are put into cotton, with the exception of those near the Mississippi where the levees have been broken. I believe there will be nearly as much cotton raised this year as there was in 1860. A great many officers of the army have settled in Arkansas and are engaged in raising cotton, and I know of no instance where they have been molested.

Question. What is the disposition of the people of Arkansas in regard to allowing negroes to vote?

Answer. I do not think a proposition of that kind submitted to the people would be agreed to. There are some men in the State in favor of it. I advocated negro suffrage in that State in January—before the close of the war—and I found but two or three persons at that time who were in favor of it. Judge Caldwell, Mr. Stoddard, and one or two others were in favor of it. But later in the summer there was a pretty large party in favor of it. The present governor and most of the State officials are in favor of it. But it was not considered policy to agitate the question there, any more than to speak about it among ourselves, as there was very little prospect at that time of carrying it. I think it will eventually be done in that State. There will be a gain in strength every year. I do not think there is any objection on the part of any great number of people in the State to giving the negro the same protection before the law that the white man has. At least I do not think I have found half a dozen men in the State since July last that did not admit that it was equitable that the negroes should be protected by the law the same as white men. I have no doubt that at the next session the legislature will pass a bill, if necessary, giving negroes the right to give evidence, and to sue and be sued, with very little opposition. The new State constitution guarantees the negro equal civil rights. The senate is entirely Union men; and in the election of members of the lower house the Union party will have as many men, or more, who were original Union men as those who were original rebels.

Question. Has the constitution of Arkansas been amended or a new one been made since the rebellion?

Answer. The constitution has been amended abolishing slavery, limiting the right of indenture to one year, except in case of minors, repudiating the rebel debt, and giving the negro equal civil rights.

Question. Was the amended constitution submitted to the people?

Answer. Yes, sir.

Question. How many votes were given in favor of it?

Answer. A little over twelve thousand for it, and between two and three hundred against it. The oath was taken *viva voce*, and the oath of allegiance, or amnesty oath, was subscribed to by the parties before they were allowed to vote. The *viva voce* vote applied only to the first election, by ordinance of the convention, in order to see who was who. Since then the voting has been by ballot.

Question. Do rebels as well as the others vote in Arkansas?

Answer. The legislature last year passed a law prohibiting all parties from voting who had given aid and comfort to the rebellion since April, 1864, at which time the new constitution went into effect. Since the last election an appeal was taken to the supreme court of the State, and that court decided that the law was unconstitutional. But there has been no legislative action upon the subject since then. The statute still stands upon the statute book, and it was enforced at the last election.

Question. What is the opinion prevailing in Arkansas as to whether the people will be compensated for their slaves or for losses incurred during the war?

Answer. In the summer I learned from some persons in the Red river region that that matter had been agitated down there a little before the election, and that they had come to the conclusion that it was a poor show to get anything for their negroes. But there is a general idea throughout the State that men who have been loyal to the federal government during the rebellion will at some time be compensated for their losses.

Question. For what kind of losses do you think they expect to be paid?

Answer. For their stock, forage, and provisions taken by the federal army, for which they hold receipts from our officers in a great many instances; in some instances no receipts have been given. And they also expect to be paid at some time for their property which has been destroyed or used for military purposes by the federal army. But the loyal people do not expect any payment for their slaves.

Question. Have you any idea of the amount of these claims?

Answer. It is impossible to tell. I have had a great many of them before me, but was unable to pay them under the existing laws. There has been a large amount of property in the State used by the federal army which belonged to men of undoubted loyalty, many of them serving at the time in the federal army. I have often taken such property myself when it was deemed necessary.

Question. Do you know, personally, those persons from Arkansas who are here claiming seats in Congress? If so, state what course they pursued during the rebellion.

Answer. I do know them. I made the acquaintance of the parties in the fall and winter of 1863, just after the occupation of Little Rock by General Steele's army. Judge Baxter, one of the senators elect, had the reputation, among the men whom I found in Arkansas and whom I talked with, of having been a consistent Union man. He had escaped, a few days

before the federal army entered Little Rock, from the confederate military prison, where he had been confined for some time on the charge of high treason against the confederacy. Then, by permission of General Steele, he commenced to raise a regiment of white Arkansians, he being their colonel. He was engaged in raising that regiment at Batesville, Arkansas, and had it partly raised at the time of the reorganization of the State government of Arkansas. He was then elected a judge of the supreme court of the State, and subsequently was elected by the legislature to the United States Senate, in connexion with Colonel Fishback.

Mr. Snow, the other United States senator elect from Arkansas, was one of the first men who came to us when we reached Little Rock. He was understood to have been a Union man during the rebellion, and from what I know of the circumstances I have no doubt he was loyal during the entire war. He had some difficulty at Pine Bluff, about the time of the capture of Vicksburg, with the rebel element there, and they endeavored to lynch him one day at the court-house there as an abolitionist and a northern sympathizer. He was rescued by General Yell, a prominent but humane rebel officer there. He was in the telegraph business in Arkansas at the commencement of the war, and the lines he had built continued to be worked under his direction for general business during the first year of the war. In November, 1862, they were taken out of his hands by the confederate government on account of his loyalty to the confederate government being suspected, he having refused to take the oath of allegiance to the confederacy. They were taken away from him before the capture of Vicksburg, and turned over to an agent of the confederate government. I know Mr. Snow has been an active and consistent Union man ever since we entered the State of Arkansas, and is considered to belong to the radical element.

Colonel Johnson, from the Fort Smith district, member elect to the House of Representatives, was colonel of the 1st federal Arkansas (white) infantry regiment. He was a refugee from the State in the southern part of Missouri, and raised a regiment there of the loyal men who had been driven out of Arkansas during the war. I think Colonel Johnson's loyalty is not questioned by any one in the State.

Colonel Kyle, another member elect, I became acquainted with when I was with General Steele, as chief quartermaster of his army, on the expedition to Red river to join General Banks. He came into our camp at Arkadelphia, some ninety miles south of Little Rock, having been driven from his home by Shelby's raiders, and his property destroyed, on account of his being an abolitionist and a sympathizer with the Yankees. He was introduced to me by General Rice, of Iowa, who was killed in that campaign. General Rice had known Colonel Kyle for some time as a Union man; and at the request of General Rice and General Steele I employed Colonel Kyle as one of my forage masters, he having no means of support at that time. He was with me until we sent a return train to the Arkansas river from Camden. That train was captured by Major General Fagan at Marks's mills, and I learn that Colonel Kyle was one of the few that escaped. After the reported capture he returned to his former residence, where he remained very quietly until about the time of the surrender, when he came again up to Little Rock. I heard him make several speeches in the canvass upon the Union side as the candidate for Congress. A Mr. Gibson and Dr. Meador were candidates against him, and ran on the strength of their alleged sympathy with the people who had been in the rebellion. Mr. Kyle was nominated by the Union League in Little Rock as their candidate in his district.

Judge Byers, the other member elect, I was very little acquainted with personally, but I knew him by reputation. He lived at Batesville, and a Mr. Jacks was a candidate against him. Judge Byers had the reputation of being a Union man. He took no active part on either side during the war, for he was an invalid. I have understood from officers of General Curtis's army who were in Arkansas at the commencement of the war, and who were at Judge Byers's house, that they considered him one of the Union men in that part of the State. He had that reputation generally in that part of the State. He was run against Mr. Jacks and was elected, more, I think, on local grounds than because there was any real difference in politics between the two men. Mr. Jacks was from Helena, on the edge of the district, and the people wanted a representative who lived nearer the centre of the district.

Question. Do you regard the condition of Arkansas now to be such that the military could be withdrawn and the Freedmen's Bureau dispensed with there without any serious detriment to the peace of the State, or the rights of any class of the people there?

Answer. In northern and western Arkansas, where about three-fourths of the white population of the State are, there is a very large Union element. I think Union men could be elected to Congress from Mr. Johnson's and Mr. Byers's district, even if the military exercised no control there. There were very few slaves in that portion of the State before the war. The most of the slave population of the State was in southern and in southeastern Arkansas, where the large cotton plantations were; and in that portion of the State I think a majority of the white people are rebels at heart to-day. We have no difficulty with them; but the old leaven is there yet. Owing to the organization of the Home Guards in Arkansas, I think the State government of Arkansas could sustain itself without the aid of the federal military. Several thousands of the Home Guards have been organized during the summer by the governor of the State. They are mostly made up of men who have been soldiers in the federal army, (in the Arkansas regiments,) and they are officered by very reliable men, so far as I know.

There are very few white troops of the United States in Arkansas at this time. I think all the white troops at present in the department of Arkansas, which includes the Indian nation, are the 3d regular cavalry, a few companies of the 19th regular infantry in the Indian nation, and a small battery at Little Rock. There are some 4,000 colored troops in Arkansas and in the Indian nation. I think it would be advisable, in a country like that, to maintain small garrisons, as we are now doing, at prominent places in the State. That was done before the breaking out of the war at Fort Smith and at Little Rock, where the general government owned very valuable property.

I do not wish to be understood as recommending the withdrawal of the troops from the State of Arkansas. I think it is good policy to keep troops there. But, as an individual, I would be pefectly willing to live there at present and do business, if the federal troops were withdrawn from Little Rock. A majority of the business men in Little Rock, and the principal business centres, to-day, are northern men. I think the Freedmen's Bureau has done good in Arkansas, and is not unacceptable to the people. Labor is so generally organized, and all are so obviously adapting themselves to the new order of things, that I think it can be dispensed with there, without injury to either capital or labor, another year.

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WASHINGTON, *March* 7, 1866.

Governor James Johnson sworn and examined.

By Mr. BOUTWELL:

Question. Have you acted as provisional governor of Georgia since the surrender of Lee?

Answer. Yes, sir; I was appointed and acted as provisional governor of Georgia from about the 17th of July, 1865, until near Christmas.

Question. When did you leave Georgia?

Answer. I left Columbus, Georgia, two weeks ago Tuesday.

Question. The object of the committee is to ascertain the condition of Georgia, and the sentiments of the people with reference to this government; how far they are loyal, and how far they are disloyal; and we would be glad to have you give your opinions upon that subject, and any facts you may have.

Answer. The condition of public affairs in Georgia, in my estimation, is improving now, and has been improving for some time past. Our people are becoming better and better satisfied, with the lapse of time, and their passions are gradually abating. As an evidence of this fact, I could point to the legislation of the State on particular subjects; the provisions which are being made by law for the protection of freedmen, and securing them in their rights. While I say that our people are gradually improving, it is due to truth that I should say there are individual exceptions. We have some bad men among us, whose passions have not yet abated; but there are not a great many of them.

Immediately after emancipation went into actual effect there was some hostility manifested towards the negroes, by some classes of persons. But that hostility is abating, particularly on the part of those who formerly owned slaves. I would qualify this general remark, by saying that, whilst it is true of the most, there are individual exceptions; there are individual cases of outrage and wrong perpetrated upon the freedmen. But such acts do not meet the approval of the great mass of our people. This being true, that there are violent men, evil-disposed men, as a matter of course they easily associate themselves together; and a few men can do a great deal of harm and make a great deal of noise. For this reason, in my judgment a few troops of the United States should still be kept in Georgia for the present, for the purpose of keeping in restraint these evil-disposed men to whom I have referred. These troops are further necessary to aid and assist the Freedmen's Bureau, whilst it remains, in my judgment. And, in my opinion, it is proper, at present, that that bureau, or something akin to it, should be continued in the State for a time. In my judgment, when the district and circuit courts of the United States are properly organized in the State, and when our own legislature shall have perfected their system of laws in reference to negroes, then the bill which has already passed one branch of Congress, which proposes to declare and secure the civil rights of persons, if passed by the other branch, will dispense with the necessity of the presence of the Freedmen's Bureau, or of the troops of the United States. But until that is done, I think it is proper that both should be continued.

I think, and I have so stated to General Grant and the Secretary of War, that, judging from the feelings of our people and the relations which they have sustained to the freedmen, it would be good policy to withdraw the black troops from among them. Their presence is irritating and tends to bring about collisions. Our people having made the experiment which they did, the trial of arms, and having been overcome, whatever they might feel under other circumstances, or desire in a different condition of affairs, a majority of them are now willing to submit to the Constitution of the United States, and desire that peace should be restored throughout the country. While they are thus anxious on that subject, and willing to obey

the laws, still, as is very natural, in all their political arrangements for office, &c., they prefer men who have co-operated with them in the prosecution of the war to those who were opposed to them. My own judgment is that the people are progressing towards a state of peace and harmony and reconciliation as rapidly as could be expected after such a conflict of passions and of arms, and I have no doubt that peace will be fully restored before any great length of time; but animosities have been generated and passions have been inflamed to such an extent that in certain localities we shall still see manifestations of them for some time to come. I think that is about a fair statement of the general condition of affairs in Georgia.

Question. Do you know the persons who are claiming seats in Congress in Georgia? If so, will you state, if you have no objection, what you know of their course during the rebellion, and their conduct with reference to this government since Lee's surrender?

Answer. I know both of the gentlemen elected to the United States Senate, and have known them for many years. Mr. Stephens and myself were class-mates and graduated together. I think I am pretty well acquainted with the course that each of them pursued. It is known generally to the country that Mr. Stephens was opposed to secession; but after the ordinance of secession was passed, under the pressure of circumstances, I suppose, and I believe because he thought it would bring about a conflict at home if he did not do so, he fell in with the current after the commencement of hostilities. Mr. Johnson, his colleague in the United States Senate, was also opposed to secession. He was a Douglas man, as was Mr. Stephens, but, like him, he fell in with the current to a certain extent after the commencement of hostilities. Mr. Johnson accepted the place of Confederate States senator under the confederate government, being elected while the war was in progress. But notwithstanding that, I have reason to believe that for some time before the termination of the confederacy, he insisted that negotiations should be had, so that an end might be put to the strife; but his representations were unheeded. I am certain of that, from such information as I have received. I think that this is his present status: that while he may object to certain congressional and administrative measures, he would submit to them, and is well affected towards the government. He must be satisfied, as a man of judgment, that an effort to separate this Union will not succeed; that our destinies are to be those of one nation. He was the president of the State convention that recently assembled and adopted a new State constitution. He co-operated in the line of policy suggested by the administration for the purpose of restoring the State. Mr. Stephens was the vice-president of the Confederate States, and he acted some time in that capacity, and I believe he continued to hold the office until the downfall of the confederacy. But while that is true of him, I think he became satisfied during the war that the effort to establish the confederacy would be a failure, and he would gladly have terminated the strife long before it was terminated, and in a different manner in which it was terminated. He has been using his efforts to get our people to lay aside their prejudices and passions and accept the results of the war, and I have no doubt he will do everything in his power to restore harmony throughout the whole length and breadth of the land. In fact, I feel sure that he is extremely anxious that such a state of things should be brought about at as early a day as possible. He has been an open advocate of giving the freedmen their civil rights and maintaining them in those rights, and I have no doubt he will continue to advocate those measures. I cannot answer so positively about the members elect to the House of Representatives. I can answer about some of them. Mr. Wofford was a brigadier general in the confederate service. He was a Union man before the war, and a Union man during the war, and is a Union man still; but the current of public feeling was so strong that he went into the war. I suppose he would have been conscripted if he had not done so. In my judgment, he is as well affected towards this government as any man, north or south. He is a well-behaved man, not at all violent. General Philip Cook was another confederate general who was elected to the House of Representatives. He was opposed to the war, and was termed a co-operationist. He was violently opposed to the war. After the war was commenced, he likewise fell in with the current and cast his lot with the war. During the progress of the war he was severely wounded several times, and was finally captured. He stated his position and feelings to the federal officers who had charge of him, and I believe they made representations to the proper department here, asking for his pardon, and he was released. He came to visit me at Milledgeville after his release, and told me that he was willing to co-operate with me to carry out the wishes of the administration as far as he could do so. I think he is a proper man, notwithstanding he has committed errors. He is a man of good feelings and of liberal sentiments. Mr. Christy was a co-operationist. I cannot speak positively about him; I can only speak of him from reputation. I think he is well disposed towards the government now. I do not know what part he took after the commencement of hostilities. Mr. Buchanan was in favor of secession. He says that he accepts the results of the war and submits to them. I will not say further in regard to him, because I do not know. As to Mr. Cohen, of Savannah, my impressions about him are these: he is rather refractory, or was the last time I heard him talk, refractory in spirit. There is another member elected to the House of Representatives; I do not recollect his name at this time. I cannot tell his present status, but he was opposed to the war at its commencement.

Question. Have you any information of, or any means of knowing, the actual sentiment of the people of Georgia at the time secession took place?

Answer. In my judgment, the majority of the people were opposed to it at that time.

Question. Then how do you explain the fact that they were drawn or driven into the rebellion?

Answer. The passions of the people were aroused to a very high degree. The men who were elected as Union men, when they assembled at Milledgeville, were many of them overpowered by the storm of passion that was excited, and voted for secession. They had not moral strength enough to stand up against the storm. A great many of those who were in favor of secession threatened that they would go for secession any way.

Question. If the establishment of the confederacy were now possible, how many of the people of Georgia would prefer the Union to the confederacy?

Answer. If the power of the federal government and its influence were entirely withdrawn, I think a majority of the people would express a preference for a confederacy. Sufficient time has not yet elapsed for the eradication of those ideas entirely from their minds which they obtained during the war, and which they have not yet given up altogether. But this is a mere matter of opinion—a mere speculation on my part.

Question. How does the aspect of things in Georgia at this time differ, if at all, from what it did soon after Lee's surrender?

Answer. There is a great difference, but I do not know that I can describe it exactly, so as to give you a correct idea of it. Immediately after Lee's surrender our people were uncertain as to what might happen in the future; they felt very uncertain as to what course the government of the United States would pursue towards them; they were a little uncertain about expressing their sentiments and declaring their opinions. Now they are less unreserved than they were before; a great many of them feel more disposed to take part in public matters than they did at that time But notwithstanding they speak more freely than they did then, I am of the opinion that the real opinion of the people of that State has much improved since that time.

Question. Was the amended constitution of Georgia submitted to the people for ratification?

Answer. It was not. It was known to the people beforehand what was expected of the convention. There was no mistaking the public mind about that, except so far as the war debt was concerned. That was not so well understood by the people as the other part was. They knew that slavery had to be abolished, and a provision to that effect put into the constitution, but it was not so distinctly made known to them that the war debt would have to be repudiated. Before the assembling of the convention a majority was opposed to repudiating the war debt, but when the necessity of so doing was shown to them they consented to it.

Question. Was there any other important change made in the constitution except this?

Answer. Yes, sir; particularly in reference to the State-rights theory, which formerly obtained throughout the country. The constitution of Georgia now declares that the Constitution of the United States and the laws made in pursuance thereof are paramount; in other words, that the first allegiance of the citizen is due to the government of the United States; thus settling the disputed question which was at the bottom of this whole difficulty.

Question. Is the right of voting defined and limited in the new constitution of Georgia? If so, how?

Answer. I think it is limited in the constitution to white males.

Question. Have free negroes ever voted in Georgia?

Answer. No, sir; not in my day.

Question. What effect has the war had upon the population of Georgia, both white and black?

Answer. That is a very difficult question to answer. We have had no census taken since the termination of hostilities, and I can only approximate at best, even if I can do that. We lost a great many men in the war, from being killed and from sickness in camps. Before the war our State vote was 110.000; my judgment is that now we could not vote more than perhaps 70,000 or 80,000, but I may be mistaken as to that. In the late election for governor, members of the legislature, and members of Congress, the full vote was not brought out. I have heard various estimates made of the loss which we sustained during the war. I should suppose that it might be as high as 40,000. In regard to the loss of our negro population during the war, a great many of them fled—went to the coast and went off with the United States armies; but not a great many, compared to the whole black population. Some were taken by our own people to work on forts and fortifications at different places, and whilst there many of them were taken sick and died; but only a certain portion were taken to work on the fortifications. After the close of the rebellion, and the actual occupation of Georgia by the federal troops, the negroes then commenced roving and rambling about. Some were taken to Alabama, Florida, and other States during the war, for security. Some have come back to Georgia, where they were raised, and where they had homes. What number have been abstracted from Georgia I cannot tell. The places of those who have gone away have been supplied in part by those coming in.

Question. Do you conclude that the number has diminished?

Answer. I rather think the number has diminished somewhat, but not materially.

Question. What was the vote cast at the last election for governor and members of Congress?

Answer. My impression is that it was about 37,000, with some twenty odd counties that had not been heard from. There was no opposition, no contest, and the vote was probably light.

Question. Were any persons excluded from voting on account of having participated in the rebellion?

Answer. No, sir.

Question. No regard was paid as to which side a man had been on?

Answer. No, sir; we have no law on that subject in our State.

Question. Was any amnesty oath, or oath to support the constitution, required?

Answer. Not in voting for governor; there was one required of the voters at the election of members to the convention.

Question. What was the aggregate vote for members of the convention?

Answer. That was never made out. In some of the counties there was no opposition; there was a general agreement that such and such men should be declared elected, and no vote was ever made out; but it was a pretty fair vote under the circumstances. The amnesty oath was taken pretty generally by those who did not come within the exceptions specified in the President's proclamation.

Question. So far as your observation extends, what is the disposition of the negroes in regard to going to work, if they are properly treated?

Answer. Generally very good. They behaved remarkably well during the war, and now they are doing very well as a class; there are exceptional cases, of course; but generally they are making contracts and going to work.

Question. Is there anything further which you desire to state, which you think has a bearing upon the subject under investigation by the committee?

Answer. I would state that our people are very much averse to having negro suffrage imposed upon them; they would not submit to that with a good grace. In fact I think myself it would bring about collisions.

Question. Would they object as much to a qualified suffrage, such as an educational test or a property test, as they would to universal negro suffrage?

Answer. I rather think it would be equally as strong to the one as to the other. They would look upon it as the incipient step to the ruin of the whites. I do not think the right of voting is necessary to the protection and security of the freedmen in the end. The law declaring their civil rights, and giving the district and circuit courts of the United States jurisdiction, will secure their rights; and before long our people would consent to accord them all their rights. I think the individual cases of outrage and wrong have been magnified. The tendency is to give them their rights, though there are some few people who hate them, and would do them wrong if it were not for the law.

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WASHINGTON, *March* 8, 1866

Governor William L. Sharkey sworn and examined.

By Mr. BOUTWELL:

Question. Were you provisional governor of Mississippi after Lee's surrender?

Answer. Yes, sir.

Question. During what period of time?

Answer. I was appointed provisional governor on the 13th of June, 1865, and continued to act in that capacity until the 16th of October, 1865, when I turned the affairs of the State over to the civil authorities.

Question. When did you leave Mississippi?

Answer. I left there during the last part of November, and arrived here on the first or second day of the session of Congress.

Question. The object of the committee is to ascertain the condition of civil affairs in Mississippi, and also the sentiments of the people with reference to the government of the United States; how far they are loyal and how far they are disloyal. We shall be glad to hear your views generally upon that subject, and any facts within your knowledge that may bear upon it.

Answer. I will state, in general terms, that when I went out there as provisional governor a very large majority of the people, I do not know but fifty to one, were perfectly reconciled to the condition of things, and very anxious to be restored to their former position in the Union. I think they were sincerely and honestly so; that was the current sentiment beyond all doubt at that time. Even the secession party admitted that they had made a miserable failure; many of them felt very sore over it, to think that they had involved the country in terrible calamities, and they were as anxious to get back into the Union as any portion of the community. I was provisional governor there, and I think I had an opportunity of knowing. Of course there will be exceptional cases in all communities, but those exceptions were confined mostly to men who had taken no part in the war. The military men were perfectly satisfied, and I do not know but as a general rule they were the most loyal part of the com-

munity. They gave up honorably, and all said they were disposed to accept things as they found them. But there were a few men within my own knowledge, men who had done but little during the war, who were dissatisfied. But a very large majority of our people were as loyal, to use the term in its proper sense, as any people in the United States. That is to say, they were willing to obey the government and its laws and to support and to sustain it; and I think they are so yet. I should make this remark, however: the people came up freely and voluntarily, and did, as they supposed, all that was required of them; they met all the demands of the President, and with great cheerfulness. What changes may have occurred since I left there I cannot tell, but I do not think any material changes have taken place. Still, you know, when men do all that is required of them, and all that they think is right, pressure does not in any degree contribute to their loyalty. And I have been very much afraid that the condition of things here would shake their confidence in the government. I know, however, their condition was a good one when I was in charge of the government there. The condition of things in Mississippi was not generally understood throughout this country. In the first place, a very large portion of our people were opposed to secession, and I believe if the question had been submitted to the people they never would have adopted it. But the politicians got us in hand and forced us out of the Union; and, as a general rule, those who were opposed to going out in the first place were in favor of coming back again; and to them is to be added the number who became satisfied of the folly of their course; and the two classes constitute a very large proportion of the citizens.

Question. Were any, and if so, what, alterations made in the constitution of Mississippi?

Answer. I have here, and will leave with the committee, a copy of the "constitution of the State of Mississippi, as amended, with the ordinances and resolutions adopted by the constitutional convention, August, 1865," and a copy of the "journal of the proceedings and debates in the constitutional convention of the State of Mississippi, August, 1865." From them can be seen the alterations which were made. The chief alteration is in regard to slavery. I desire to call your attention to that, because the condition of our State in reference to it has not been fairly understood. That amendment is as follows:

"The institution of slavery having been destroyed in the State of Mississippi, neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall hereafter exist in this State; and the legislature at its next session, and thereafter as the public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of this State, and guard them and the State against any evils that may arise from their sudden emancipation."

That is the chief alteration in the constitution that has been made. There is only one clause of that amendment to which I wish particularly to call your attention. It reads, "and the legislature at its next session, and thereafter as the public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of this State." Some prejudice has arisen against our State because of a foolish provision in a late legislative enactment which limited the right of the freedmen to hold property. The legislature took it into their heads that as a matter of policy it would not be wise to allow freedmen to hold real estate. That action, however, was in contravention of our laws as they had always existed. We had, as most of the southern States had, certain general principles of law prevailing by which freedmen were entitled to hold real and personal property. We never had any other law until very recently. Our supreme court, of which I was a member for a great many years, had held that freedmen could take property by devise, inheritance or purchase, and hold it to any extent. There was no legislative restriction in regard to freedmen at all, and we held that they could hold real and personal property to any extent. But recently, when the excitement growing out of the condition of things became general, our supreme court departed from the landmarks which we had laid down, and unfortunately for their own character, and for the country, they decided that freedmen could not hold real estate. That was wrong, for there was no restriction upon that subject.

Question. Was that adverse decision before or after secession?

Answer. I think it was after secession, fortunately. I was not on the bench when that decision was made; I left it some years ago. We unfortunately had some judges on the bench who were original secessionists, and their judgments became subverted, and they ran into that error which was condemned by everybody. Our law stood at that time on a firm basis, without any restriction upon freedmen holding any property that a white man could hold. Such was the law. I was opposed to this action of the late legislature; I warned them of the folly of committing this terrible error, and told them they should not restrict the freedmen in regard to the right to hold property. But they passed the law, notwithstanding. I tried to prevail on them to allow the freedmen full and perfect protection, and ultimately got them to allow them to sue and to be sued, and to testify in all cases where a freedman was a party on either side. In regard to this restriction upon the right of the freedman to hold property, the proceedings and debates of the convention will show that it is foreign to the constitutional provision. The constitution was intended to give them the right to hold real and personal property. Proof of that will be found in this journal of the convention. Pending the question of the adoption of the amendment abolishing slavery, as will be seen on page 164 of the journal—

"Mr. Marshall, of Warren, offered the following amendment:

"Amend by striking out the word 'property' in the fourth line, and insert 'the regulation of the labor and wages.'

"On motion of Mr. Harrison,

"The amendment was laid on the table.

"Mr. Cooper, of Rankin, offered the following amendment:

"Amend by inserting the word 'personal' before the word 'property' in the fourth line of the amendment proposed.

"On motion of Mr. Yerger, of Hinds,

"The amendment was laid on the table.

"Mr. Martin, of Adams, offered the following amendment:

"Amend by inserting after the word 'property' the words 'and regulation of the labor and wages.'

"On motion of Mr. Yerger, of Hinds,

"The amendment was laid on the table."

I happened to be in the convention at the time these propositions were made, and know that they were voted down with great unanimity. I have cited this from the journal to prove that whatever the legislature may have done, the constitution of the State authorizes freedmen to hold real and personal property.

Question. Was the amended constitution submitted to the people?

Answer. No, sir; the convention did not deem it necessary, nor did I think it necessary. I was so well satisfied with the temper, disposition, and wish of the people, that I did not think it necessary to submit the amended constitution to them at all. I was perfectly sure that the people were fully and fairly represented. The members of the convention were elected on the general proposition of reforming the constitution, and I have no doubt that they represented truly the sentiments of a large majority of the people of the State. I desired to call your attention to this subject of freedmen holding property, because I have heard our State very much abused for this legislation. I admit myself that it was unguarded and improper legislation. But, at the same time, we can fall back on our constitution; and there you will find, I think, that the freedmen are permitted to exercise the right of holding property.

Question. What is the general condition of the freedmen in Mississippi? Are they disposed to labor, and are they laboring and receiving fair wages?

Answer. I can give an accurate account of that matter, as I have had very authentic reports. They have gone to work with a great deal of good will, and in most parts of our State they are hiring freely and cheerfully. I have received a letter from a very intelligent gentleman, a friend of mine, who states that in his part of the State the freedmen are going to work, and the people are hopeful and expect a return of prosperity; that there was not a discontented man in his particular locality; that they had given up the idea of secession, buried it out of sight, and never wish to hear of it again. The freedmen, as I hear from all parts of the State, are doing remarkably well. I have heard from one of the northeastern counties of the State, in which it is said there is not an idle freedman. However, there is no disguising the fact that the Freedmen's Bureau and the colored troops there have done more mischief than anything else. General Howard is a very clever gentleman; but there are men in charge of the Freedmen's Bureau in Mississippi who are disposed to speculate on white and black; they encourage the black man and discourage the white man. And wherever there is a negro garrison the free negroes congregate around it, and, as a matter of course, crimes and depredations are committed. I verily believe that if at the time I was there all the troops and the Freedmen's Bureau had been withdrawn, I could have had a perfect state of order throughout the State in two weeks. The great amount of complaints originate from the localities where the negro soldiers are. I do not say that the negroes do not make good soldiers, but they encourage the congregation of freedmen around them, and from the freedmen come crime and depredations. As a general thing—there may be exceptions—the freedmen have gone to work; some receiving a share of the crops, and some receiving their wages. And there is a promise of prosperity there; there is a promise that the freedmen will work; how long it will last I cannot tell. They certainly have gone to work, as a general thing, in the State; and the people are buoyant and hopeful. In some parts of the State the freedmen are receiving exceedingly high wages. Mr. Alcorn, my colleague in the senate, authorizes me to state that in the river counties—he mentioned one county in particular—if labor could be had, a thousand freedmen could be employed at $25 a month.

Question. In addition to their board?

Answer. Yes, sir; board them and furnish them with sugar and coffee, and give them $25 a month over and above their board. He told me that a thousand freedmen could find employment in that one county, if they could be had, and I think that on the Mississippi generally they are getting almost any wages they are pleased to ask.

Question. What amount of land do you estimate will be under cultivation in Mississippi this year as compared with the amount under cultivation in 1859 or 1860?

Answer. I can only speak from conjecture. I do not think there will be half the amount cultivated this year that there was just before the war, and I will give my reasons for that opinion. I believe that there are now in the State very little over half the number of freedmen that there were formerly of slaves—certainly not more than two-thirds. They have

died off. There is no telling the mortality that has prevailed among them; they have died off in immense numbers. I should say that very little more than half the amount of land that was under cultivation before the war will be under cultivation this year; but that is with me a mere matter of conjecture.

Question. Does the mortality among the freedmen continue as great as ever?

Answer. Yes, sir; they have contracted habits and diseases which take a great many of them off. The people are laboring under a great mistake in regard to our attachment to the negroes. We are all kindly disposed towards them; we are disposed, with few exceptions, to treat them as they should be treated. The poorer classes, who have always had an antipathy to them, still have that antipathy; but as a general thing, our people are disposed to treat the negroes well. We were all attached to our slaves, and that attachment has not been broken off, because we think they have acted well. In a great many instances they have shown uncommon fidelity and friendship, and of course we cannot forget those things. Our feelings towards them are of a kindly character, and we want to treat them well, and educate them if we can.

Question. Have you any knowledge of the number of white people who have been lost to Mississippi during the war?

Answer. A very considerable number, but I cannot state the number; I cannot even approximate to it.

Question. If it were possible to establish the confederacy as it was hoped at the beginning of the rebellion, what do you think would now be the action of the people of Mississippi? Would they desire the establishment of the confederacy, or would they prefer to abide by the Union?

Answer. I think, after the experiment they have made, they would prefer the Union. You are perhaps aware that I never countenanced secession or aided it in any way whatever, and I think my own sentiments were the real sentiments of a very large portion of the people. I think the majority of the people of Mississippi would rather take their chances in the Union than take them in the confederacy, even were it possible to establish it now. I always believed it would be their ruin if it was established, and I believe a great many others thought so too.

Question. Is there any prevailing feeling or opinion in regard to payment for their slaves or for losses which the people have sustained during the war?

Answer. No, sir; they do not expect such a thing; nor do I think they intend or expect to pay any of the rebellion debt. I think such a thing is out of the question. That subject was proposed in the legislature, and there was some discussion upon it. You will find that in our amended constitution we have repudiated the most of our debt, with one or two exceptions. The truth of it is that none of it will be paid; we do not regard it as a binding debt. There are two reasons for that opinion. In the first place, our constitution prohibited the pledge of the faith of the State for any debt. We could not pledge the faith of the State except by passing a proposition for that purpose by two legislative bodies, and then inserting it in our law. We never had the faith of the State pledged to pay any of the rebellion debt at all. To be sure, the convention which took us out of the Union did change that feature of our State constitution, but we have declared that action to be null and void. In the very beginning of our proceedings we declared the action of secession a nullity, and left that obligation without any efficacy whatever. And it is also void for another reason. The rebellion debt was issued in the form of bills of credit, and they come under that provision of the Constitution of the United States which declares that no bills of credit shall be issued by any State. I think I can say with great certainty that no portion of the people of Mississippi expect one dollar of the rebellion debt to be paid. There is one class of debt which is not properly a revolutionary debt--what we call our cotton debt. In a time of great scarcity, the State undertook to relieve the community by issuing bonds on cotton, which were loaned to the planters. That was not a revolutionary debt at all; it was intended merely as an accommodation to the people. But even that was void, for the reason I have given. The State had no right to issue bills of credit, and our valid constitution did not allow the faith of the State to be pledged at all; so that I regard every species of our debt as a nullity, and our former history shows that we are not very much inclined to pay our debts. I do not think the rebellion debt need be considered any obstacle in our way at all, for I do not think any portion of it will ever be paid.

Question. How does the price of land for agricultural purposes in Mississippi now compare with the price before the rebellion?

Answer. It is vastly below its former price. I do not know precisely what the price of land is now, except as I occasionally receive information from there, but I learn that it is twenty-five per cent., perhaps in some instances fifty per cent., below its former valuation. When you take into consideration the vast quantity of land that we had under cultivation before the rebellion, and the means we had of cultivating it, and then consider that the means have decreased one-third since then, you can understand why land is lower in price. I will put the price now down to twenty-five and fifty per cent. below its former value. I learn occasionally of sales made at home, and they are far below the standard that existed before the rebellion. I could perhaps illustrate that by my own case. I have been stripped of everything by the rebellion except a little tract of land, very valuable, by the way. Looking for-

ward to the prospect, I thought it best to dispose of that land. I did not see that, in my day at least, any great demand for land would spring up. I offered it for sale at less than half that I would have taken for it before the rebellion, and I understand that is about the rate land is generally selling for there. There are exceptions in some localities.

Question. Has there been much emigration from the State?

Answer. No, sir; not that I am aware of.

Question. Is there any such organization in Mississippi as the Home Guards? If so, what is the nature and extent of that organization?

Answer. There is no such organization that I know of. I can tell what was organized while I was in office; that may be called a home guard, though it is not; it is a regular militia system. When I went into office I was a great deal alarmed at the state of the country; by rumors that an insurrection among the negroes would occur some time during the winter; that they were instigated by bad white men. These rumors reached me from all quarters of the State. On looking about me for means of protection, I thought it would be well for me to organize two companies of militia in each county. I therefore issued a proclamation calling for two companies of militia in each county, specifying the object of the call—to suppress crime, protect the people, and enforce the laws. In many instances the call was responded to with a great deal of cheerfulness. The organization was intended exclusively for individual protection. General Slocum was at Vicksburg at that time: he did not like my movement, and undertook to check it. An appeal was made to the President, and I was sustained.

When I went out of office, the governor of the State of Mississippi engrafted his regular military system on the military organization I started there. I organized it to protect the people, if possible, against crime. There was a great deal of crime there; the country was demoralized; and there was not a United States military force in all the places where it was needed. And I organized these militia companies for the purpose of enforcing the laws, and to aid the United States authorities, if necessary; and I issued instructions to that effect. It was not a hostile organization at all. And when I left the office the governor of the State carried it on under an act of the legislature. If there is any home guard there aside from that I do not know anything of it; I do not think there is.

I will make one general remark. I am satisfied that the disposition of the intelligent people towards the freedmen there is not understood here. The general feeling there is, that we ought to elevate them, if we can. And this action of the legislature which I speak of, and which was objectionable to me, has created a great deal of prejudice in the country. It was no response to public sentiment to restrict the negroes at all in regard to their right to hold property.

Question. Do you think the negroes are disposed to accumulate property?

Answer. In very few instances; my expectation concerning them is that they are destined to extinction, beyond all doubt. We must judge of the future by the past. I could tell you a great many circumstances to that effect; I am sorry I did not come prepared with means to state the percentage of deaths among them. It is alarming, appalling. I think they will gradually die out. Some of them will become thrifty and prosperous; but, as a general thing, I think they are destined to extinction. I may be mistaken; I hope I am; but that is my impression. We are trying to solve a great problem, and it is quite natural we should encounter difficulty until we can build up by the light of experience. Such a radical change in our whole system, turning loose so many men from slavery into freedom, and then trying to convert them into use—it is a great problem, and of course we are groping somewhat in the dark. We will have to profit by experience as we go on, and bring ourselves down to a system of free labor.

I think the people are taking hold of the matter in a good spirit. I think they are ardently desirous of making a fair experiment, and giving the freedmen a fair chance. Perhaps a man is inclined to make up his judgment from limited means of information; but I believe that if the people had an opportunity to restore slavery, and it was left to their vote, as a general thing, they would vote not to do it. If each man could get his negroes back by voting to restore slavery, perhaps the people might vote to restore it. But if you should submit the general proposition to strike out the emancipating clause from the constitution, and allow the people to acquire slaves in the future, if they can, I am satisfied they would vote against it. I think they have no wish to be incumbered with slavery again. That is the general sentiment; there are exceptions, of course.

Question. If you have no objection, please state what you know in regard to the persons now here claiming seats in Congress from Mississippi.

Answer. I have no objection to stating what I know. Mr. Alcorn, my colleague in the United States Senate, was an old whig, and was very much opposed to rebellion and secession, and to the party that brought it about. The representatives elect to the House of Representatives, without exception, were opposed to secession; they all belonged to the anti-secession party. Our people were particularly admonished by me that they ought not to send men here who were tinctured or stained with secession. And not one of our delegation, I think, had any connexion with secession; they were all opposed to it. They were all whigs except one, who was a Union democrat. The whig party, as a general thing, were clear of the odium of secession.

I will state this, however: several of these gentlemen engaged in the rebellion after it came on. Colonel Reynolds and Colonel Pierson had command of regiments in the confederate service. When the State went out, I suppose they felt they should go with their State. I do not remember that any other of them was in the rebellion. Mr. Alcorn, my colleague, was in the militia; but I do not know that he ever held a commission in the confederate service.

Question. What are the facts in regard to Governor Humphreys, and the present State government generally? Is it composed of men who were opposed to secession, or of men who favored it?

Answer. In regard to Governor Humphreys, there was no man in the State of Mississippi more opposed to secession than he was; and I will tell you more: he did not believe the confederates could establish a government, even if they were free and independent. He told me that himself some months before the rebellion closed. I know his antecedents well; there was no man more opposed to secession than Governor Humphreys was. He ultimately got into the rebellion by accident, you might say; he went out with a company as its captain, and was promoted to be a general. Being a very popular man in the army, he was elected governor by the military vote, contrary to my wish. He is a good man, an excellent man, and I believe he ardently desires to see harmony restored between the north and the south. The State government, with one exception, I regret to say, is in the hands of the conservative men. The judiciary department has fallen into bad hands; but that was accidental, somewhat. The judges of the high court of errors were all secessionists. There was but a weak opposition to them, or they would not have been elected; they would have been beaten. We really had no material of respectability to run against them, and they ran in almost without opposition. The attorney general is in the same category. Three judges and the attorney general were secessionists. As to the minor officers, I do not know so much about them. But the election of these judges to the highest tribunal in the State was a very sore thing to many of us. But I will say this of them: they have given manifestations of an ardent desire to return to the Union, and to act in good faith. They admit their error frankly and freely; one or two of them have been pardoned by the President, and I think they are as loyal as any one now.

The fact is, there is very little disloyal sentiment in our country now. It is a mistake to suppose that our people are disloyal. Many of our people may be a little restless; but they do not think of such a thing as a rebellion.

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WASHINGTON, *March* 13, 1866.

Governor Wm. L. Sharkey recalled and examined.

By Mr. BOUTWELL:

Question. Did you visit Washington about the time you were appointed provisional governor of Mississippi?

Answer. Yes, sir, I did, in June. I was here when I was appointed.

Question. Was there with you a Colonel Hamilton?

Answer. Yes, sir; Colonel Hamilton was with us.

Question. It has been stated substantially, by a person examined before the committee, that Colonel Hamilton, on his return from Washington, while passing down the Mississippi river, said that Governor Sharkey and the other provisional governors were to have matters in their own way in the south; that the slate was made out, the object of which was to give the political power of the south to the President. Do you know anything of such an arrangement or understanding?

Answer. I know nothing of it at all.

Question. There was no foundation for any such statement to your knowledge?

Answer. Nothing that I know of. What may have been said by Colonel Hamilton in his light conversation, I do not know. I have no knowledge of any such conversation or statement.

Question. Do you know of any fact which would warrant any such statement upon the part of Colonel Hamilton or any one else?

Answer. I do not. Colonel Hamilton was a Union man. He had been in the rebellion, to be sure, as a quartermaster, or in some position of that sort. He was opposed to the rebellion, as I have understood, and took an office of that kind probably to escape some severer service.

Question. For what purpose, if you know, did he come to Washington?

Answer. He came along as a sort of secretary to Judge Yerger and myself. He wanted to come on here, and, to tell the truth, as we had no money to bear our expenses, knowing that he was a moneyed man, he agreed to come on and bear our expenses, which I refunded to him after being appointed provisional governor. I think, however, it was understood that he was our private secretary. He did something in that way.

WASHINGTON, *March* 9, 1866.

Brevet Major General Wager Swayne sworn and examined.

By Mr. BOUTWELL:

Question. The committee desire to obtain information as to the condition of affairs in Alabama, especially in reference to the sentiments of the people, whether they are loyal or disloyal?

Answer. I have been almost wholly engrossed with matters relating to freedmen since the first of August last, in charge of the affairs of the Freedmen's Bureau for the State of Alabama, with my headquarters at Montgomery. I have observed since I went there a gradual cessation of disorder, a progress in legislation towards equal laws for all men, and a marked increase of political animosity. I arrived at Montgomery immediately after Governor Parsons issued his proclamation announcing himself as having been appointed provisional governor of that State. I was very kindly received by most of the persons with whom I came in contact, and was agreeably disappointed in the temper of the people as I found them at that time. A good deal of lawlessness, however, prevailed throughout the State. The stealing of horses, cotton, and other property, violence to the freedmen, and an utter want of power on their part to enforce their rights, threatened the dissolution of society. Presenting myself to the provisional governor, I was received by him with assurances of co-operation and sympathy, which have been steadfastly maintained. The courts of the State, however, were closed to the negro, whether as witness, as plaintiff, or defendant; and no substitute had been provided. I invited the governor to issue his proclamation, recognizing as a necessity of the new order of things that the negro should have full civil rights; advised the governor that he was a military officer: that the law which he administered was martial law, which has limits only in the discretion of the commander, and urged upon him—recognizing the necessity I have mentioned—to command the opening of the courts to freedmen. It was the opinion of a majority of his advisers that the public sentiment of the State would violently repel such action upon his part. Upon receiving his decision, I at once issued my order, setting forth that by authority of the President I was vested with exclusive jurisdiction where courts were closed to freedmen, and proposing to the judges and magistrates of the State, in the absence of the law-making power, to become my agents for the administration of justice, upon condition that, in every case to which a freedman was a party, they should take as their method of procedure the laws then in force in that State, except so far as those laws made a distinction on account of color, and announcing that failure to signify acceptance, or evident denial of justice, would be followed by revocation of such agency and the substitution of martial law in the district in which it should occur. Some magistrates forthwith accepted. A majority of the judges and magistrates applied to the governor for instructions. He issued his proclamation, advising them to accept, and intimating that he would remove from office whoever failed to do so; and this was done in the case of the then mayor of Mobile. The entire body of the judges and magistrates in the State—perhaps with the exception of a single judge—accepted, as the proclamation became known to them; and the courts of the State were from that time opened to the negro upon the same terms as to the white man, including the probate court, in which were recorded wills and conveyances of real estate, and from which marriage licenses were obtained.

When the constitutional convention assembled, the governor united with me in making all possible effort to incorporate this principle of equality before the law into the constitution of the State. We were unable to secure this, most of the members alleging that the public mind was so far from being prepared for it that it would ruin those who should support it. The system of agencies above mentioned was, however, continued by an ordinance adopted by a large majority, until the close of the next session of the general assembly, to give, as they said, the legislature the chance of doing the same thing.

When the legislature assembled, the provisional governor in his message took the same stand, but most of the members were of the belief that some system of compulsory management of the freedmen was necessary and indispensable if their labor was to be made available at all. This feeling was strengthened by the fact that the freedmen, quite generally, anticipating that the lands of their owners would, at Christmas, be divided out to them, declined to work or to make contracts for work until that time. Every effort was made by the bureau to dispel this misapprehension. Just before Christmas, under cover of a general desire to begin work upon the crop of the coming year, certain persons in the legislature succeeded in forcing through that body a series of laws which I regarded as the practical re-enactment of slavery in all particulars except the sale of persons. These laws, however, were prevented from taking immediate effect by the ordinance of the convention above referred to.

Just before the passage of these bills Governor Patten, newly elected, was inaugurated, and in his inaugural address advised against class legislation. After the passage of these bills the legislature took a recess of thirty days. On its reassembling, the bills were returned by the governor with his veto, which was in each instance sustained in the legislature by a majority vote; the freedmen having meanwhile, immediately after Christmas, gone very generally and very industriously to work. There has been since then no very marked attempt at class legislation, nor is there now in the laws of the State any material provision for the

different treatment of white and black persons, except that negroes are not allowed to testify in cases where they are not concerned, a position against which one or two of the leading newspapers of the State are already taking ground, and it is my opinion that when the legislature again assembles this difference will be done away with.

It was also with me a matter of great desire and earnest effort to secure from the legislature an organized system for the care of colored paupers, in the strict sense of that term. It was found impossible to secure anything more than the present law, which authorizes the county commissioners to care for paupers, making no distinction between black and white, but has no mandatory provisions. I have, in form, tendered to the overseers of the poor of the different counties such co-operation as I could render, and such supplies as I could control, uniformly alleging that it was to the helpless indigent alone that I desired to confine that part of the work of the bureau. In some instances my overtures have been met, and we are working together successfully upon this basis, with some prospect of its extension. The principal difficulty now in Alabama as to the freedmen arises from a sluggish and reluctant execution of the laws, where the sufferer belongs to the non-voting class of population, and the person complained of to that which votes. This has not, in my judgment, extended to judges of the courts of record, but has its principal effect among officers of an inferior grade. The evil is also, in my judgment, partly due to political animosity.

At the time of my arrival in the State, I do not remember to have heard any but kindly feelings expressed towards the United States. There seemed to be a disposition to cling to and rely upon such Union men as commanded the popular respect, and a cordial feeling towards officers of the United States. At the time of the election ordered by the constitutional convention, the war party, by which I mean those who had been engaged in the war, seemed to be the controlling element; yet the selections, both from its ranks and from outside, seemed to be those of Union, or at least moderate, political antecedents. After this time a change seemed to take place, which afterwards became manifest and decided. In the elections for members of Congress, where the Union candidates ran against those of the war party, the former were, with one exception, so far as I know, defeated; yet the rejection of the men elected, though chosen in open violation of law, seemed either to occasion, or to be the pretext for, a great increase of bitterness, which began to display itself, and is now pretty fully displayed, in a sort of social ostracism towards persons known as Union men, northern immigrants, army officers, and other persons, residents of the State, who are able to take the test oath and take it, such persons being regarded as thereby convicting themselves of confessed unfaithfulness to the State at large. My own agents find themselves the objects generally of dislike, and frequently of rudeness, though I have known of no instances in which this reached the point of violence or forcible opposition, for which forbearance, however, we are probably indebted to the presence of United States forces, and to the known co-operation and sympathy of the executive of the State. Perhaps I say too much in this last particular. There is a general desire on the part of the people of the State to see the bureau removed, and they express their dislike to it with some emphasis. I think the governor would prefer it were removed; but while that is true, he does not fail to help to make things go on smoothly and has extended to me all the co-operation he could.

Question. What would be the effect of removing the bureau from the State?

Answer. It would be very bad.

Question. What results would you anticipate from its removal?

Answer. I think that lawless characters, relying on the public sentiment for immunity, would increase in numbers and in boldness, while instances of outrages unpunished and of denial of right would multiply; and that a strong pressure would be brought to bear upon the officers of the law, to withhold them from the execution of the law, where the barrier of race or politics could be interposed.

Question. Is the presence of a military force necessary in Alabama?

Answer. I judge that it is; and yet, I have been from the first of the opinion that a small force of cavalry would be much more efficient than the present force of infantry, which is somewhat large; and this, for the reason that there are few or no points in the State which it is necessary to occupy in force, while I think we ought for some time yet to be able to reach easily any point in the State where unchecked lawlessness prevails or may prevail.

Question. Do you understand that the action of the legislature in sustaining the governor's veto of the obnoxious laws to which you have referred, was the result of a change of opinion upon the part of the members of the legislature?

Answer. I understand it to have been the result of a change of public sentiment, effected by the negroes in going to work as generally and heartily as they did immediately after Christmas. I understand that that produced a conviction in the public mind that the governor and I were right when we claimed that the same laws which answered for one race would answer for the other. And this was more expressly manifest in the veto of what was called the contract bill, in regard to which the governor took the ground that the common law remedy of pecuniary damages for a violation of contract was enough in the case of contracts for labor as in other contracts, although where the laborers are freedmen, this remedy amounts to little or nothing beyond the forfeiture of accrued wages, where there are such.

Question. What has been the disposition of the negroes to work, where they have been properly paid; are they disposed to work, or not?

Answer. After Christmas they went to work with a will. When I left the State there was a slight apparent increase since Christmas of unemployed negroes, but my impression is that they will be found nearly, if not quite, equal to other men in the steadfastness of labor, and possibly more steadfast than most classes of men under equal conditions, they having been brought up to labor constantly, without much stimulus or inducement except compulsion.

Question. Do you understand whether or not the number of negroes in Alabama has been diminished since 1860?

Answer. I think the negroes in Alabama since 1860 have been very considerably diminished. During the jubilee, occasioned by the coming and passing of our troops, very many of them left their homes without purpose or provision; and after their freedom was understood, other large numbers of them crowded into the towns. Many of both these classes died of disease and from exposure. But during a great part of the war Alabama remained, comparatively, intact, while the adjacent States were ravaged or occupied by armies, and large numbers of negroes were brought into that State—perhaps enough to make the number now equal to the census of 1860. A considerable portion, however, of the arable land in Alabama goes untilled this year, principally in consequence of the scarcity of labor.

Question. How do you explain that, if there are as many negroes in the State as there were in 1860?

Answer. I should say there were more perhaps in the towns, and there are more calls for them at other kinds of labor—on railroads which are being restored, and other works of that kind now set on foot. And I do not know but that the war diminished the proportion of adults; of male adults particularly. It was not uncommon in army operations (I have often done it myself—and sometimes in Alabama—during the war) to send out two or three good sergeants or corporals—promising young men—to accompany the cavalry in short excursions, and collect able-bodied negroes; and, when enough were gathered for a company, to muster them into service, arm them, and make these men officers. That was a practice carried on quite extensively.

Question. Has there been any military organization formed in Alabama under the State government?

Answer. Before Christmas apprehensions were quite generally expressed that the disappointment of the negroes at not receiving lands would produce outbreaks and perhaps a general insurrection. This created a certain demand for militia organizations, and here and there over the State militia companies were formed. There was found to be a deficiency of arms of any one pattern, although nearly every man in the State carries arms of some kind. Some of these companies undertook to patrol their vicinities. Others of them were ordered to disarm the freedmen, and undertook to search in their houses for this purpose. It is proper to say that no order authorizing the disarming of freedmen was issued from the executive office, and that a bill for the disarming of freedmen was defeated in the legislature. Attempts to do this, however, were made, and induced outrages and plunder, lawless men taking advantage of authority obtained through these organizations for that purpose. Before Christmas, not being able to say or to feel quite sure that insurrections might not occur, and aware that if they did occur, interference, from whatever motive, with plans to prevent or suppress them, would appear inexcusable, I forbore to interfere. But when, shortly after New Year, an order of the same kind came to my knowledge, I made public my determination to maintain the right of the negro to keep and to bear arms, and my disposition to send an armed force into any neighborhood in which that right should be systematically interfered with. This produced a quite general excitement and a good deal of abuse, but was nevertheless generally recognized. I think there were few instances in which it was interfered with after New Year, and that there have been since then few militia organizations in any degree of cohesion or efficiency. The people seem to be more busy in making a living.

Question. As far as you know, if it were possible to establish the confederacy, and the people of Alabama were left free to choose between the establishment of the confederacy and the maintenance of the national government, which would they choose?

Answer. My opinion upon that point is little more than conjecture. My impression is that, as a question of State pride, they would prefer completing what they once undertook. But I know of nothing now looking to that end. There seems, however, to be quite a determined effort to make it honorable to have been engaged in rebellion, and, if possible, to make it dishonorable to be among them as an officer of the United States, and particularly so to have been a Union man among them during the war. They do not wish to make it dishonorable to have been a copperhead or simply a citizen of the northern States during the war. I may say further, in reference to the maintenance of a military force in Alabama, that the presence of large bodies of infantry in time of peace creates a great deal of disorder. The men are removed from the restraints of home, not amenable to the civil law, and, by reason of their being scattered, more or less military discipline is necessarily relaxed. The stationing of small bodies of cavalry through the State would localize all the evils of garrison presence, while it would extend the area of efficient operation. It is to catch fugitives, and not to overcome opposition, that troops are necessary. They have this further use, that men feel that the power of the government is present where it has not much strength of the popular affection.

Question. How are northern men received in Alabama who go there for business purposes or to cultivate lands?

Answer. They are received kindly by those who have business with them and by some others, although they experience from a portion of the people coldness, and occasionally rudeness and insult. I have known of no case in Alabama in which a northern man was subjected to greater inconvenience than the attentions of a horse-thief. Some portions of the State, I think, should be excepted from what I have stated as general characteristics of the whole. In a few counties civil law has scarcely any prevalence or force, and gangs of ruffians, mostly operating at night, hold individuals under a reign of terror. I suppose this will be removed as these counties follow the progress of order in the State. The city of Mobile also appears to be largely under the dominion of rowdyism, and animated almost throughout by active hostility to the freedmen. During the past six months, I think, four colored churches have been burned in the city of Mobile, and in three instances, apparently, because preparations were made to establish schools in them, and in one instance directly after a military order directing that a church then in the hands of white trustees be restored to the use of colored persons, its equitable owners. I think it my duty to say generally, as enforcing what I have said as to the reluctant execution of the laws, that I have not known, after six months' residence at the capital of the State, a single instance of a white man being convicted and hung or sent to the penitentiary for crime against a negro, while many cases of crime warranting such punishment have been reported to me. Nor do I believe that faithfulness to this degree in the execution of the laws can be obtained without external stimulus, though latterly I have known of some cases of parties indicted, and one or more persons who, for alleged capital offences, were and are refused bail.

Question. What was the nature of the offences to which you refer in your last answer?

Answer. Homicide. In some instances, most atrocious murders.

Question. Were they numerous?

Answer. When I first came there a good many were reported to me. In a number of instances I sent out a competent officer with a considerable body of cavalry to visit the localities and investigate. I found that some of the cases seemed to have occurred as far back as the beginning of the war, or before. In others the condition of the country enabled the parties to escape. There seems to have been a decrease in the frequency of such cases, which I have attributed as much to the settling down of society as to the enforcement of the laws. One of the principal difficulties I found in caring for the freedmen was that large numbers of them were confined in jails, charged with arson, mule-stealing, larceny, and other crimes committed under cover of the operations of our forces. Duty and order, alike required that these acts should be vindicated by force, if need be, when done in aid of the forces of the United States. But in many cases this could not be asserted, and in others proof was wanting. To relieve this difficulty and conflict I proposed to Governor Patton that he should, by proclamation, pardon all offences against the State laws during the war, except such heinous crimes as he should think proper to except. The idea was entertained and a proclamation issued pardoning, as a measure of conciliation, all crimes done during the war, except rape and murder, and invoking the people and the courts to give such effect to the laws of the State and of the United States as should vindicate the step "and remove all pretexts for military surveillance." The effect of this was, I think, to liberate from four to eight hundred freedmen, and many others, without any marked injury to society. This was just before I left Alabama. I mention it as an instance of executive co-operation.

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WASHINGTON, *March* 10, 1866.

Captain J. H. Matthews sworn and examined.

By Mr. BOUTWELL:

Question. What is your age and occupation?

Answer. I am twenty-three years of age: I am at present an officer of the 66th colored infantry: I have been on duty in southern Mississippi since the 1st of July last, either as provost marshal or sub-commissioner of the Freedmen's Bureau.

Question. What opportunities have you had for learning the opinions and sentiments of the people in Mississippi?

Answer. While I was provost marshal I administered the oath of amnesty. I was also engaged in regulating contracts between the freedmen and their former masters, and I had an opportunity to attend a number of their political meetings during the campaign in October last.

Question. What was the character of the meetings that you attended?

Answer. There were usually two distinct parties: one a party who had been actively engaged in the rebellion; the other a party who had not been so actively engaged. The party that had been actively engaged in the rebellion laid claim to the support of the people on that account, that they had been with them in the rebellion four years. My experience is that the rebel party was the successful party in nine cases out of ten.

Question. Did either party claim to be a Union party upon principle?

Answer. I heard no such claim made.

Question. What ground was taken by those who had not been so actively engaged in the rebellion?

Answer. Their former experience in the administration of civil affairs. From the first of November until the middle of January I acted as sub-commissioner of the Freedmen's Bureau for the counties of Amité and Pike, in Mississippi.

Question. While so acting, what did you find to be the condition of the freedmen?

Answer. I found it to be very bad indeed. In ninety-nine cases out of a hundred, after the surrender of the rebel armies, contracts, either written or verbal, were entered into between the freedmen and their former masters for the payment of services from the surrender until the end of the year, when the crops were made; in ninety-nine cases out of a hundred the freedmen were driven off without payment. I know of but one case in the whole neighborhood where payment was made, even by a division of the crop. In that whole locality, I believe, the old system of flogging was practiced quite extensively up to the end of the year 1865. There are military organizations there, which, it has been ascertained, have participated in very many of these floggings and outrages. During the holidays, or about that time, these militia men patrolled the country, either with their faces blackened or without, flogging and maltreating in almost every way the freedmen, and in some cases Union men.

Question. Have these militia organizations been suppressed, or are they still in existence?

Answer. I believe they are still in existence.

Question. When did you leave Mississippi?

Answer. About the first of this month.

Question. What was the condition of things there at that time as compared with what it was when you were first on duty as sub-commissioner of freedmen?

Answer. The night before I started to come on here, I returned from a tour of sixteen days in the interior of the State. I was directed by order to proceed, with three other officers and a squad of cavalry, into the interior. The order was from Major Reynolds, acting sub-commissioner of the southern district, and it directed us to investigate into the condition of the freedmen. While out, we took the depositions of, perhaps, fifty persons, black and white, concerning the treatment and condition of the freedmen, and in many instances the party by whom outrages had been committed was identified. There were at least four or five men who were known to be militia men, who were engaged in many of these outrages, either with or without their faces blackened.

Question. What was the nature of the outrages to which those depositions related?

Answer. Inhuman flogging, to the extent, in some cases, of 350 lashes.

Question. For what alleged offences?

Answer. Nearly all of them for having left their former masters.

Question. Any other outrages except this flogging?

Answer. There was a black man hung and skinned. It was claimed that he was skinned by a doctor after execution. We were unable to find out the true facts in that case, but he was hung and skinned.

Question. For what was the man hung?

Answer. For attempting to escape to our lines, and also for taking with him his master's horse.

Question. Did he have any trial?

Answer. No, sir; I think not. Some of the prominent citizens were summoned, but he was turned over to some Arkansas ———, I think. This took place some nine months before the surrender.

Question. Did the depositions of which you have spoken relate to outrages that took place since Lee's surrender, or before?

Answer. All of them relate to matters since the surrender except the one of hanging and skinning. All of them but that were matters that occurred about the holidays, from the middle of December until in January.

Question. Were the outrages all instances of flogging, or were there other outrages?

Answer. There have been a number of freedmen killed in that vicinity; two at Magnolia, in Pike county.

Question. What do you know about any anticipated insurrection among the negroes about Christmas?

Answer. About Christmas and New Year it was said there would be an insurrection, and orders were issued by the governor of the State to disarm the freedmen.

Question. Was that order executed?

Answer. Yes, sir; and mostly by the militia. And it was in the execution, or pretended execution, of that order, that the most of those outrages were committed.

Question. Have the United States authorities interfered in that district to prevent the disarming of the negroes, or was it completed so far as the militia chose to do it?

Answer. I think the United States authorities took no measures against it. I never had any instructions to prevent it, although I reported that it was going on.

Question. What is the present condition of the negroes? Are they quiet and at work?

Answer. All at work and quiet.

Question. Are they generally at work under contracts entered into with the advice and consent of the officers of the Freedmen's Bureau?

Answer. I think the contracts are acknowledged before civil officers now.

Question. What are the wages generally paid to freedmen?

Answer. In the interior of the State they are very low. In one place I found three apparently able-bodied negroes working for $20 a month for all three of them. In other places the wages are quite fair.

Question. What are the wages in other localities?

Answer. About the highest are $15 a month. The average is probably from $8 to $10 a month.

Question. Are there laborers enough in that region to supply the demand for labor?

Answer. I do not think there are.

Question. What information have you received as to the number of the negroes in Mississippi? Have they diminished or increased in number since the war began?

Answer. They have diminished fearfully from two causes: first, the want of attention; and secondly, towards the close of the war it was the uniform practice in the country to execute summarily all able-bodied negroes who were taken attempting to make their escape to our lines. In the summer of 1863 some twenty of them were executed within thirty or forty miles of Natchez for trying to escape to our lines.

Question. In your last trip through the State what did you find the temper of the white people to be in regard to the government of the United States? Are they prepared, or not, to support it in good faith?

Answer. I do not think they are. I find the people generally very bitter, so much so that I consider it dangerous for any federal officer to go unescorted through that country. Particularly between New Orleans and Vicksburg, or between New Orleans and Jackson, it would be dangerous for a man to be seen in blue clothes. I made a trip in the middle of January from Natchez to Vicksburg on the steamer Grey Eagle. I was insulted and bemeaned in every conceivable way by a party on board who claimed to have been confederates. They were continually drinking toasts and cheering Jeff. Davis, Semmes, Lee, and Stonewall Jackson. I spoke to no man on board the boat but the clerk of the boat. I was known to be a United States officer by my uniform, and I was the only one on board, and they took advantage of my being alone.

Question. How would it be with northern men who might go down there to go into business, or to buy or lease land for cultivation?

Answer. I think they would have to go in force.

Question. You think it would not be safe for them to go singly?

Answer. No, sir; it would not. In taking the evidence of white persons who are disposed to give evidence in regard to negroes, they invariably cautioned us not to show their depositions in that country at all, and assigned as a reason for that request that if it was known they would be unsafe; that these militia men would come, with or without their faces blackened, and hang them.

Question. Is there at present much hostility among the white people towards the negroes?

Answer. In some localities I think there is.

Question. What class of white people show this hostility?

Answer. In one particular neighborhood, in Amité county, almost the entire community. I judge so from the fact that in particular localities almost the whole people must have been in this "black cavalry" organization, as they call it. At least thirty to forty able-bodied men have been seen in it at one time, that being probably nearly the entire able-bodied portion of the community. Several members of these militia companies have been identified as having blackened their faces and engaged in perpetrating these outrages. The vagrant law of the State, as it is termed, I think works very badly upon the freedmen. That law is enforced by this militia, and compels all freedmen to have homes after the first week in each year, at whatever wages may be agreed upon, and I think the freedmen are not allowed to change their places at any time. I know of several instances where freedmen have gone from one county to another and made contracts, and were brought back by men with their faces blackened, who whipped them and ordered them not to leave again. I have heard of several instances of that kind, even when they were under no contract with their former masters. Not a single instance of the outrages we investigated was ever investigated or prosecuted by the civil authorities.

Question. What security have the freedmen that they are to be paid this year? You say they were not paid last year.

Answer. I know of no security further than the articles of agreement.

Question. Are there any schools for the freedmen, or the children of freedmen, in that section of country?

Answer. Not any.

Question. What is the condition of the white people there in regard to education? What proportion of them can read and write?

Answer. I think that out of the thousand persons to whom I administered the oath of amnesty, perhaps one out of three could sign his own name.

Question. Did our armies at any time pass over the counties of which you speak, the counties of Amité and Pike?

Answer. Yes, sir. I think that General Grierson's and General Davidson's commands went through there.

Question. Do the people appear to expect any pay for their slaves, or for their property lost during the war?

Answer. Some of them seem to expect it.

Question. If it were possible to establish the confederacy as they hoped to do when they commenced the rebellion, would the people of Mississippi, so far as you know, prefer this government or the confederacy?

Answer. I believe the people in that section of the country would prefer any government rather than ours. I heard several say in the State legislature that they believed they were right, and that they further believed that if there were a just Providence he would not fail to bring retribution on the Yankees for what they had done.

Question. Is Governor Humphreys regarded as ever having been a Union man?

Answer. I think not.

Question. The people look upon him as having been a secessionist from the beginning?

Answer. Yes, sir.

Question. Have you seen an order purporting to have been issued by Governor Humphreys, advising the organization of historical societies in all the counties of Mississippi?

Answer. I have.

Question. Do you suppose that order to be genuine?

Answer. I do.

Question. What is the purpose of those historical societies?

Answer. One purpose is said to be to collect the records of distinguished soldiers in the confederate service and forward them to the proper officer at the State capital for preservation. I think the language is, "the deeds of the heroes engaged in our glorious cause," or something to that effect.

Question. Do you know anything of the societies themselves? Have you attended the meetings of any of them, or learned from others who have attended them?

Answer. No, sir.

Question. Do you know whether any of them were organized in Mississippi before you left there?

Answer. Yes, sir; I know of several.

Question. Do you know whether many people belong to them or attend their meetings?

Answer. I think they all belong to them.

Question. All the people?

Answer. Pretty much all; at least they give their aid and assistance in furnishing documents.

Question. Do you know whether any part of the proceedings of those historical societies are secret? Have you heard anything said about that?

Answer. I have never heard it said that they were secret. I have heard that there were secret societies, but what they were I do not know.

Question. What information have you received as to there being secret societies in Mississippi?

Answer. My information was that the object was this: that all parties were to keep quiet until they had succeeded in bringing their State into their former relations with the government of the United States; that "they would endure these things," to use their own expression, "until such time as they could do better."

Question. Have you made reports to your superior officers in regard to the condition of the freedmen in Mississippi?

Answer. Yes, sir.

Question. How recently?

Answer. My last report was dated on the 7th of January, 1866, except the one I made conjointly with Captain Chatfield and Captain Hiscrodt, just before I left there.

Question. Did any of these reports contain anything material to the proper understanding of the condition of things in Mississippi, besides what you have stated in your evidence this morning?

Answer. It enumerated instances of outrages, and gave the names of some of the parties engaged in them.

Question. Can you furnish the committee with copies of some of them?

Answer. I think I can; I think some of them are now in Washington.

Question. Will you furnish a copy of your joint report, to be made a part of your testimony?

Answer. I will.

Question. Is there anything further you deem it important to state in connexion with this investigation?

Answer. I might refer to the apprentice law of Mississippi. In many instances freedmen and freedwomen are deprived of their children under the pretext, on the part of those who take them, that they are unable to support them. A statement to that effect, made by a white man, will secure to him almost any freedman's child he may select. In many instances I have known them to deduct from two to four years from what the parents claim to be the age of their child, and have them apprenticed till they are 18 or 21 years of age.

Question. Is this apprentice law a recent law of Mississippi?

Answer. Yes, sir; it was passed this last winter. And then there is a law prohibiting negroes from purchasing or leasing property—a law which is particularly obnoxious to the freedmen. All, or nearly all, of the freedmen have a great desire to accumulate property, to own or lease land. They are now prohibited by State legislation from doing so.

Question. When was this law passed?

Answer. In the winter of 1865 and 1866.

Question. Are the negroes so far intelligent that they understand the great questions at issue between the secessionists and the Union people of the country?

Answer. I believe they do perfectly.

Question. What are their own desires in regard to their future? What do they want for themselves?

Answer. They want especially to be property owners, land owners. They want to be educated; they manifest an intense desire to learn, and they learn very rapidly wherever they have the opportunity.

Question. You have been connected with a colored regiment?

Answer. Yes, sir.

Question. Have the soldiers of your regiment made any progress in education since you have been connected with it?

Answer. I should say that at least nine-tenths of them had learned to read, and that from one-fifth to one-fourth could read quite well.

Question. Have any of them acquired so much education as to be able to write sentences, to write a letter, or anything of the kind?

Answer. A great many of them have. Almost all the letters for the soldiers of a company are now written by some of the members of the company.

Question. Do you apprehend any danger from insurrection of the freedmen in the south if they are treated properly?

Answer. Not at all. My impression and experience lead me to consider them the best-disposed people on the face of the earth. I will say, however, that they dread being turned over to the State authorities.

Question. Do you think the military force of the United States could now be withdrawn from the State?

Answer. Not with safety to the freedmen.

Question. How in regard to the white Union men?

Answer. In many portions of the State the Union whites are in such a small minority that I do not think it would make any difference, especially in Amite and Pike counties.

Question. They do not show themselves in public affairs at all?

Answer. No, sir. I mean those who were formerly Union men; they all say they are for the Union now.

Question. Do the white people desire the removal of the Freedmen's Bureau?

Answer. Yes, sir; all of them.

Question. How is it with the negroes?

Answer. They desire to have it continued.

Question. Have you any idea how much land is likely to be under cultivation in Mississippi this year, in comparison with the amount under cultivation just previous to the war, say in 1859 and 1860?

Answer. I think all the tillable land will be cultivated this year in those portions of the State where I have been. There is a great deal of new land being broken up, which will probably offset the vacant old land.

Question. Do you expect that, with a good season, this year the crops will be about as large as ever?

Answer. I should say they would be fully as large where I have been.

Question. Do the negroes perform as much labor now as they did when in slavery?

Answer. I am told by men who are known to be well disposed towards the negroes that they work excellently well, as well as they ever did. In those counties where this "black cavalry" organization is in force they speak differently; they speak disparagingly of the negroes and of their disposition to labor. I desire to say distinctly that the right of the negroes to go from one part of the State to another, and make contracts with whom they please, has been entirely prohibited by what I can call nothing else than armed organizations for whipping and flogging negroes. In many instances I know that organizations for that purpose are officered by captains and lieutenants and even sergeants.

Question. Where did you reside prior to the war?

Answer. In the State of Iowa.

Question. When did you enter the military service of the United States?

Answer. In 1861.

Question. And have continued in that service during the war?

Answer. Yes, sir.

Question. In what southern States have you been while in service?

Answer. I have been in Missouri, Arkansas, Kentucky, Tennessee, Alabama, Mississippi, and Louisiana.

OFFICE OF SUB-COMMISSIONER FREEDMEN, &c.,
*Magnolia, Miss., January* 12, 1866.

SIR: By direction of Colonel Samuel Thomas, assistant commissioner, I have the honor to submit the following report of the condition of freedmen in this section of the country:

It was thought that while civil law was re-established, when laws were passed for the protection of the freedmen against the evils that might arise from their sudden emancipation, these philanthropic lawgivers would, at least, accede to the negro the right to live and to own and accumulate property; but to-day the ugly fact stares us in the face that there is a wide gulf between our anticipations and realizations.

On the 15th day of December, 1865, a negro reported at my office and informed me that his former master, Mr. Felix Allen, of Pike county, had sent him into Amite county, Mississippi, on business, and that he would call and see me on his return. On the ensuing day he returned to my office most shamefully beaten, and stated that after he had performed his mission with Mr. Allen's son-in-law, he lodged for the night in the "quarters" on the place, by direction of Mr. Allen's son-in-law; that while in bed, about 11 p. m., some six or seven white men came and burst into the house and, with pistols drawn, asked him what he was doing there, when he informed them that he was sent there by Mr. Allen, his master, and that if they would go with him to the white folks' house he would prove his statement; but "no," they told him. "We dont care a damn for that; we want you to go with us." When they had taken this man about a mile they were met by about fifty (50) armed, mounted men, supposed to be militia, and commanded by a man they called "lieutenant," who ordered them to take him (the negro) off from the road and give him a flogging, and when they had proceeded about fifty yards from the road they threw him down, and six or seven of them jumped into his face and bosom with their heels, stamping and kicking him. When this old negro (he was apparently sixty or sixty-five years old) returned to my office he presented a most frightful appearance, his breast-bone broken, and spitting blood. On the 18th day of December, 1865, I was informed that a negro man had been badly beaten by a company of militia at Holmesville, Mississippi. When I proceeded thither, on the same day, I found that on the 16th of December the colored people had assembled at a ball, which was broken up by a town patrol, and one man badly flogged.

On the 24th day of December, 1865, a soldier of company D, 66th United States colored infantry, received a five-days pass, with permission to proceed to Summit, Mississippi, and on the second day he was halted by two white men with drawn pistols and asked "by what authority he was there." He produced his pass, and in the streets of Summit, in broad daylight, these two men cut off his coat-buttons and the fastenings for shoulder-scales, and gave him an hour to leave town or they would kill him.

On the same night a party of a dozen or more white citizens proceeded to a house occupied as a colored school-house, broke it open, and gave the teacher until the next morning to quit the place. This teacher was a colored man, and had permission to teach from the provost marshal at Brookhaven, Mississippi.

I wish especially to call your attention to the many brutal outrages perpetrated by a company of militia in Amite county, Mississippi, commanded by one Captain Daniel Fenn. Several of his actions have been previously noted in my reports.

About the holidays this company patrolled the country and gave the negroes a general flogging, whether at home attending to business or absent. On the Kane plantation, near Zion Hill, a woman was literally cut to pieces, in which Kane himself, a militiaman, took an active part. On the same night a woman was badly beaten on the Lumpkins plantation, young Lumpkins, a militiaman, being present and engaged in the affair, whose father is a justice of the peace of that beat. Also, on the same night, a woman was terribly flogged, who has since disappeared and cannot be found, on the John H. McGee place. On the following night a negro man, whose name I have forgotten, but vouch for the truthfulness of the statement, had two pony-horses taken from him on the Kane plantation by this company, when he (the negro) produced his bill of sale for the property, and who was informed by a lieutenant of Fenn's company that "negroes were not allowed any property larger than a chicken." This lieutenant, together with Kane and young Lumpkins, can be identified as being present when these dastardly outrages were committed; all of whom, I believe, are members of Fenn's militia, in Amite county, Mississippi.

I respectfully invite your attention to a murder committed by one John H. McGee, some nine months since, which would challenge the world for an equal in studied brutality, which was reported to me some time since, but for want of facts I did not feel warranted in reporting before. *The negro was murdered, beheaded, skinned, and his skin nailed to the barn.* Should this affair be investigated, I would refer you to Mr. Bunkly, at Bunkly's ferry, who can give the names of parties knowing to the facts.

While marching across the country from Magnolia to Natchez, Mississippi, the 36th United States colored infantry bivouacked in the Zion Hill neighborhood, and I determined, if possible, to arrest these villains and march them to Natchez. For this purpose I proceeded with an officer and two mounted men to the several plantations where these depredations had been committed, but was unable to find any of the perpetrators at home—a very bad omen, to say the least of.

I have given these statements in a plain household style, and my only regret is my inability to do the subject simple justice. I wish to publish, and especially to the officials of Mississippi, the practical workings of their midnight schemes. I beg leave to make the sweeping statement, that in some four or five townships or beats in the counties of Amite and Pike nine-tenths ($\frac{9}{10}$) of the entire white male population have actually perjured themselves. All, or nearly all, have subscribed to the amnesty oath, and have sworn to refrain from the very acts they are performing; and I have no idea that more than one in ten in this Zion Hill vicinity can lay his hand upon his heart and swear he has acted an upright and honest part toward the freedmen since taking the oath, while at the same time it should be remembered that this same Zion Hill country is continually reporting negro insurrections being on foot—a perfect "*hot-bed*" for originating insurrection canards. No wonder that such an inmate in their minds as the recollection of their own nefarious actions should be the instigator of a subterfuge to screen themselves in violating law by implicating others who are defenceless.

In view, then, of the terribly vindictive passions, not only among but controlling the minds of these people, permit me to respectfully recommend that troops be stationed in that section of the country, or that the freedmen be protected in removing to some locality where their lives, at least, will be secure.

Should they remain where they are, under existing circumstances, their condition will not only be rendered worse than slaves, but the safety for their lives and their hopes for the future for this unfortunate race will depart forever.

Very respectfully, your obedient servant,

J. H. MATHEWS,
*Captain and Sub-Commissioner of Freedmen, &c.*

Lieutenant STUART ELDRIDGE,
*A. A. A. G., Freedmen's Bureau, State of Mississippi.*

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WASHINGTON, *March* 13, 1866.

Major General Christopher C. Andrews sworn and examined.

By Mr. BOUTWELL:

Question. Have you been connected with the army during the war? If so, in what capacity?

Answer. I have. I was mustered into the service as a private soldier on the 11th of October, 1861, and commissioned as captain on the 4th of November following. I was mustered out of service as brevet major general, to take effect on the 15th of January last.

Question. Where do you reside?

Answer. In Minnesota.

Question. In what part of the country did you serve during the two years preceding your discharge?

Answer. In Arkansas, Alabama, and Texas. I was with General Steele in his campaign of Little Rock, and took command of the post of Little Rock on the 11th of September, 1863. I was in command of the post of Little Rock for eight months. From the middle of July to the last of December, 1864, I was in command at Duvall's Bluff, Arkansas.

Question. When did you finally leave Arkansas?

Answer. In December, 1864.

Question. During the time you were there, what was the temper of the people? Were they loyal or disloyal, generally?

Answer. There was a good loyal element in Arkansas, better than in any State I have been in in the south since the war. In March, 1864, there were 12,000 *bona fide* votes given for the free State constitution. The people came some distance, and would come repeatedly during the three days' election, in order to vote, the voting being *viva voce*, and quite inconvenient. When Governor Murphy was inaugurated, in the spring of 1864, there was a procession which escorted him to the capitol in Little Rock, civic and military, over three miles in length—the whites and blacks turning out generally.

Question. Do you understand that these 12,000 votes were given in March, 1864, without any constraint?

Answer. Yes, by Union men—loyal men.

Question. How many other persons do you estimate were in the State of Arkansas who would have been voters had there been no rebellion or breaking up of the State government, and who did not vote?

Answer. I have not very good means of forming a correct estimate, but I think that was probably one-third the vote of the State previous to the war. I may be mistaken about that.

Question. Have you any opinion of the effect of the war upon the population of Arkansas—whether it has diminished it; and if so, to what extent?

Answer. I think it has diminished the population, but am not able to say to what extent. Many thousands of refugees left the State during the war. I, perhaps, ought to say that

there was a reaction in Arkansas soon after the reverse of the Red river campaign, and, undoubtedly, many who voted for the free State constitution were conscripted into the confederate service, and that some others who voted that way voluntarily went into the confederate service. There was a great depression in Arkansas after the Red river reverse. Little Rock, and, indeed, the whole line of the Arkansas river, was menaced the following season by the confederate armies; and it seemed to be the general opinion among the people that the federal troops would be driven out of Arkansas. But the fact that several regiments were raised in Arkansas for the federal service, after the capture of Little Rock by General Steele, is an evidence of the loyalty which characterized many portions of the State.

Question. What was the feeling of the people towards the freedmen—kindly or otherwise, as a general thing?

Answer. It was kindly, in proportion as the people were loyal.

Question. Have you known anything of the State since December, 1864?

Answer. I have not, personally.

Question. Where did you serve afterwards?

Answer. I was engaged in the campaign of Mobile.

Question. And did you remain in Alabama after Mobile was captured?

Answer. I was in command at Selma, Alabama, in the latter part of April and early part of May, 1865.

Question. Did you then leave Alabama?

Answer. I then went to Mobile.

Question. State the condition and feeling of the people of Alabama, as far as you have observed them.

Answer. I think there was a very good feeling at Selma. There was certainly more respect shown for the federal authority than I have seen since in the south. Perhaps it was owing to the fact that General Wilson's cavalry column had recently passed through there. There, as well as at other places, some of the more enlightened as well as more prominent men appeared well disposed towards the federal government, and willing to make some sacrifices to restore its authority. Perhaps I ought to say there had been no Freedmen's Bureau established at that time at Selma, and it was necessary to use some restraint on the large colored population in the neighborhood, to prevent them from flocking into the town. I took command of the district of Mobile on the day after the explosion, in the latter part of May. I remained in command of that district until about the first of July.

Question. What was the temper and conduct of the people there?

Answer. While, as I said in regard to Selma, a few seemed well disposed, the large majority did not attempt to disguise their disloyal sentiments.

Question. As far as you learned, what are the hopes or expectations of the disloyal part of the people of Alabama as to the future?

Answer. I should say it was their disposition to submit to the federal authority no more than they were obliged to; that they regarded the abolition of slavery as unconstitutional; and the majority undoubtedly cherished the hope of having the proclamation, in some manner, revoked. It was common to hear it said that the Supreme Court would set aside the proclamation. At Mobile the people still had a great horror of the abolitionists, and a great prejudice against people who are disposed to give the freedmen their rights.

Question. As far as you have observed, if it were possible to establish the confederacy, would they prefer that, or a continuance of the Union?

Answer. They would prefer the establishment of the confederacy; and I was not surprised that that was the feeling, they having for many years been habituated to spurn the Union. I do not apply this specially to the disloyal people of Mobile, but to the disloyal people I have met in the south generally.

Question. Do they favor the education of the freedmen or not?

Answer. They do not favor the education of the freedmen.

Question. What is the sentiment in regard to allowing the freedmen to purchase and own land and to cultivate it on their own account?

Answer. There is little, if any, disposition to have them enjoy those rights. When I issued an order to allow the freedmen to testify in the courts it seemed to produce a good deal of indignation among the white people.

Question. If the army and Freedmen's Bureau were withdrawn, and the government here did not interfere by legislation or otherwise, what would be the general policy of Alabama and other southern States, as far as you know, in regard to the freedmen?

Answer. The freedmen would undoubtedly be worse off than when they were slaves. They would be subjected to great restraint and would not have the friendly protection which they had from their masters. There is no doubt that the white and black races in the south are not friendly. During the war the blacks were loyal universally, as far as I have had any experience or observation; and, whatever may be the reason, there is a great degree of prejudice and antipathy against the freedmen on the part of the white people of the south. It was a common thing for the masters to say to the blacks, "Now, you are made free; you are free and can go wherever you please. Go, if you choose, immediately; but if you remain with me you must remain and do just as you have done heretofore, and I will treat you just as I have heretofore." The consequence was that a great many of the freed people were obliged

to remain still in a state of slavery or wander off exposed to various hardships and dangers. And I would further say, that there was an understanding among those who had formerly been slave owners that the colored people should not be employed without the consent of their former masters. Although many of the planters were humanely disposed, and appeared willing to make the best of the new state of things, yet the majority of the whites were decidedly hostile to the freedmen, and whenever a wrong was done to a freedman it seldom, if ever, occurred that any of the white people would interpose to bring the wrong-doer to justice.

Question. Do you know anything of outrages or murders perpetrated upon freedmen or Union whites in the southern States?

Answer. I know of outrages committed upon freedmen in Texas. While I was in command at Houston, Texas, several white men were arrested for having killed freedmen.

Question. Were the charges made against them proved on their trials?

Answer. They had not been brought to trial when I left in the early part of August. Not all had been arrested.

Question. Are the freedmen disposed to work if properly paid?

Answer. They are.

Question. Do you apprehend any danger from them if they are treated as they should be?

Answer. Not the least.

Question. What would be the condition of the Union men of Alabama if the United States forces should be withdrawn?

Answer. It would be about the same as it was during the war. I think the unconditional Union men would have no voice if the troops were withdrawn; but if political and civil rights were given to the freedmen or loyal blacks, I think it would meet the approval of the unconditionally loyal white element; nor do I think it would produce that violence which some seem to apprehend in such an event.

Question. Are the blacks generally so far intelligent that they understand the questions at issue between the rebels and loyal people, so that there would be no danger of their being induced to vote with the rebels?

Answer. I think they are sufficiently intelligent to discriminate on that subject.

Question. If the elective franchise is confined to white persons would they be likely to choose those who have been Union men to office, or those who have participated in the rebellion?

Answer. Those who have participated in the rebellion.

Question. Do you know whether or not the people of the south expect to be paid for their slaves or for the losses they have sustained in other ways by the army?

Answer. I do not know as they expect pay. They would try to get it if they could. In regard to conferring rights, civil or political, upon the freedmen, I will say that, owing to the degree of prejudice existing and the associations of the people, it is a difficult thing for the whites voluntarily to confer civil or political rights upon the freedmen. For instance, they will not lift a hand to educate the freed people, and yet if by some authority they were required to acquiesce in measures which conferred such rights upon the freedmen they would do so, and some would cheerfully do so.

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WASHINGTON, D. C., *March* 14, 1866.

General A. L. Chetlain sworn and examined.

By Mr. BOUTWELL:

Question. What rank did you hold in the army?

Answer. Brevet Major General United States volunteers.

Question. Where did you reside previous to the war?

Answer. In Galena, Illinois.

Question. Have you been in the service since Lee's surrender? If so, where?

Answer. I have been—in Tennessee and Alabama.

Question. How long have you been in Alabama, and when did you leave that State?

Answer. I was in Alabama a little over three months, and I left there the 1st of February last.

Question. Had you means of knowing the condition and sentiments of the people while you were there? If so, what were your means of information?

Answer I had. I passed through my own district and the district of Montgomery several times during my stay in Alabama, and I addressed the colored people in several of the counties at the request of the planters. I mixed freely with the planters and conversed with them in regard to affairs connected with their State.

Question. What are the opinions of the people generally in reference to the national government?

Anwer. There is a class of men of intelligence and wealth in the State who seem to understand what is best for their State, and who act and talk very reasonably. They seem anxious that northern men should come into the State with their capital to engage in planting,

trading, manufacturing, &c. But a much larger class, and I should say a majority of the people, are not in favor of northern men going into the State. They oppose them, and I am satisfied that after the withdrawal of the troops they will compel them, in many localities, to leave the country. It is invariably the case that, where northern men engage in selling merchandise, they are proscribed by southern men, and are never patronized by them. Many northern men who went into Mobile last summer, and also to Selma and Montgomery, finding during the past winter that they could not make a living there, on account of southern people being determined not to patronize them, have been selling out at a sacrifice and leaving the country. The hostility of that class which I have named towards northern men has shown itself more in what is known as the cane-brake region, the central portion of Alabama, than it has further north. I was informed, just before leaving Alabama, by one of our ex-generals, who has planted largely in the vicinity of Selma, that threats have been made that, should he succeed in raising a cotton crop, he never would be permitted to sell or ship it; that they would destroy it before he could get away. He has applied to General Woods, commanding the department of Alabama, who has consented to furnish him with arms and ammunition, so that he may arm the blacks upon the three plantations—a squad on each plantation—to protect himself and his property after the withdrawal of the federal troops. There is generally throughout the State a feeling of dislike to the colored people, and in some localities they are treated brutally. They are robbed on the highways and very frequently killed. These outrages are committed by the class of people who have been in the rebel service, and have lost everything they possessed—people of no responsibility, and who are determined to wreak their vengeance upon the blacks. The freedmen of Alabama have generally gone to work, making contracts with planters and others, and I should think that nine-tenths of the plantations in Alabama will be cultivated this year. The price of labor is low—lower, I think, than in any other southern State; the wages of able-bodied men range from eight dollars to twelve dollars a month, and of women from six to eight dollars.

Question. Has the population of Alabama been reduced by the war?

Answer. Very much. It is estimated that 55,000 men from Alabama have been either killed or disabled during the war.

Question. How is it as to the black population—has that been reduced?

Answer. The black population has not been diminished very much. That comes out of the fact that we did not have possession of the middle or lower part of that State until the spring of 1865.

Question. Do you know anything of the expectations of the people in regard to payment for their slaves and compensation for their losses during the war?

Answer. They talk very freely in regard to an effort being made by their members, when once in Congress, to get pay for all the negroes they have lost, or that have been freed under the President's proclamation. They also expect that a majority in Congress will be secured, after the admission of their members, to give the disabled soldiers of the south the benefits of the pension act. They also speak freely of the matter of claims. They say that, now that they are pardoned and again in the family, they expect the government will pay them for the damages which they sustained by Sherman's, Wilson's, Grierson's, and Rousseau's raids.

Question. Do you know anything of the men who have been elected to office in Alabama—whether they are men who have participated in the rebellion, or were consistent Union men?

Answer. I know about most of them. I was in the State at and before the election. Nearly all the members of Congress elected in the State are men who have served in the confederate army, and I know that in public meetings, where they were canvassing, the claims of these men were based on valuable services rendered to the confederacy.

Question. So far as you have observed, would the people of Alabama prefer the confederacy, if it were possible to establish it, to the Union?

Answer. I am satisfied that a majority of the people of central and southern Alabama have but little love for the Union. I do not regard them as any more loyal now than they were two years ago. If there was any hope of succeeding I believe they would make another attempt to gain their independence.

Question. How is it in northern Alabama?

Answer. I am unable to say; I was not in that part of the State last year. Kidnapping negroes in central and southern Alabama has been carried on for some months past. The plan of operations is this: They hire negroes as steamboat hands at such places as Montgomery, Selma, and Cahawba and take them to Mobile, where they are re-hired to go to Pensacola or New Orleans, at increased wages. When the vessel once gets into the Gulf, instead of putting into New Orleans or Pensacola, they go direct to Cuba, to some out-of-the-way port, and there sell the blacks at from three to five hundred dollars each in gold. I was informed by a gentleman, who is now in the employment of the Freedmen's Bureau as a surgeon, but who requested that I should not make his name known, that in January last he heard parties in Selma talking about that matter, and stating that they made a good thing of running slaves to Cuba, and were making arrangements to form a company and carry on the business on a larger scale.

Question. Is there any other fact within your knowledge touching that matter?

Answer. No, sir. I omitted to state at the commencement of my testimony that in some

localities of central Alabama, and also in Mississippi. I am satisfied there are secret organizations in existence to compel northern men to leave the country after the withdrawal of the federal forces.

Question. Do you know anything of the number and extent of these organizations—whether they are few or many?

Answer. No, sir, I do not. I should judge there were quite many of them. They do not extend over the whole country, but are limited to certain localities. I have talked freely with many of the leading men of the State in reference to this thing, and they seemed to be aware of the existence of these organizations, and also of the fact that a large part of the population of the State are dissatisfied and vindictive, and opposed to northern men coming into the State. But they say that their influence will be sufficient to restrain them after the withdrawal of the troops.

Question. What is your opinion as to the expediency of withdrawing the troops?

Answer. I think that the troops had better be kept in the State some time longer.

Question. What has been the effect of the Freedmen's Bureau there—beneficial, or otherwise?

Answer. It has been, on the whole, efficient and beneficial. Last fall, when the planters were settling with the freedmen for their summer's work, I found that there was more or less difficulty in settling. There seemed to be a disposition on the part of a very large number of planters to overreach, indirectly, the freedmen, and to defraud them of a part of their earnings. There is a strong feeling of hostility to the Freedmen's Bureau throughout the central part of Alabama, and, next to the withdrawal of the troops, they are anxious to have that bureau discontinued. They regard that as a species of espionage, and oppose it very strongly.

Question. What do you anticipate would be the effect upon the colored people if the Freedmen's Bureau and the troops were withdrawn, and if the colored people were left to the management of the white people there?

Answer. I think that in many localities they would be treated very harshly. There is a disposition on the part of many of the members of the legislature of Alabama to legislate in regard to the freedmen, and they state that they cannot legislate as they wish now, because their action, if not satisfactory to the government or to the military authorities, would be annulled; but that they hope, as soon as their State has assumed its former relations to the government, to legislate as they think best, and then they will "show the negro where his place is."

Question. What is the disposition of the negroes, if properly paid? Are they inclined to work, or not?

Answer. They seem to be inc[illegible]d to work, with few exceptions.

Question. Apprehensions were expressed about Christmas-time of an insurrection: is there any danger of it, do you think?

Answer. No, sir; none whatever.

Question. Are the people disposed to allow the negroes to become owners of land, or have the negroes means to pay for the land?

Answer. In some localities the whites will prevent them purchasing property; in other localities I think they will allow the negro to acquire property. One portion of the district I commanded is up in the mountains, where there was a strong Union sentiment at the commencement of the war, while the other is in the cane-brake region, which is strictly a cotton-growing section, and where the state of society is very different.

Question. As far as you have observed, has the sentiment of the people been improving, or otherwise, with reference to the government?

Answer. I think it has not improved any since last summer.

Question. State whether, within your knowledge, or from official information, outrages have been committed on Union whites or negroes.

Answer. On investigation in my district, about the first of last January, I found that in a score of instances freedmen had been brutally treated by whites. Many had been killed, others robbed on the highways, and many driven from their homes in a destitute condition. These facts were reported to General Woods, commanding the department.

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WASHINGTON, *March* 14, 1866.

General James G. Blunt sworn and examined.

By Mr. BOUTWELL:

Question. What rank did you hold in the army?

Answer. Major general United States volunteers.

Question. Where were you residing previous to the war?

Answer. In Kansas.

Question. Have you been in Arkansas since Lee's surrender? If so, during what period of time?

Answer. Yes, sir; I was in the western portion of Arkansas during the entire month of September, 1865.

Question. Over what part of the State did your observations extend?

Answer. The principal portion of the time referred to was spent at Fort Smith.

Question. Did you have any means of knowing the sentiments and opinions of the people?

Answer. I associated a good deal with the people. I was frequently in communication with many persons who had served in the rebel army as officers, and also with citizens who had aided in the rebellion.

Question. As the result of your observation, what were the sentiments of the people with reference to the goverment; were they loyal or disloyal?

Answer. So far as my observation extends those who had been identified with the rebel government, either in military or civil capacity, or who had sympathized with and aided in the rebellion, since the cessation of hostilities act in good faith, according to the conditions on which they had surrendered.

Question. What proportion of the people of that region were voluntarily engaged in the rebellion?

Answer. My personal knowledge of the political *status* of Arkansas only extends to the western portion of the State, where I conducted military operations more or less since September, 1862. At the election in the spring of 1861 for delegates to the convention to deliberate on the question of secession in Arkansas, the direct issue was made in the western, and particularly northwestern portion of the State, on the question of secession; that is, the candidates were secession and anti-secession. In the first tier of counties on the western border of Arkansas at least two-thirds of the entire vote was cast for Union candidates. After the ordinance of secession passed, and when that portion of Arkansas was menaced by the presence of a large rebel army from Texas under General McCullough, and also of the rebel army under Price, that had fallen back from Missouri, a great many persons whose sympathies were with the government attempted to leave the State. Many of them did succeed in getting out of the rebel lines, a large number of whom joined the federal army. Others were not successful in making their escape, and some were hung and others cruelly treated for their expressions of loyalty. A great many were compelled by force of circumstances to enter the confederate service against their will, many of whom afterwards deserted and came within the federal lines the first opportunity that presented.

Question. How are the freedmen regarded and treated in western Arkansas?

Answer. My observation in September, 1865, was that they were well treated. In that portion of Arkansas to which I refer, the relations between the freedmen and the resident population, including a great many returned rebels, seemed to be satisfactory both to the freedmen and to the citizens. There were very few freedmen not provided with employment. There was a disposition on their part to seek employment, and there seemed to be no apprehension that they would be defrauded or ill-treated by their employers. I may state, however, in this connexion, that my knowledge of the political *status* of Arkansas, both past and present, is, that western Arkansas is much more loyal than the eastern, and particularly the southeastern portion of the State.

Question. Has the population of Arkansas diminished during the war, do you think?

Answer. Yes, sir; I think it has.

Question. To what extent?

Answer. The aggregate population of Arkansas may not be much less than it was at the commencement of the war, inasmuch as many northern people have settled there since the termination of the war. A great many men who had been connected with the federal army have remained and settled there since they were mustered out of service. I think that the State has lost a large percentage of the population that she had at the commencement of the war, but their places to a great extent have been supplied by loyal people from other States.

Question. Have you any opinion of their losses in the rebel army?

Answer. No, sir; I have not.

Question. Do you know how many troops Arkansas furnished to the rebels?

Answer. I do not. I know of four regiments which western Arkansas furnished to the ederal army. Two of those regiments were under my immediate command for a considerable time.

Question. Did they consist of colored men, or of whites?

Answer. These were white troops. Many others from Arkansas, I know, succeeded in getting inside our lines, and enlisted in Kansas and Missouri regiments. One of the two egiments of Arkansas troops under my command was commanded by Colonel Johnson, ember elect to Congress from that State.

Question. Is Colonel Johnson a true Union man?

Answer. I regard him as a very true loyal man.

Question. Does he represent western Arkansas?

Answer. Yes, sir. I have always been of the opinion that Arkansas, at the commencement of the war, was as loyal as the State of Missouri or the State of Kentucky. My opportunities of observation, and of obtaining a personal knowledge of the political *status*, or relative political *status*, of Missouri and Arkansas at the commencement of and during the war, have been quite good—perhaps as much so as in the case of any other man in the west.

NOTE.—8,072 private libraries, containing 4,648,135 volumes, are included.

The loyalty of Arkansas had not the opportunity of manifesting itself in aid of the government, as in the case of the loyal people of Missouri. At the commencement of the war Arkansas was far beyond our lines, and beyond the reach of succor from the general government, and the loyalists there were left to the mercy of armed rebel forces surrounding them on all sides, while Missouri was in a position to avail herself of assistance from loyal States bordering on her.

Question. Is it your opinion that western Arkansas, assuming that all the white people vote, (those who have been in the rebel army as well as those who have been in the Union army,) will be able to maintain a loyal position, and to elect loyal representatives?

Answer. I believe that the district represented by Colonel Johnson, which embraces northwestern and western Arkansas, and of which I have a personal knowledge, would elect a loyal representative to Congress, even though all the federal troops were withdrawn, and the matter left to the decision of the resident population, including those who had taken part in the rebellion. I think the election would be controlled by loyal men.

Question. If anything else occurs to your mind showing the condition and sentiments of the people of Arkansas, you may state it.

Answer. I do not know anything more than I have stated that would be of importance. My personal knowledge only extends to western Arkansas, where I have conducted military operations a considerable portion of the time during the war, and where I have spent some time since the termination of the war. In that portion of the State I think that I have a tolerably correct knowledge of the sentiments and dispositions of the people.

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WASHINGTON, *March* 19, 1866.

Jonas M. Tebbetts sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside, and where have you been residing during the rebellion?

Answer. I left Arkansas in June, 1862. Previous to that I had been residing at Fayetteville, in that State. I went back in the fall of that year to General Schofield's army, got my family out, returned, and resided in the neighborhood of St. Louis. I had been living in that State since 1839. I returned to it again this winter, in the month of January, remained there about two months, and then came on to this city.

Question. While you were a citizen of Arkansas, how were you employed?

Answer. As attorney-at-law.

Question. To what extent had you an acquaintance with the people of that State previous to the rebellion?

Answer. My acquaintance with the people of that State was very general, having been engaged in the practice of my profession, and travelled all over the State for 18 or 20 years.

Question. Did you take any part in the rebellion, or the controversies that preceded it, on either side?

Answer. I took no part in the rebellion in favor of it at all. I took a very decided stand against it previous to its commencement, and owing to my political views I was compelled to leave there after having suffered arrest, imprisonment, and the destruction of my property.

Question. What opportunities have you had of knowing the condition of Arkansas and the sentiments of its people during your recent visit of two months?

Answer. I went to Little Rock and mingled very freely with the people of the State, having many conversations with my old friends and acquaintances, but had no opportunity of going over the State while I was there.

Question. Did you learn any facts showing the opinions of the people towards this government?

Answer. I think I was able to get at what the spirit of the people of Arkansas was with regard to the government.

Question. What did you find it to be?

Answer. I believe there is a sincere disposition upon the part of the great mass of the people to accept the results of the war in a proper spirit, and to conform themselves to the new order of things. Of course there are some factious spirits, but these are sentiments of the great mass of the people, and among the more intelligent and better informed that spirit, I think, is very prevalent.

Question. If it were possible to establish the confederacy, as was attempted in 1861, would the people of Arkansas prefer its establishment, or the restoration of the Union?

Answer. I think they would prefer the restoration of the Union. I think many of the leading spirits of the rebellion, if they had an opportunity, with a certainty before them of establishing the confederacy, would not be disposed to do it. I have here a letter from one of the most eminent citizens of Arkansas, long a journalist in that State, a man very highly esteemed among all classes, in which he says:

"So far as my information extends, I have not seen a respectable white man in the State who would be in favor of a renewal of the contest for the separation of the south from the

north, even if it could be made manifest that it could be done without the possibility of failure. All are for peace and quiet, and for the reconstruction and restoration of the southern States to their rights under the Constitution as it was understood and considered before the war."

Question. What part, if any, did this writer take in the rebellion?

Answer. He is a very old man, and took no active part at all. His sympathies were unquestionably with the south.

Question. What do you understand by the expression he uses, "restored to their rights under the Constitution as it was understood before the war?"

Answer. I do not know that I can give an interpretation to what was his full meaning. He, himself, is much in favor of the restoration of peace and quiet—for the restoration of order in the State, and for the State conforming to all the requirements of the Constitution. And I can indorse, in the main, his statement upon that point.

Question. Have you any means of stating the loss in white population to Arkansas by the war?

Answer. I have not. Many of her citizens went into the State of Texas, and have established themselves in homes there. Some have been killed in the war, and some have moved into Missouri and other States north. I have no means of giving a correct estimate of the probable loss in white population to Arkansas by the war. I hold in my hand a letter from Governor Murphy, of the 26th of February, in which he states in a very clear manner the condition of our State. He says:

"The State is doing nobly. I feel proud of the condition of Arkansas. Never, since it has been a State, have the people displayed more energy. In most of the counties every foot of cleared land will be cultivated, and the demand will not be supplied. Civil law is in full operation. Crime is rare. The idle and lawless have generally left the country. Grand juries are doing well. The hostile elements are harmonizing rapidly. If unanimity and firmness guide the government at Washington, our trouble will be at an end. Harmony between Congress and the President is of the utmost importance to the peace of the south. God grant that harmony may prevail in our national councils; and may all the departments be guided by a spirit of wisdom and patriotism. If party spirit and selfish ambition get the control of the government, our troubles are but begun. The southern people are tired of agitation; they want peace; we want quiet and protection, that we may devote ourselves to the restoration of our fortunes and the education of our children. This is the feeling of the industrious masses."

I think I can indorse everything the governor says. I conversed a great deal while I was there with people from various parts of the State.

Question. Have you any opinion as to the temper of the people upon the question of extending the elective franchise to the negroes, or any part of them?

Answer. I think our people are opposed to that. The opinions or prejudices of years are not changed in so short a time.

Question. Is there not some difference of opinion among the white citizens of Arkansas? Are there not some persons there who would be in favor of at least qualified negro suffrage?

Answer. I believe there are some, but I think there are very few, even among those who were Union men during the whole rebellion, or indeed among those who were in arms fighting against the rebellion.

Question. As far as you know, what are the sentiments of the negroes on the question of Union or secession? Are their sympathies with the rebellion or with the Union, as a general thing?

Answer. Almost universally with the Union. Indeed I know of no exception.

Question. What proportion of white voters in Arkansas were Union men, after the commencement of hostilities, after the south was fairly involved in the rebellion?

Answer. Up to the time the convention passed an ordinance of secession I believe a large majority of our people were decidedly for the Union; and then, with a very considerable majority, there was a reluctant acquiescence in that ordinance. With many there was no acquiescence at all.

Question. If that be the fact, how do you explain the circumstance that a minority had control of the State?

Answer. The politicians and secessionists of our State were organized and had concert of action. The Union men had no organization effected when this matter was sprung upon them, and the inflammatory appeals made to the masses were such as could not well be answered by Union men in the excitement of the hour. Hence, in the county in which I live, it was, on one occasion, in the power of two hundred secessionists to control a mass meeting of some fifteen hundred, all the others being Union men. It must be remembered, too, that secession had been determined on a long time, and many of these people knew just where and how to strike. But, if we had been in a position in which we could have been sustained by the government, the secession of that State would never have been an accomplished fact; there never would have been an ordinance of secession passed. We would have had as good if not a better record than Missouri upon this subject.

Question. What is the objection among your people to extending the right to vote to the negroes?

Answer. They believe that extending the elective franchise to the negroes, who they generally regard as an inferior race, would lead to social equality and to an intermingling of races, against which their prejudice and education have always been directed.

Question. Is there any other reason than those you have stated that affect any considerable number of people?

Answer. They regard the negroes a very ignorant and degraded class, which might be wielded for bad purposes in times of political excitement. I know of no other reason.

Question. Looking back upon the course the negroes have pursued in Arkansas during the war, is there anything in particular that anybody, Unionist or secessionist, can complain of?

Answer. I think not. I think they are entitled to our kindest consideration for their conduct during the war. They have shown a spirit of subordination and manifested a degree of quiet that is commendable, and receives the commendation of the whole mass of the southern people to so great an extent that it has been a matter of surprise that I have often heard expressed by those who have been slaveholders.

Question. How do you explain it?

Answer. I explain it by the attachment and loyalty which they have always manifested towards the whites, towards their owners and employers, and to their natural disposition, for the negro has a genial, kind nature.

Question. In your opinion, does that account for the circumstance that this conduct on their part was universal through the whole south?

Answer. I am inclined to think so.

Question. If there is anything else you consider material to a proper understanding of the condition of things in Arkansas, you may state it.

Answer. I think the people of our State, in a good spirit, have accepted the results of the war. I think there is a loyal spirit pervading the whole State. Of course there are individual exceptions; but among the masses, among the intelligent classes, and especially among our public men, I think a proper spirit exists; and that if secession could be made a certainty beyond a doubt, I do not believe that one in ten of our people would embark in it or give countenance to it.

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WASHINGTON, *March* 4, 1866.

Brevet Brigadier General John Tarbell sworn and examined.

By Mr. BOUTWELL:

Question. Have you been engaged with the army during the war? If so, in what capacity?

Answer. I have. I terminated my connexion with the army as colonel and brevet brigadier general.

Question. Have you, since the surrender of Lee's army, been in the States of Georgia, Alabama, Mississippi, or Arkansas? If so, in which, and for how long a time?

Answer. I have been in Georgia, Alabama, and Mississippi since early in December last.

Question. What opportunities have you had there for ascertaining the opinions and feelings of the people?

Answer. I spent a good deal of time at Atlanta, Georgia, where I mixed with people of all classes. I was also for some time in the counties of northern Georgia, among the gold and iron ore mines. From Atlanta I travelled down as far as Montgomery, Alabama, where I spent a few days; from there to Mobile, and from Mobile, by railroad, into Scott county, Mississippi; also, from Meridian to Cairo, Mississippi. I was also twice across Alabama, from Meridian to Montgomery, stopping a few days at Selma. In that time I talked with a great many people, and listened to a great many conversations between people of all classes and colors.

Question. According to your observation, what is the opinion of the people generally concerning the national government—favorable or unfavorable?

Answer. As far as I could judge from their conversations, I think the intelligent classes, the planters and educated classes, accept the situation in perfect good faith. I mean by that, that when they take an oath to support the Constitution of the United States they intend in good faith to abide by that oath. I may perhaps add, as a qualification, that I have seen a tendency on their part, which I have very much regretted, to co-operate politically with the copperheads of the north.

Question. What opinions prevail among the less intelligent classes?

Answer. I do not think it is quite so favorable. They are disposed to be more excitable; not so candid. I have found the educated classes disposed to be quite candid. If you converse with them as to what they are to do, I think you will find they fully appreciate what is asked or required of them, and I think as far as they see their duty they are disposed to do it. I cannot speak quite so well of the more ignorant classes, those who have never had any slaves or property. They are more excitable and less candid.

Question. Have there been any elections held in any of the States mentioned while you were there?

Answer. I think not. The legislatures of Georgia and Alabama were in session, but I think the elections had taken place before my arrival there.

Question. Have you any business or interests in either of those States; and if so, what?

Answer. I purchased a plantation in Scott county, Mississippi, and opened an office with a view of other business, intending to make my residence with my family at Atlanta, Georgia.

Question. Do you apprehend any difficulty in the management of your plantation, growing out of the fact that you are a northern man?

Answer. I do not; I have no apprehension of that kind. I will say, that I never allowed any conversation with a southern gentleman to close without stating very frankly that I was a Yankee and a black republican, and never, from first to last, received anything like impoliteness or an affront. My frankness always drew frankness in return, a smile and a pleasant remark—almost always the remark that it was not so much the matter as the manner of northern men they objected to; that they always respected frankness, and had no objections to it; that they desired northern men and northern capital to come among them. That was the universal opinion expressed in conversation with men of standing and character.

Question. What seems to be the policy of the people of Mississippi, Alabama, and Georgia, concerning the freedmen?

Answer. The intelligent educated class of people to whom I allude were very frank in regard to all their plans concerning the freedmen. I heard a number of consultations between southern gentlemen, planters, on that subject. They were canvassing what they must do for their freedmen—as to contracts with the negroes, whether they should pay them wages or give them an interest in the crops; and canvassing what obligations they owed to the freedmen in the way of education and improvement, recognizing and taking the ground that now they were free the more they were improved and the better they were educated, the better laborers they would be. I make the remark with this qualification, that I think there is a pretty general want of confidence in elevating the negro to any extent. They have not the same confidence in his improvement that the northern people have; nor is there a disposition to give to the negroes the right of suffrage, or recognize them in any way as socially equal; but I do think that the educated class of people there are disposed to give them all their civil rights, and political, except that of suffrage. I cannot speak as to the action of the legislatures; I have paid no attention to that; I merely speak of the conversations I have participated in or listened to among the class of people who are most interested—the former planters and landholders.

Question. What has been the conduct of the negroes themselves, as far as you have observed?

Answer. I think, as a general thing, remarkably good. There are exceptions, as a matter of course. I heard many complaints of petty thieving among them, and occasionally of some outrage upon citizens, but these, I think, were exceptions. The general conduct of the large body of the freedmen has been excellent. That is my impression.

Question. What is their disposition about work, if they are well paid?

Answer. With exceptions, I think the great body of them are disposed to work, and will work, according to their knowledge and understanding. They are not like northern laborers, but as far as they understand, I think the great body of them are well disposed in every way.

Question. The object of the committee is to ascertain the general sentiment of the people in reference to the government—whether they are loyal or disloyal. If there is anything within your knowledge that occurs to you, bearing upon that point, you may state it.

Answer. My impression, from the observation I have had, is, that there is a rather erroneous impression in the north as to the loyalty or disloyalty of the southern people. A great deal of their excited talk and comments I think should not be ascribed to their disloyalty; I think there are other motives for it: I think it may be attributed rather to a disposition to indulge in that freedom of speech which is allowed in this country. They explained to me with frankness, and I have no doubt with entire sincerity, that they went into the rebellion fully in the belief of the right of secession. They have been educated in that doctrine, and I have no doubt they fully believed in it. They staked their fortunes and their lives on that issue; but their appeal to the sword having been decided against them, they yielded to that decision; and while they still believe they were then right—while they believed sincerely then that the doctrine of secession was a correct doctrine, yet, for the future they have no idea of secession whatever. They have utterly and forever abandoned the idea. That is what they say, and so far as I can judge I believe they are sincere and truthful in their declaration, and for the future will be true to their oath to support the Constitution.

In respect to the freedom of speech sometimes indulged by people in the south, I may say that I think they have well-grounded complaints against the Freedmen's Bureau; and I do not think their criticisms upon that bureau are in every instance dictated by motives of disloyalty. I do not mean to say what proportion of the officers of that bureau are incompetent or corrupt, but that there are many such I have no doubt. In such districts there has been a good deal of complaint, and to a casual observer their comments might be ascribed, perhaps, to motives of disloyalty; but a more careful attention to the subject satisfied me that their complaints were well grounded in a great many cases, for in districts where they had upright, intelligent, and impartial officers of the bureau, the people expressed entire satisfaction. They stated to me that where they had such officers, and where they had soldiers who were under good discipline, they were entirely welcome, and indeed they were glad to have

their presence—in some cases approving the action of bureau officers in punishing white men for the ill treatment of colored people, saying that the officers were perfectly right. In other districts, I am satisfied that it often occurred that bureau officers, wanting in good sense, would show a decided partiality for the colored people, without regard to justice. I am satisfied, also, there were districts where the planters would insure the favor of the bureau officers to them by paying them money; and while they were glad to have their favor, still they would condemn such officers, and in such districts there was dissatisfaction

They were also very sharp in their criticisms upon what are called the radicals of the north. But I do not think even those criticisms should be ascribed altogether to disloyalty to the government, but rather to a difference of political opinion. When they would read of some new proposition to amend the Constitution in reference to the southern States, or read a pretty caustic speech made by some radical against the south, or would read quotations from northern newspapers containing pretty sharp criticisms upon southern character, charging them with beating the negro, with perjury in taking an oath to support the Constitution, in fact, taking it with a mental reservation, not intending to observe it any longer than they were obliged to, and when southern gentlemen were presenting petitions for pardon, caricaturing them as would sometimes be done by northern newspapers, these things would call forth pretty sharp comments in reply, but I had the charity to believe that they were not such as, under the circumstances, should be ascribed altogether to disloyalty.

I wish to add, also, that I think the southern press has not done its duty; and I hope, if my evidence is published, this remark will attract attention in the south. My impression, as far as I could observe, was, that the press of the south was disposed, from selfish motives, to cater to the old prejudices; that it was not sufficiently bold and fearless in accepting and in advocating the acceptance of the position.

It is also my impression that many people in the north very greatly overrate the present character and capacity of the plantation negro, as well as his capacity for future improvement. I think time will show that the most ardent in the north will be greatly disappointed in the improvement of these negroes, even under the most favorable circumstances. I wish also to add, judging from my travels in these three States, that these reports of outrages upon the colored people, of ill treatment of the northern settlers, are quite exceptional cases, and exaggerated, if not altogether false, and that all these statements in the newspapers of outrages upon the blacks and upon settlers from the north, I think, do the educated people of the south very great injustice. There are, no doubt, disloyal and disorderly persons in the south, but it is an entire mistake to apply these terms to a whole people. I would as soon travel alone, unarmed, through the south as through the north. The south I left is not at all the south I hear and read about in the north. From the sentiment I hear in the north, I would scarcely recognize the people I saw, and, except their politics, liked so well. I have entire faith that the better classes are friendly to the negroes, and that through this feeling, and the laws of capital and labor, the relations of these classes will settle down together on terms equitable and just to both. I have also faith that when the north and south come to know each other better their relations will be all that could be desired. It is not for me to indicate the means, but I believe the south can be made, and will become, the loyal portion of the country.

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WASHINGTON, *April* 6, 1866.

William F. Downs sworn and examined.

By Mr. BOUTWELL:

Question. State your age and residence.

Answer. Ohio I call my home; my age is twenty-nine.

Question. Have you been in any of the rebel States since Lee's surrender? If so, in which States, and under what circumstances?

Answer. In the capacity of revenue agent, during the month of December, I went down the Mississippi river, from St. Louis to Memphis, making a trip from the latter point to Atlanta, Georgia.

Question. What opportunities had you of ascertaining the sentiments of the people upon political matters?

Answer. Before leaving here, I had some consultations with the Secretary of the Treasury, with the Commissioner of Internal Revenue, and with some of my friends, members of Congress, each of whom signified a wish that I should indicate to them the opinions which I formed as the result of my observation. And I endeavored, as far as I could without making my official business, which was entirely in connexion with the internal revenue service, known, to acquaint myself, so far as I had the opportunity, with the feelings of the people with whom I was thrown into contact.

Question. What was the result of your observation touching the loyalty of the people of those States?

Answer. I think that with quite the larger number of the persons with whom I conversed, with the single exception of the rebel General Pillow, I met no one who impressed me as

being disposed to accept the condition and make the best of their political situation. I found General Pillow apparently warmly in earnest in his disposition to go forward, as Mr. McCullough afterwards expressed it, take advantage of the circumstances, and engage in business, leaving political matters as a secondary consideration.

Question. Did any facts come under your observation showing the purposes or opinions of the people?

Answer. I do not know that there was anything particularly significant on that point. I thought there was a disposition manifest on the part of the people to converse upon these subjects in a manner which was irritating in the extreme. Their conversations were filled with expressions of their opposition to the government, and to plans which were then, as they supposed, likely to prevail. My intercourse with the people of this whole section was mainly as a party travelling. I avoided all causes of disputes, my object being to promote conciliation and to allay the feeling which I found to be dominant there.

Question. Did you notice any difference in the people of the different States you visited?

Answer. My route took me over that portion of country which had suffered, probably, as much as any other by General Sherman's army in their march southward, and I found no difference of opinion, unless it was that at Memphis the people are more violent and plain-spoken in their opposition to the measures of the government.

Question. Did you hear any suggestions as to their plans or expectations for the future?

Answer. I do not know that I heard anything on that point that impressed me sufficiently forcibly to enable me to remember it.

Question. What was the disposition of the people concerning the freedmen?

Answer. I think probably the remark of General Pillow is true, that heretofore the southern man, from motives of self-interest, consulted the comfort of his slaves to a degree which now, that interest having been entirely set aside, would not permit. He was clearly of the opinion that there would be a great diminution of the population of blacks, growing out of causes akin to that sort of feeling.

Question. The object of the committee is to get information showing the state of public sentiment in the south. If there are any other facts within your knowledge, you may state them.

Answer. I do not know that I have any particulars to refer to as connected with my trip, with the exception that I was impressed with the idea I have stated, that the people there were unsettled and disposed to be violent in their feelings and remarks, and to look with disfavor upon the efforts that were being made to bring about an adjustment of the difficulties; that while, perhaps, they were broken in power, they were scarcely so in spirit. That is the opinion I formed upon the subject.

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WASHINGTON, *April* 11, 1866.

Alexander H. Stephens sworn and examined.

By Mr. BOUTWELL:

Question. State your residence.

Answer. Crawfordsville, Georgia.

Question. What means have you had since Lee's surrender to ascertain the sentiments of the people of Georgia with regard to the Union?

Answer. I was at home in Georgia at the time of the surrender of General Lee, and remained there until the 11th of May, and during that time conversed very freely with the people in my immediate neighborhood, with the governor of the State, and with one or two other leading or prominent men in the State. From the 11th of May until my return to Georgia, which was the 25th of October, I had no means of knowing anything of the public sentiment there, except through the public press and such letters as I received. From the time of my return until I left the State on my visit here, I had very extensive intercourse with the people, visiting Augusta, visiting Milledgeville during the session of the legislature, first on their assembling, again in January upon their reassembling, and again in the latter part of February. While there I conversed very freely and fully with all the prominent leading men, or most of them, in the legislature, and met a great many of the prominent influential men of the State not connected with the legislature. And by letters from and correspondence with men in the State whom I have not met. I believe that embraces a full answer to the question as to my means of ascertaining the sentiments of the people of that State upon the subject stated in the question.

Question. As the result of your observations, what is your opinion of the purposes of the people with reference to the reconstruction of the government, and what are their desires and purposes concerning the maintenance of the government?

Answer. My opinion, and decided opinion, is that an overwhelming majority of the people of Georgia are exceedingly anxious for the restoration of the government, and for the State to take her former position in the Union, to have her senators and representatives admitted into Congress, and to enjoy all her rights as a State under the Constitution of the United States as it stands amended.

Question. What are their present views concerning the justice of the rebellion? Do they at present, believe that it was a reasonable and proper undertaking, or otherwise?

Answer. My opinion of the sentiment of the people of Georgia upon that subject is that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of they measure. There was, however, but very little division among them upon the question of the right of it. It is now their belief, in my opinion—and I give it merely as an opinion—that the surest, if not only hope for their liberties is the restoration of the Constitution of the United States and of the government of the United States under the Constitution.

Question. Has there been any change of opinion as to the right of secession as a right in the people or in the States?

Answer. I think there has been a very decided change of opinion as to the policy by those who favored it. I think the people generally are satisfied sufficiently with the experiment never to make a resort to that measure of redress again by force, whatever may be their own abstract ideas upon that subject. They have given up all idea of the maintenance of those opinions by a resort to force. They have come to the conclusion that it is better to appeal to the forums of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty, than to the arena of arms. It is my settled conviction that there is not any idea cherished at all in the public mind of Georgia of ever resorting again to secession or to the exercise of the right of secession, by force. That whole policy of the maintenance of their rights, in my opinion, is at this time totally abandoned.

Question. But the opinion as to the right, as I understand, remains substantially the same.

Answer. I cannot answer as to that. Some may have changed their opinions in this respect. It would be an unusual thing, as well as a difficult matter, for a whole people to change their convictions upon abstract truths or principles. I have not heard this view of the subject debated or discussed recently, and I wish to be understood as giving my opinion only on that branch of the subject which is of practical character and importance.

Question. To what do you attribute the change of opinion as to the propriety of attempting to maintain their views by force?

Answer. Well, sir, my opinion about that—my individual opinion, derived from observation—is that this change of opinion arose mainly from the operation of the war among themselves, and the results of the conflict from their own authorities on their individual rights of person and property, the general breaking down of constitutional barriers which usually attend all protracted wars.

Question. In 1861, when the ordinance of secession was adopted in your State, to what extent was it supported by the people?

Answer. After the proclamation of President Lincoln calling out the 75,000 militia, under the circumstances it was issued, and blockading the southern ports, and the suspension of the writ of *habeas corpus*, the southern cause, as it was termed, received the almost unanimous support of the people of Georgia. Before that, they were very much divided on the question of the policy of secession; but afterwards they supported the cause, with very few exceptions within the range of my knowledge. There were some few exceptions, not exceeding half a dozen, I think. The impression then prevailing was that public liberty was endangered, and they supported the cause because of their zeal for constitutional rights. They still differed very much as to the ultimate object to be attained and the means to be used, but these differences yielded to the emergency of the apprehended common danger.

Question. Was not the ordinance of secession adopted by Georgia earlier in date than the proclamation for the 75,000 volunteers?

Answer. Yes, sir. I stated that the people were very much divided on the question of the ordinance of secession, but that after the proclamation the people became almost unanimous in their support of the cause. There were some few exceptions in the State, I think not more than half a dozen among my acquaintances. As I said, while they were thus almost unanimous in support of the cause, they differed as to the end to be attained by sustaining it. Some looked to an adjustment or settlement of the controversy upon any basis that would secure their constitutional rights. Others looked to a southern separate nationality as their only object and hope. These different views as to the ultimate objects did not interfere with the general active support of the cause.

Question. Was there a popular vote upon the ordinance of secession?

Answer. Only so far as in the election of delgates to the convention.

Question. There was no subsequent action?

Answer. No, sir. The ordinance of secession was not submitted to a popular vote afterwards.

Question. Have you any opinion as to the vote it would have received as compared with the whole, if it had been submitted to the free action of the people?

WITNESS. Do you mean after it was adopted by the convention?

Mr. BOUTWELL. Yes, after it was adopted by the convention, if it had been submitted forthwith or within a reasonable time.

Answer. Taking the then state of things, South Carolina, Florida, and Mississippi, I think, having seceded, my opinion is that a majority of the people would have ratified it, and

perhaps a decided or large majority. If, however, South Carolina and the other States had not adopted their ordinances of secession, I am very well satisfied that a majority of the people of Georgia, and perhaps a very decided majority, would have been against secession if her ordinance had been submitted to them. But as matters stood at the time, if the ordinance had been submitted to a popular vote of the State it would have been sustained. That is my judgment and opinion about that matter.

Question. What was the date of the Georgia ordinance?

Answer. The 18th or 19th—I think the 19th—of January, 1861.

Question. The question of secession was involved in the election of delegates to that convention, was it not?

Answer. Yes, sir.

Question. And was there, on the part of candidates, a pretty general avowal of opinions?

Answer. Very general.

Question. What was the result of the election, as far as the convention expressed any opinion upon the question of secession?

Answer. I think the majority was about thirty in favor of secession.

Question. In a convention of how many?

Answer. In a convention based upon the number of senators and members of the house in the general assembly of the State. The exact number I do not recollect, but I think it was near 300, perhaps a few over or under.

Question. Was there any difference in different parts of the State in the strength of Union sentiment at that time?

Answer. In some of the mountain counties the Union sentiment was generally prevalent. The cities, towns, and villages were generally for secession. The anti-secession sentiment was more general in the rural districts and in the mountain portions of the State. Yet the people of some of the upper counties were very active and decided secessionists. There was nothing like a sectional division of the State at all. For instance, the delegation from Floyd county, situated in the upper portion of the State, was an able one, and strong for secession; while the county of Jefferson, down in the interior of the cotton belt, sent one of the most prominent delegations for the Union. I could designate particular counties in that way throughout the State, showing there was nothing like a sectional or geographical division of the State on the question.

Question. In what particular did the people believe their constitutional liberties were assailed or endangered from the Union?

Answer. Mainly, I would say, in their internal social polity, and their apprehension from the general consolidating tendencies of the doctrines and principles of that political party which had recently succeeded in the choice of a President and Vice-President of the United States. It was the serious apprehension that if the republican organization, as then constituted, should succeed to power, it would lead ultimately to a virtual subversion of the Constitution of the United States, and all its essential guarantees of public liberty. I think that was the sincere, honest conviction in the minds of our people. Those who opposed secession did not apprehend that any such results would necessarily follow the elections which had taken place; they still thought that all their rights might be maintained in the Union and under the Constitution, especially as there were majorities in both houses who agreed with them on constitutional questions.

Question. To what feature of their internal social polity did they apprehend danger?

Answer. Principally the subordination of the African race, as it existed under their laws and institutions.

Question. In what spirit is the emancipation of the slaves received by the people?

Answer. Generally, it is acquiesced in and accepted, I think, in perfect good faith, and with a disposition to do the best that can be done in the new order of things in this particular.

Question. What, at present, are the relations subsisting between the white people and black people, especially in the relations of employers and employed?

Answer. Quite as good, I think, as in any part of the world that ever I have been in between like classes of employer and employé. The condition of things in this respect on my return last fall was very different from what it was when I left home for my present visit to this city. During the fall, and up to the close of the year, there was a general opinion prevailing among the colored people that at Christmas there would be a division of the lands, and a very general indisposition on their part to make any contracts at all for the present year. Indeed, there were very few contracts, I think, made throughout the State until after Christmas, or about the first of January. General Tillson, who is at the head of the bureau in the State, and whose administration has given very general satisfaction to our people, I think, was very active in disabusing the minds of the colored people from their error in this particular. He visited quite a number of places in the State, and addressed large audiences of colored people; and when they became satisfied that they were laboring under a mistake in anticipating a division of lands after Christmas and the first of January, they made contracts very readily generally; and since that time affairs have, in the main, moved on quite smoothly and quietly.

Question. Are the negroes, generally, at work?

Answer. Yes, sir; they are generally at work. There are some idlers, but this class constitute but a small proportion.

Question. What, upon the whole, has been their conduct? Proper, under the circumstances in which they have been placed, or otherwise?

Answer. As a whole, much better than the most hopeful looked for.

Question. As far as you know, what are the leading objects and desires of the negro population, at the present time, in reference to themselves?

Answer. It is to be protected in their rights of persons and property—to be dealt by fairly and justly.

Question. What, if anything, has been done by the legislature of your State for the accomplishment of these objects?

Answer. The legislature has passed an act, of which the following is a copy:

["No. 90.]

"An act to define the term 'persons of color,' and to declare the rights of such persons.

"SEC. 1. *Be it enacted, &c.*, That all negroes, mulattoes, mestizoes, and their descendants having one-eighth negro or African blood in their veins, shall be known in this State as 'persons of color.'

"SEC. 2. *Be it further enacted*, That persons of color shall have the right to make and enforce contracts, to sue, be sued, to be parties and give evidence, to inherit, to purchase, and to have full and equal benefit of all laws and proceedings for the security of person and estate, and shall not be subjected to any other or different punishment, pain, or penalty, for the commission of any act or offence, than such as are prescribed for white persons committing like acts or offences."

The third section of this act simply repeals all conflicting laws. It was approved by the governor on the 17th of March last.

Question. Does this act express the opinions of the people, and will it be sustained?

Answer. I think it will be sustained by the courts, as well as by public sentiment. It was passed by the present legislature. As an evidence of the tone of the legislature of the State, as well as that of the people of the State, upon this subject, I will refer you simply to a letter I wrote to Senator Stewart upon the same subject. I submit to you a copy of that letter. It is as follows:

WASHINGTON, D. C., *April* 4, 1866.

DEAR SIR: In answer to your inquiries touching the sentiments and feelings of the people of Georgia towards the freedmen, and the legal *status* of this class of population in the State, &c., allow me briefly to say that the address delivered by me on the 22d of February last before the legislature (a copy of which I herewith hand you) expresses very fully and clearly my own opinions and feelings upon the subjects of your inquiry. This address was written and printed as you now see it, before its delivery. It was delivered *verbatim* as you now read it, that there might be no mistake about it. It was as it now stands unanimously indorsed by the senate in a joint resolution, which was concurred in in the house without dissent, and was ordered to be spread upon the journals of both houses. This I refer you to as a better and more reliable index of the feelings and views of the people of the State on this subject than any bare individual opinion I might entertain or express. The legislature of the State, it is to be presumed, is as correct an exponent of the general feelings and views of the people of the State upon any political questions as any that can be obtained from any quarter. In addition to this, the legislature subsequently evinced their principles by their works in passing an act, which I also enclose to you. This act speaks for itself. It is short, concise, pointed, as well as comprehensive. It secures to the colored race the right to contract and to enforce contracts, the right to sue and to be sued, the right to testify in the courts subject to the same rules that govern the testimony of whites, and it subjects them to the same punishments for all offences as the whites. In these respects, embracing all essential civil rights, all classes in Georgia now stand equal before the law. There is no discrimination in these particulars on account of race or color.

Please excuse this hasty note. I have no time to go more in detail.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

Hon. WILLIAM M. STEWART, *United States Senate.*

Question. What, if anything, is being done in Georgia with regard to the education of the negroes, either children or adults?

Answer. Nothing by the public authorities, as yet. Schools are being established in many portions of the State under the auspices, I think, of the Freedmen's Bureau, and quite a number by the colored people themselves, encouraged by the whites.

Question. What disposition do the negroes manifest in regard to education?

Answer. There seems to be a very great desire on the part of the children and younger ones and with their parents to have them educated.

Question. What is the present legal condition of those who have lived together as husband and wife? Do the laws recognize and sustain the relations and the legitimacy of their offspring?

Answer. Our State laws do. They recognize all those living as man and wife as legally man and wife. A good many of them took out licences and were married in the usual way. There is no difference in our laws in that respect. Licenses are issued for white and black alike—only they are prohibited from intermarrying with each other. The races are not permitted to intermarry.

Question. Were the amendments to the constitution of the State of Georgia, recently adopted, submitted to the people?

Answer. No, sir; they were not submitted. I have no hesitation, however, in expressing the opinion that nine-tenths of the people would have voted for them, if the constitution had been submitted. That is but an opinion. I heard no dissent at all in the State. I was there at the time. I got home before the convention adjourned. The State constitution, as made by the convention, would have been ratified almost without opposition. It would have been ratified *nem. con.*, if it had been submitted. This, at least, is my opinion.

Question. What was the voting population of your State in 1860?

Answer. Something upwards of a hundred thousand.

Question. What is probably the present voting population?

Answer. The voting population of the State under the present constitution is perhaps 80,000. That is a mere estimate.

Question. Has there been any enumeration of the losses of Georgia in the field, in the military service?

Answer. No accurate estimate that I am aware of.

Question. What is it supposed to have been?

Answer. I am not able to answer the question with anything like accuracy.

Question. What is the public sentiment of Georgia with regard to the extension of the right of voting to the negroes?

Answer. The general opinion in the State is very much averse to it.

Question. If a proposition were made to amend the Constitution, so as to base representation in Congress upon voters, substantially, would Georgia ratify such a proposed amendment, if it were made a condition precedent to the restoration of the State to political power in the government?

Answer. I do not think they would. The people of Georgia, in my judgment, as far as I can reflect or represent their opinions, feel that they are entitled under the Constitution of the United States to representation, without any further condition precedent. They would not object to entertain, discuss, and exchange views in the common councils of the country with the other States, upon such a proposition, or any proposition to amend the Constitution, or change it in any of its features; and they would abide by any such change, if made as the Constitution provides. But they feel that they are constitutionally entitled to be heard by their senators and members in the houses of Congress upon this or any other proposed amendment. I do not therefore think that they would ratify the amendment suggested as a condition precedent to her being admitted to representation in Congress. Such, at least, is my opinion.

Question. It is then your opinion that at present the people of Georgia would neither be willing to extend suffrage to the negroes nor consent to the exclusion of the negroes from the basis of representation?

Answer. The people of Georgia, in my judgment, are perfectly willing to leave suffrage and the basis of representation where the Constitution leaves it. They look upon the question of suffrage as one belonging exclusively to the States; one over which, under the Constitution of the United States, Congress has no jurisdiction, power, or control, except in proposing amendments and not in making their acceptance and adoption by the States conditions of representation. I do not think, therefore, that the people of that State, while they are disposed, as I believe, earnestly to deal fairly, justly, and generously with the freedmen, would be willing to consent to a change in the Constitution that would give Congress jurisdiction over the question of suffrage; and especially would they be very much averse to Congress exercising any such jurisdiction without their representatives in the Senate and House being heard in the public councils upon this question that so fatally concerns their internal policy as well as the internal policy of all the States.

Question. If the proposition were to be submitted to Georgia, as one of the eleven States lately in rebellion, that she might be restored to political power in the government of the country upon the condition precedent that she should on the one hand extend suffrage to the negroes, or on the other consent to their exclusion from the basis of representation, would she accept either proposition and take her place in the government of the country?

Answer. I can only give my opinion. I do not think she would accept either as a condition precedent presented by Congress, for they do not believe that Congress has the rightful power under the Constitution to prescribe such a condition. If Georgia is a State in the Union her people feel that she is entitled to representation without conditions imposed by Congress; and if she is not a State in the Union, then she could not be admitted as an equal with the others if her admission were trammelled with conditions that did not apply to all

the rest alike. General, universal suffrage among the colored people, as they are now there, would by our people be regarded as about as great a political evil as could befall them.

Question. If the proposition were to extend to right of suffrage to those who could read and to those who had served in the Union armies, would that modification affect the action of the State?

Answer. I think the people of the State would be unwilling to do more than they have done for restoration. Restricted or limited suffrage would not be so objectionable as general or universal. But it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a proper system of restricted or limited suffrage to this class of our population. But, in my judgment, it is a matter that belongs of constitutional right to the States to regulate respectively each for itself. But the people of that State, as I have said, would not willingly, I think, do more than they have done for restoration. The only view in their opinion that could possibly justify the war which was carried on by the federal government against them was the idea of the indissolubleness of the Union; that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the Constitution. And since that was accomplished, since those who had assumed the contrary principle—the right of secession and the reserved sovereignty of the States—had abandoned their cause, and the administration here was successful in maintaining the idea upon which war was proclaimed and waged, and the only view in which they supposed it could be justified at all—when that was accomplished, I say, the people of Georgia supposed their State was immediately entitled to all her rights under the Constitution. That is my opinion of the sentiment of the people of Georgia, and I do not think they would be willing to do anything further as a condition precedent to their being permitted to enjoy the full measure of their constitutional rights. I only give my opinion of the sentiment of the people at this time. They expected as soon as the confederate cause was abandoned that immediately the States would be brought back into their practical relations with the government as previously constituted. That is what they looked to. They expected that the States would immediately have their representatives in the Senate and in the House; and they expected in good faith, as loyal men, as the term is frequently used—loyal to law, order, and the Constitution—to support the government under the Constitution. That was their feeling. They did what they did, believing it was best for the protection of constitutional liberty. Towards the Constitution of the United States the great mass of our people were always as much devoted in their feelings as any people ever were towards any laws or people. This is my opinion As I remarked before, they resorted to secession with a view of more securely maintaining these principles. And when they found they were not successful in their object in perfect good faith, as far as I can judge from meeting with them and conversing with them, looking to the future development of their country in its material resources as well as its moral and intellectual progress, their earnest desire and expectation was to allow the past struggle, lamentable as it was in its results, to pass by and to co-operate with the true friends of the Constitution, with those of all sections who earnestly desire the preservation of constitutional liberty and the perpetuation of the government in its purity. They have been a little disappointed in this, and are so now. They are patiently waiting, however, and believing that when the passions of the hour have passed away this delay in representation will cease. They think they have done everything that was essential and proper, and my judgment is that they would not be willing to do anything further as a condition precedent. They would simply remain quiet and passive.

Question. Does your own judgment approve the view you have given as the opinion of the people of the State?

Answer. My own judgment is very decided, that the question of suffrage is one that belongs, under the Constitution, and wisely so too, to the States, respectively and exclusively.

Question. Is it your opinion that neither of the alternatives suggested in the question ought to be accepted by the people of Georgia?

Answer. My own opinion is, that these terms ought not to be offered as conditions precedent. In other words, my opinion is that it would be best for the peace, harmony, and prosperity of the whole country that there should be an immediate restoration, an immediate bringing back of the States into their original practical relations; and let all these questions then be discussed in common council. Then the representatives from the south could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. You may take my opinion, or the opinions of any individual, but they will not enable you to judge of the condition of the State of Georgia so well as for her own representatives to be heard in your public councils in her own behalf. My judgment, therefore, is very decided, that it would have been better as soon as the lamentable conflict was over, when the people of the south abandoned their cause and agreed to accept the issue, desiring as they do to resume their places for the future in the Union, and to look to the arena of reason and justice for the protection of their rights in the Union—it would have been better to have allowed that result to take place, to follow under the policy adopted by the administration, than to delay it or hinder it by propositions to amend the Constitution in respect to suffrage or any other new matter. I think the people of all the southern States would in the halls of Congress discuss these questions calmly and

deliberately, and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly, philosophically, and patriotically yield to whatever should be constitutionally determined in common council. But I think they feel very sensitively the offer to them of propositions to accept while they are denied all voice in the common council of the Union, under the Constitution, in the discussion of these propositions. I think they feel very sensitively that they are denied the right to be heard. And while, as I have said, they might differ among themselves in many points in regard to suffrage, they would not differ upon the question of doing anything further as a condition precedent to restoration. And in respect to the alternate conditions to be so presented, I do not think they would accept the one or the other. My individual general views as to the proper course to be pursued in respect to the colored people are expressed in a speech made before the Georgia legislature, referred to in my letter to Senator Stewart. This was the proper forum, as I conceive, to address them, and my utmost exertions shall be, if I live, to carry out those views. But I think a great deal depends in the advancement of civilization and progress, that these questions should be considered and kept before the proper forum.

Question. Suppose the States that are represented in Congress, and Congress itself, should be of the opinion that Georgia should not be permitted to take its place in the government of the country except upon its assent to one or the other of the two propositions suggested is it, then, your opinion that, under such circumstances, Georgia ought to decline?

Witness. You mean the States now represented, and those only?

Mr. Boutwell. Yes.

Witness. You mean by Congress, Congress as it is now constituted, with the other eleven States excluded?

Mr. Boutwell. I do.

Witness. And you mean the same alternative propositions to be applied to all the eleven States as conditions precedent to their restoration?

Mr. Boutwell. I do.

Answer. I think she ought to decline, under the circumstances and for the reasons stated, and so ought the whole eleven. Should such an offer be made and declined, and those States, should they be kept out, a singular spectacle would be presented—a complete reversal of positions would be presented. In 1861 these States thought they could not remain safely in the Union without new guarantees, and now, when they agree to resume their former practical relations in the Union, under the Constitution, the other States turn upon them and say they cannot permit them to do so safely to their interests without new constitutional guarantees. The southern States would thus present themselves as willing for immediate union, under the Constitution, while it would be the northern States opposed to it. The former disunionists would thereby become the unionists, and the former unionists the practical disunionists.

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WASHINGTON, *April* 12, 1866.

Examination of Alexander H. Stephens resumed.

By Mr. BOUTWELL:

Question. Do you mean to be understood in your last answer that there is no constitutional power in the government, as at present organized, to exact conditions precedent to the restoration to political power of the eleven States that have been in rebellion?

Answer. That is my opinion.

Question. Do you entertain the same opinion in reference to the amendment to the Constitution abolishing slavery?

Answer. I do. I think the States, however, abolished slavery in good faith, as one of the results of the war. Their ratification of the constitutional amendment followed as a consequence. I do not think there is any constitutional power on the part of the government to have exacted it as a condition precedent to their restoration under the Constitution, or to the resumption of their places as members of the Union.

Question. What, in your opinion, is the legal value of the laws passed by Congress, and approved by the President, in the absence of senators and representatives from the eleven States?

Answer. I do not know what particular laws you refer to, but my answer generally is, that the validity of all laws depends on their constitutionality. This is a question for the judiciary to determine. My own judgment, whatever it might be, would have to conform to the judicial determination of the question. It is a question for the courts to determine.

Question. Have you formed any opinion upon that question?

Answer. I cannot say that I have formed any matured opinion in reference to any particular act of Congress embraced in the question.

Question. Assume that Congress shall, in this session, in the absence of senators and representatives from the eleven States, pass an act levying taxes upon all the people of the

United States, including the eleven, is it your opinion that such an act would be constitutional?

Answer. I should doubt if it would be. It would certainly, in my opinion, be manifestly unjust, and against all ideas of American representative government. Its constitutionality would, however, be a question for the judiciary to decide, and I should be willing to abide by that decision, whatever it might be.

Question. If the eleven States have at present an immediate constitutional right to be represented in Congress on a footing with the States at present represented, has that been a continuous right from the formation of the government, or from the time of the admission of the new States respectively, or has it been interrupted by war?

Answer. I think, as the Congress of the United States did not consent to the withdrawal of the seceded States, it was a continuous right under the Constitution of the United States, to be exercised so soon as the seceded States, respectively, made known their readiness to resume their former practical relations with the federal government, under the Constitution of the United States. As the general government denied the right of secession, I do not think any of the States attempting to exercise it thereby lost any of their rights under the Constitution, as States, when their people abandoned that attempt.

Question. Is it or not your opinion that the legislatures and people of the eleven States, respectively, have at present such a right to elect senators and representatives to Congress, that it may be exercised without regard to the part which persons elected may have had in the rebellion?

Answer. I do not think they could exercise that right in the choice of their senators and members so as to impair in the slightest degree the constitutional right of each house for itself to judge of the qualifications of those who might be chosen. The right of the constitutional electors of a State to choose, and the right of each house of Congress to judge of the qualifications of those elected to the respective bodies, are very distinct and different questions. And in thus judging of qualifications, I am free to admit that, in my opinion, no one should be admitted as a member of either house of Congress who is not really and truly loyal to the Constitution of the United States, and to the government established by it.

Question. State whether, from your observation, the events of the war have produced any change in the public mind of the south upon the question of the reserved rights of the States under the Constitution of the United States.

Answer. That question I answered in part yesterday. While I cannot state from personal knowledge to what extent the opinions of the southern States upon the abstract question of the reserved rights of the States may have changed, my decided opinion is that a very thorough change has taken place upon the practical policy of resorting to any such right.

Question. What events or experience of the war have contributed to this change?

Answer. First, the people are satisfied that a resort to the exercise of this right, while it is denied by the federal government, will lead to war, which many thought before the late attempted secession would not be the case; and civil wars, they are also now very well satisfied, are dangerous to liberty: moreover, their experience in the late war, I think, satisfied them that it greatly endangered their own. I allude, specially, to the suspension of the writ of habeas corpus, the military conscriptions, the declaration of martial law in various places, general impressments, and the levying of forced contributions, as well as the very demoralizing effects of war, generally.

Question. When were you last a member of the Congress of the United States?

Answer. I went out on the 4th of March, 1859.

Question. Will you state, if not indisposed to do so, the considerations or opinions which led you to identify yourself with the rebellion so far as to accept the office of Vice-President of the Confederate States of America, so-called?

Answer. I believed thoroughly in the reserved sovereignty of the several States of the Union under the compact or Constitution of 1787. I opposed secession therefore as a question of policy, and not one of right, on the part of Georgia. When the State seceded against my judgment and vote I thought my ultimate allegiance was due to her, and I preferred to cast my fortunes and destiny with hers and her people rather than take any other course, even though it might lead to my sacrifice and her ruin. In accepting position under the new order of things my sole object was to do all the good I could in preserving and perpetuating the principles of liberty as established under the Constitution of the United States. If the Union was to be abandoned either with or without force—which I thought a very impolitic measure—I wished, if possible, to rescue, preserve, and perpetuate the principles of the Constitution. This I was not without hope might be done in the new confederacy of States formed. When the conflict arose my efforts were directed to as speedy and peaceful an adjustment of the questions as possible. This adjustment I always thought, to be lasting, would have ultimately to be settled upon a continental basis founded upon the principles of mutual convenience and reciprocal advantage on the part of the States on which the Constitution of the United States was originally formed. I was wedded to no particular plan of adjustment except the recognition as a basis of the separate sovereignty of the several States. With this recognized as a principle I thought all other questions of difference would soon adjust themselves according to the best interests, peace, welfare, and prosperity of the whole country, as enlightened reason, calm judgment, and a sense of justice might direct. This

doctrine I regarded as a self-regulating principle of American State institutions extending possibly over the continent.

Question. Have your opinions undergone any change since the opening of the rebellion in reference to the reserved rights of States under the Constitution of the United States?

Answer. My convictions on the original abstract question have undergone no change, but I accept the issues of the war and the result as a practical settlement of that question. The sword was appealed to to decide the question, and by the decision of the sword I am willing to abide.

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WASHINGTON, *April* 13, 1866.

Dr. James P. Hambleton sworn and examined.

By Mr. BOUTWELL:

Question. Where do you reside and what is your occupation?

Answer. I reside in Atlanta, Georgia. My occupation is that of a physician.

Question. What have been your means of ascertaining the sentiments of the people of Georgia since Lee's surrender?

Answer. Atlanta is a very central position. It is the great railroad centre of Georgia, and I frequently come in contact there with persons from other parts of the country.

Question. Is there or not an expectation among the people that they are to be compensated for the loss of slaves or other losses sustained by the war?

Answer. That is the impression, when the passions engendered by the war have subsided.

Question. Is it a matter of talk about there?

Answer. Not much; no great deal. Occasionally you hear it mentioned. Our people have very great confidence in the sense of justice of the American people after the passions of the hour have passed away.

Question. Do you recollect the names of any persons whom you have heard speak upon the subject?

Answer. No, sir. I could not specify names. There is a general indisposition upon the part of our people to discuss national politics.

Question. You think they expect payment for their slaves as well as for their other losses?

Answer. Well, I think that is the calculation, at the proper time.

Question. Do you know anything of the sentiment of the people in regard to the payment of the national debt which the country has incurred in the suppression of the rebellion?

Answer. There is very little said about that. I think the sentiment of our people generally, in relation to the public debt, is, that there will, at some future day, be a sort of a compromise in the way of compensation of property, when each of the southern States will be shouldered with so much of the public debt, which I think the people will bear very cheerfully. But candor compels me to say that if they are denied representation and payment for the destruction of property I do not think they will very cheerfully pay the debt. That is a very natural conclusion, in my judgment. I feel that way.

Question. Are you a native of Georgia?

Answer. I am a native of the Old Dominion. I have been living in Georgia for the last fifteen years; married in that State, and all my interests are in Georgia.

Question. Did you take any part in the rebellion?

Answer. Yes, sir. I did all I could for its success, and regretted exceedingly that I was not able to do more. I was simply the surgeon of a regiment. I belonged to that class previous to the commencement of the civil war known as co-operationists: was opposed to immediate secession. I was a supporter of Mr. Douglas. But when the State acted, having been taught in the school of State rights, believing that my allegiance was first to my State, I quietly acquiesced in the action of the State and went with it.

Question. Have your opinions changed in regard to the soundness of the States rights doctrine, as a constitutional doctrine?

Answer. Not in the least. I still believe that to be the principle upon which the Constitution was formed.

Question. To what extent, if any, has a change taken place upon that subject among your people?

Answer. I do not think, as far as belief in the right of a State to secede is concerned, there has been any change of opinion whatever. We have agreed not to try it any more, and as honorable men we could not try it again.

Question. Would the people consent to negro suffrage, either universal or qualified, as a condition of the restoration of the State to political power in the government?

Answer. I do not think they would, and for this reason: We hold in the south that we have conformed strictly to all the requirements laid down in the proclamation of the President, immediately after the collapse of the confederacy; and that the war having been waged in defence of the indissolubleness of the Union, we do not think the northern States should make any more requirements upon us. That is the idea. But we could not resist any law

of Congress, because we are perfectly exhausted; it would be the most suicidal policy any people ever attempted. We do not, therefore, think of anything of that sort. My impression is that the effect of the passage of such a law would be a general exodus from the southern States. That is the feeling.

Question. Would they look upon a proposition to diminish representation in Congress, so that it should be based upon the white population exclusively, with any more favor?

Answer. Well, sir, I think they would; but they would look upon that as an indirect mode of forcing them to extend suffrage to the negro. We do not feel that we would have any protection in the country at all, if the negro were allowed to vote.

Question. What evils would you anticipate from it?

Answer. Well, the most unreliable class of men would be selected by them as representatives in the first instance. It would have a tendency to lower our moral and political standard, from what we have been taught to believe was right and proper. In other words, we regard it as having an agrarian tendency, which is very repugnant to the southern people. If you allow them to vote, you must allow them to sit upon juries and to testify in the courts. We do not believe any man's rights would be protected.

Question. What has been the conduct of the negroes during and since the war?

Answer. I have seen very little difference. They were very humble and obedient during the war; no people ever behaved better. After the war they were under the impression that freedom meant freedom from labor, and everything of that sort; most of them quit work, and refused to do anything until cold weather came last winter. They fully expected the United States government to clothe and feed them. Since then, a great many of them have made contracts, and are working very well; but the great difficulty is that they will not stick to a contract; they are fickle; they are constantly expecting to do better; they will make a contract with me to-day for twelve or fifteen dollars a month, and in a few days somebody will come along and offer a dollar or two more, and they will quit me—never saying anything to me, but leave in the night and be gone. They are constantly striking for higher wages.

Question. Are there instances of violation of contract on the part of the negroes, such as you have spoken of, this year?

Answer. Repeated; common, in the cotton regions; more common in the cotton regions than anywhere else.

Question. What wages have been paid in the region you speak of?

Answer. Twelve or fifteen dollars a month, with rations and medical attendance.

Question. Is it not true, that in some other regions in the vicinity they have been paying twenty or twenty-five dollars a month?

Answer. I understand they have been offering as much as twenty or twenty-five dollars in Mississippi and Louisiana, and it is through agents from those States, who have come into Georgia and Alabama, that this state of things has occurred. The planters do not come themselves; they will generally send a negro: the negro will come into the quarters of our hands at night, and say, "I will give you so-and-so; such a man wants to employ you."

Question. Have not the wages paid of twelve or fifteen dollars a month been low, and have not the negroes some reason to complain of the manner in which these contracts were made with them originally?

Answer. I cannot say about that. Their contracts were generally approved by agents of the Freedmen's Bureau. There seemed to be a sort of general custom or common usage. The lands, you know, in Georgia are not so fertile as they are further south in the alluvial regions, and they cannot afford to pay so high prices in Georgia and portions of Alabama as they can in Mississippi and Louisiana. Six or eight bales to a hand is the usual quantity raised in Georgia and Alabama; but when you get into southern Alabama, and into the alluvial districts of Louisiana and Mississippi, ten or twelve bales can be made. Therefore they can afford to pay much more than we can; but it is a much more sickly country in those malarious districts.

Question. Has the demand for labor been equal to the supply, this year?

Answer. It has been greater. It could not be supplied. The great disposition of the negroes is to work in towns. Even the cornfield negro has a great dislike to go into the field; he wants to get into the towns and do little errands and jobs. They have, as a class, a great thirst for the towns and cities; they like company; they are very social creatures—like to job about during the day, and be where they can go to a party at night.

Question. What are the prospects for the crops for this year, if the season should be good?

Answer. The prospects are very gloomy, in my judgment, and for the following reasons: all the farming implements and farming stock were absorbed or destroyed by the two armies; the plantations grew up in briers and bushes; the fences were burned and neglected; the cotton-gins were burned, and the cotton seed, being four or five years old, not more than one seed in a thousand will come up—that is the estimate. There are very few men, therefore, able to plant, because they have not the means, and a great many of them have not the heart. It is like commencing anew again, in a great majority of instances. Then, the best cotton regions in the south—in the Mississippi valley—are under water, owing to the levees being cut. My impression, from the best information I can gather, is, from the unsettled condition of our labor system down there, and want of funds to get stock and farming implements, that 600,000 bales, at the outside, will be the amount of cotton raised in the whole

south. That will be raised principally by small white planters on small places, from five to twenty bales each. I think next year things will become more settled, and there will be in all probability some 1,500,000 bales raised.

Question. When did you leave Georgia?

Answer. On the 14th of March last.

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DUVALL'S BLUFF, ARKANSAS, *January* 20, 1866.

SIR: I have the honor to submit the following report.

In obedience to instructions received from headquarters, White river district, dated December 30, 1865, and Special Order No. 2, from same headquarters, dated January 2, 1866, I visited the following named places, viz: Jacksonport, Pocahontas, and Batesville, and on my return intended to visit Augusta, but on account of ill health did not do so.

I improved every opportunity to investigate the condition of the country, and especially the working of the civil government.

Any one passing through the country on business might be led to believe that the civil government was working smoothly, but a close observation would change his opinion radically. In the counties of Jackson, Lawrence, and Randolph the civil officers have all been prominent rebels, and of course their sympathies are with those who have been connected with them in the rebellion, and they show but little regard for that class of men who stood firmly by the government during the severe and successful struggle for life and liberty.

In Independence county matters are different in some respects. The officers are all Union men, but the administration of law is not so different from that of other localities as might be supposed. While in the one case Union men receive no sympathy, in the other a secret combined influence against civil authority is felt. From this it is not to be inferred that there is an open resistance to the law, but a failure to aid and assist in enforcing the law; hence the administration of justice fails to inspire evil-doers with a sufficient terror, and at the same time does not give a perfect protection to good citizens.

Improvements in the country through which I passed are below my expectation. I had a good opportunity to judge, travelling, as I did, by land from Jacksonport to Pocahontas, and also while going to Batesville. Some places in the vicinity of the latter are undergoing repairs and others are being opened. Independence is, in my opinion, the most peaceable and prosperous of any county I visited, for the reason that it contains a strong Union element.

Where Union men are largely in the minority they dare not express their sentiments freely. The reason for this invariably given, upon inquiry, is, "it is not safe for us to express our sentiments to every person." These cases are not isolated, but occur especially in those counties controlled by former rebels. I do not wish to be understood that every man who has been in the confederate army is a rebel at heart, or that they would in any way molest Union men, for a great many men who were opposed to the rebellion were forced into the rebel army; and, again, some of those who entered into the war with all their heart have changed their minds, and are and, in my opinion, will continue to be first-class citizens. But of this class there are less than I expected to find. One thing is very significant, and the most casual observer can hardly fail to notice it. In conversation rebel citizens express their full satisfaction with the civil government, and a strong desire for the *removal of the troops*, there being no further necessity for them, as civil authority is respected and obeyed in every particular. But when Union men are questioned as to their views the scene changes from light to darkness. They fear the removal of the troops from their part of the country, for in that event they would be left without protection to life and property.

The judge of the judicial district comprising the counties of Jackson, Lawrence, Randolph, and other counties has decided that judgments rendered and suits commenced in civil courts held under confederate authority were legal and would continue to form a part of the records of the courts, and where indictments were found during the same time they would be stricken from the records I was so informed by the clerks of the courts at Jacksonport and Pocahontas. Union men complained that civil authority is working against them very much in such counties where the officers were rebels. Complaints were made to me more than once that grand juries have refused to take the testimony of witnesses of good standing. The consequence was rebels escaped justice. In one instance indicted rebels were not arrested through the neglect of the officer of the law whose duty it was to make the arrest.

Reliable men inform me that their horses were stolen during the war and are still ridden by men in their vicinity. They had made efforts to recover the horses but they found it impossible to succeed. One gentleman informed me that he was the owner of several judgments against men living in his vicinity which were rendered before the war; he had made application to the proper officer to levy on some property, but the officer refused, giving as his reason that he was afraid to sell it and he did not do so. This was, I believe, in Lawrence county, and the man told me he had been in the service of the United States government during the war.

There was a street rumor at Pocahontas that at Christmas the little lot of soldiers would be driven from the place, which occasioned some excitement, especially among Union peo-

ple, some of whom I believe remained in camp during the night, and tendered their services to the officer in command of that post.

I heard of no open resistence to military authority except in one case, which occurred at a little place called Evening Shade, in the county of Lawrence, where Captain Gilpatrick was trying to make some arrests. He was resisted and his men fired upon. The fire was returned by the men. No one was killed, it was supposed. Some men offered their services to the captain. The man who was to be arrested escaped, and is, I suppose, still at large.

The superintendent of freedmen at that place, who made the complaint against the man whose arrest was attempted, was notified that he must leave that part of the country, as he could not live there. He told me he did not dare to go back there to live, unless some troops were sent; and he expressed the opinion that every real Union man and all the freedmen would be compelled to leave that section of country, unless the government gives them some protection.

I heard no complaints of military interference with the civil authorities, except in one case at Pocahontas, when the commanding officer of that place released a Mr. Brimmage, who had been indicted for murder. I made some inquiries about the matter, and found that he had shot a man for stealing his horses. This shooting affair took place during the war, about one and a half year ago, as I understood it. I did not learn whether he shot the man in the act of stealing the horses or after that. Mr. Brimmage is represented to be a man of good character and a firm friend of the government.

The officer who released the prisoner was of the opinion that it was a clear case of injustice, and that if the man had been a rebel he would not have been indicted. And while I am of the opinion that the officer, in releasing Mr. Brimmage from confinement, overstepped the bounds of his authority, and that interference with civil authority, under ordinary circumstances, would be dangerous, yet, I am still further of the opinion that unless the proper military authority does interfere, every man who has dared to defend his life and property during the rebellion must flee the country, or be left in the hands of his enemy to perish without remedy: and if the civil authorities are permitted to proceed with the case, they will assuredly take hold of other cases, as the Union men regard it as a test case. This is my firm conviction, and deeming it a matter of great importance to the peace and welfare of the country, I have dwelt upon it with some particularity. I heard no complaint against the conduct of the troops by citizens, and on inquiry found they behaved well.

There is no large settlement of freedmen above Jacksonport, as that has not been a very great cotton-growing district; however, there are some, and I believe that where an officer of the army acts as superintendent, with troops at his command, things work smoothly. But I believe that citizens filling position will not be able to succeed, unless they are supported by troops. They will either yield to the influence of the planters in the injustice of the freedmen, or they will be compelled to leave the country or be mobbed.

The superintendent at Evening Shade had some trouble, as I have already intimated in this report. He was bruised considerably, and warned to leave the place at once. Fearing the consequences if he staid at home that night, he went out to go to a friend's house, and was followed by a man whom he suspected of the intention to take his life: but meeting with a Union man, the intruder turned back. Under present circumstances freedmen stand no chance in that locality, and would have to leave unless something more is done to protect them. The commanding officer at Jacksonport is doing everything in his power for the protection of the Union men and freedmen of the country, but it is impossible for him, or for anybody else, to give protection to those in the northern counties, as they are too far away from his station. I did not hear of any crimes being committed by the freedmen. Some complain of their being insolent and not willing to work. But I believe they are generally willing to work when they can get fair prices, and have some security for their pay.

There seems to be a great number of laborers in the upper part of the district. I saw very few who were idle, and all seemed well disposed. I believe that with a fair chance they will do well for themselves and for their employers; and that if they are properly protected until they learn to make contracts for themselves, and until they become acquainted with their new position, and their relations to other men, they will be abundantly able to take care of themselves. Then, like other laborers, they will seek employment where it will pay the best. When that time comes, the necessity of their labor will secure to them the proper consideration. But unless government gives the necessary protection at this time, the consequences would be very unhappy to all concerned.

I find, in the section of country which I visited, a good feeling existing between the freedmen and the Union people, and they will protect each other as far as possible.

I am fully of the opinion that it is by far better not to have superintendents of freedmen, where they cannot have military aid in enforcing their orders. I have cited particular cases, in order to give you the situation of affairs in different localities, and also to show the necessity of giving protection to places where men are in danger.

I was led to the conclusion, after making inquiry into the condition of affairs in the upper part of the district, that more troops would be necessary in order to give peace and harmony to that section of the country. I think that one company more would be sufficient, as the command at Jacksonport could be lessened some. They have one company, and a half of another, and I think one company would be sufficient there, if two or three more sta-

tions were established north of Jacksonport. It may be possible that a company might, if stationed at Evening Shade, keep things quiet in those upper counties, as the distance from this place would not be great. Evening Shade is situated near a point where four counties corner. I would further suggest that it would be well to have a small garrison of troops at Searcy, and another at Augusta.

My opinion is, that there will be more or less trouble for some time to come, as the country is filling up with men who are leaving Missouri, as they say, on account of the oppressive laws of that State. This I regard as a very bad indication, for where men become so bad they cannot live at home, there is very little hope of their being better anywhere else.

I think the people of the country through which I passed are as thoroughly opposed to the government as ever, and it is not an uncommon thing to hear them acknowledge it. Some of them say that they would be satisfied if Congress would but do the fair thing by them; but they complained that Congress was so radical that they could not expect justice from that quarter. Some, however, are satisfied with peace on almost any terms, but there are a great many who are no more loyal than they were two years ago; and, if they dared, they would be in open rebellion the same as then. And if the troops should be withdrawn I believe that civil government would be too weak to protect society, and terror and confusion would be the result.

It is reported that there are large quantities of government stock, especially horses and mules, in the counties of Searcy, Izard, Van Buren, and White, which might be recovered, if troops were stationed there.

Very respectfully, your obedient servant,

L. H. WHIPPLE,
*Colonel 113th U. S. C. Infantry.*

STEPHEN WHEELER,
*Captain and A. A. A. General, White River District,*
*Duvall's Bluff, Ark.*

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WASHINGTON, *April* 19, 1866.

Sidney Andrews sworn and examined.

By Mr. BOUTWELL:

Question. State your residence and occupation.

Answer. I reside in Washington. My occupation is that of correspondent.

Question. Have you travelled in the south since the surrender of Lee? If so, through what portions and during what period of time?

Answer. I spent the months of September, October, November, and the first week in December in the States of North Carolina, South Carolina, and Georgia. I reached Georgia on the 24th of October, I think, and left Savannah about the 3d of December, spending some six weeks in Georgia, writing letters during that time for the Boston Advertiser and Chicago Tribune, travelling considerably through the central, western, and northern parts of the State and down its eastern line, attending the session of the State convention, conversing with numbers of all classes of people, from rice plantation negroes to provisional governors.

Question. What was the principal object of your visit?

Answer. I went out as correspondent of the two papers named mainly to study the political situation—partly because I wanted to look into it on my own account, and partly because the proprietors of those papers were exceedingly anxious to lay before their readers information on that subject.

Question. Were the letters written by you on this occasion published?

Answer. They were mostly published in the Advertiser and Tribune. I wrote a few for one or two other papers, but these were the two to which I mainly contributed.

Question. Did you write over your own name?

Answer. I did not. I wrote to the Advertiser over the signature of "Dixon," by which name I am well known to the readers of that paper, and to the Tribune over the signature of "Israel," by which I am known to the readers of that paper, and, to some extent, in Illinois generally, having, during the last half dozen years, corresponded for two or three papers of that State over that signature.

Question. As the result of your observations, what is your opinion of the people of Georgia as to their loyalty or disloyalty to the government?

Answer. I think they are satisfied they cannot accomplish anything through war on the government, but I did not, at the time I was there, find a spirit of sympathy with the Union as such, or with the administration as representing the will and sovereignty of the Union. I found hostility manifested, not only in conversation with the people, but, it seemed to me, in the result of the elections held while I was in the State. The men who were elected to Congress were, without an exception, men who heartily sympathized with the course pursued by the State during the war. I do not now recollect that more than one or two of them were what were called original secessionists, but four of the seven had been in the rebel army.

One of them, elected by a district generally spoken of as the most loyal in the State, with one exception, was the worst malcontent I found in the whole State convention. I allude to Colonel Matthews, who was elected from the Augusta district. He made a great many speeches in the convention, and each of them was, with, perhaps, one exception, more bitter in language and hostile in spirit, I think, than any single speech made by any other man in that body. It seemed to me that the result of the elections, quite as much as the conversation of the people, indicated, at that time, a very determined spirit of hostility toward, and a very significant lack of sympathy with, the Union. The gentleman elected from the district usually known as the Columbus district, Mr. Buchanan, is a man who served in the rebel army, and who announced himself in a card, which he published during the canvass, to the people of the district, as a radical secessionist. I learned that he entered the rebel army in April, 1861, as a lieutenant, and passed subsequently through the intermediate grades to a lieutenant colonelcy. He was wounded in the battle of Pavilion Station, in June, 1864, and did not recover from his wounds in time to go into active service again before the breaking up of the confederacy. His card contained this paragraph:

"It may not be amiss or improper to state, for the information of those not acquainted with me, that at the commencement of the late war I volunteered my services, and, through the executive of the State of Georgia, entered into the army of the Confederate States, served in the army of Virginia, and did all in my power to sustain the cause of the south and secure the independence of the Confederate States. No law was ever passed by the congress of the Confederate States by which I could be required to take up arms during the whole struggle. I was exempt by the laws of the Confederate States. I refused to avail myself of the exemption, and continued in the service to the last. The cause failed, the confederacy fell, and our expectations of a separate and distinct nationality passed away. I feel that I am not responsible for that failure in any way. As a citizen, a soldier and a man, I did all I could to insure success."

Mr. Cook, from the Albany district, and Mr. Walford, from the Atlanta district, were both generals in the rebel army, though I understood that neither was an original secessionist. Mr. Cabonnis, from the Macon district, and Mr. Cohen, from the Savannah district, were both civil officers of the rebel government. The fact that a candidate had been in some way connected with the rebel service seemed to be his best indorsement in the eyes of the people.

Question. Were you present during the entire session of the convention?

Answer. I was.

Question. How were such views as those presented by Mr. Matthews received by the convention—favorably or otherwise?

Answer. Quite generally favorably. During the session of the convention—in fact, on the second day of its session, a resolution was moved for the appointment of a committee to memorialize the President in behalf of Jeff. Davis and others. There was some debate upon it. The only man in the convention who objected to it was Joshua Hill. It was indorsed by two or three gentlemen quite strongly. Finally it came to Colonel Matthews to make a speech. He said—and I read now from proof-slips of a book which I am having published, "The South Since the War," and the matter for which, in this regard, was written the very evening after the speech was made:

"Why should we not ask this favor? We have been pardoned by the national Executive, and by our pardon we become free and sovereign citizens, clothed with all the rights and privileges pertaining to Americans. Among the most sacred of these rights is that of petition, and we mean, in the passage and carrying out of this resolution, to exercise that sacred right. I understand that the President of the United States is inclined to mercy, that his policy is one of leniency, and I believe that the presentation of the petition proposed by this resolution will rather strengthen his hands than weaken and embarrass him. These men, as I have said, are no more representative men of the confederacy, but they represent the cause for which we battled. We have been pardoned, and have resumed all our rights as citizens of the United States, and I declare that I will not be deterred from asking pardon for these unfortunate gentlemen now languishing in military prisons. [Hearty applause throughout the house.] Mr. Davis is no more a traitor than the rest of us. Nor need he, nor any of us, be ashamed of our records. We have illustrated southern manhood on a hundred battle-fields, and we have shown that we can honorably submit to the decrees of God. Now let us come up as men—not as criminals for a favor, but as men for our rights, and ask the pardon of our late and beloved leaders." [Further applause.]

On another occasion, while the question of repudiating the rebel war debt was under discussion, the proposition being to pass a resolution asking the provisional governor if the President had signified what the convention must or ought to do, Colonel Matthews made another speech, which was received with much favor. After saying that neither Congress nor the President had a right to interfere in the matter, he continued:

"We shall not be back in the Union till our representatives are admitted to their seats, and if Congress requires us to repudiate, it will be time then to act. Don't let us do more than is required of us. True, we have no rights but such as the conqueror chooses to give us, but I will not yield one inch more than military force requires me to yield. The convention is the representative of what is left of the sovereignty of Georgia; let us do what in us lies to assert that sovereignty. I shall never give my vote to add the damning disgrace of

repudiation to the humiliation of subjugation. Let our members go to Congress and be refused before we even take it into consideration. I will never consent to do so sooner."

Colonel Matthews made several speeches, during the debate, on the ordinance repudiating the rebel war debt, from one of which I make a further brief quotation—the proposition at the time being to make the ordinance a part of the new constitution:

"I see no necessity for putting this thing into the constitution, for an ordinance of this body is just as much a part of the fundamental law as that document itself. I ask gentlemen to be satisfied with a simple repudiation. Let the damning instrument which records our everlasting shame and disgrace be kept as inconspicuous as possible; let it go into darkness among the musty archives of the State, so that our children need not be called upon to blush at its sight, so that future generations must seek long to find it, and, haply, not discovering it, may cherish the hope that we were found to be not slaves, but men of honor, even in our hour of sorest distress! I do not wish to be represented here as charging the President with being a tyrant, but it is little less than tyranny to make this demand upon us. I will not crawl in the dust to lick the hand of power. We are not yet slaves; we are the same men we were four years ago; and I bid my associates stand as we stood when we flung the flag of rebellion to the breeze, as we stood through the long and bloody years in which we upheld that flag!" [Hearty applause.]

Question. Did you form any opinion from your observations while in Georgia as to whether the people would prefer the re-establishment of the confederacy, if that were possible, or to remain in the United States?

Answer. I concluded that they would have preferred the establishment of the confederacy, had it been possible, and that they very generally regretted the failure of the effort to establish it.

Question. Do you know anything as to the desires and purposes of the people concerning the payment of the federal debt, or the assumption of their own debt?

Answer. I heard but little said by anybody in respect to the payment of the federal debt. I had some conversation one evening with three or four gentlemen whom I met at a town where I was stopping over night. They expressed to me the idea that it would not be fair for the government to make the people of the south pay for the whipping they had got, and, in general terms, conveyed the impression that the opinion they held on that subject was the commonly received opinion among their people. I did not learn that there had been any particular discussion of the question, or that there was any strongly expressed purpose in regard to the matter, but was given to understand that it was accepted as a common, instinctive feeling on their part. There was a great deal of talk in the State about the payment of the rebel debt. It was, of all questions, the most exciting one that came before the State convention. I am very decided in my opinion that this debt would not have been repudiated except under what might be called orders from the President and Mr. Seward. The speeches made in the convention upon the question of repudiation were numerous, and indicated a good deal of latent hostility to the government; and I believe I may say truly, that the most bitter of these were the ones greeted with the heartiest applause on the floor and in the galleries, and that attracted most attention and were most commended by the people of Milledgeville and by attendants on the convention. Whether it was because the people generally approved the sentiments uttered, or because they were in personal sympathy with the persons who gave expression to them, is more than I can say. Some of those who were called the best men in the convention, men who were known in the winter of 1860–'61 as either Union men or co-operationists, as they were called, went further than any other class in the convention in advocacy of the payment of that debt. I remember particularly that Judge Simmons, who was quite a strong Union man in the convention of 1861, and who was one of a half dozen of its members who refused to sign the ordinance of secession, went so far as to advocate resistance to repudiation to the utmost extremity—to repudiate only at the express command of the military power; and then, when the people of the State should again be in the enjoyment of all their rights, when the State of Georgia should once more be a free and independent sovereignty, as he expressed it, he suggested that another convention should be called and the rebel debt assumed. That sentiment was received with many manifestations of approval on the floor at the time, and was rebuked by but one member. It created a good deal of talk among the members of and attendants on the convention; and it was, I suppose, found expedient by Judge Simmons, or by his friends, to strike it from the semi-official report of the convention debates published in one of the Macon papers; for when the paper came back the following day with the report of the proceedings, the language used and everything bearing on that point was omitted; but that the language was used I am as positive as I can be of anything. I wrote my report of it that evening, and the correspondents of other northern papers who were in attendance on the convention made the same report substantially. My report of what he said was as follows:

"If the Congress requires of us to repudiate, precedent to the admission of our representatives, then we must do it. But let us wait and see if that further disgrace is required of us. If we must drink still deeper of the cup of infamy, let those who require it of us take the responsibility of putting it to our lips. Let us repudiate only at the express command of military power; and then, when we are again in the enjoyment of our rights in the federal

Union, and are once more a free and independent sovereignty, let us call another convention and assume the whole debt."

Question. Did that convention ratify the amendment to the Constitution of the United States abolishing slavery?

Answer. It did not; but it inserted a clause in the new constitution acknowledging the abolition of slavery, and declaring that it should not again exist in the State. This was accompanied, however, by a proviso to the effect that the people of the State did not give up their right to ask compensation for slaves emancipated; and I believe the clause could not have been carried through the convention without that saving proviso, except at the end of a severe struggle.

Question. Was the Freedmen's Bureau in operation when you were there?

Answer. Yes, sir.

Question. With what results, as far as you could judge?

Answer. I regard General Tillson, the State commissioner, as one of the best men I know connected with that bureau. His administration of its affairs was much more satisfactory to me than the administration of the office either in North or South Carolina. I had frequent conversations with the general, both at Augusta and Milledgeville. I knew very well what he was trying to do, and something of the difficulties he had to encounter. He came over to Milledgeville during the session of the convention to see if he could not secure more harmonious relations between the bureau and the people of the State than had before existed. To that end he addressed a communication to the provisional governor, asking that permission be granted to appoint certain State or county officers as his agents. The governor felt that he had no authority to act in the matter, and referred the communication to the convention, by which it was referred to the principal committee. After a few days that committee reported in favor of the proposition. They also reported in favor of giving him authority to appoint citizens of the State as agents of the bureau, which was going further than he had expected to be able to get them to go, though no further than he desired. That report was brought before the convention and created some debate. This Colonel Matthews of whom I have spoken was the leader of the opposition. It was finally adopted, and I know that General Tillson was very much gratified. Recommendations were immediately made to him by various members of the convention, of persons it was desirable to have appointed in different localities as citizen agents. I subsequently visited him in Augusta, and had some conversation with him as to the effect of his movement in that direction. I found him quite well satisfied with it. The bureau, while I was there, had agents in many of the cities and large towns, though not in nearly all the principal towns of the State. Such military agents as I came personally in contact with, with few exceptions, seemed to be doing their work very well. What the result of employing citizen agents would be, the general at that time could not determine definitely; he hoped for good results. My inquiries as to some, at least, of the persons recommended as such agents led me to believe it would prove a good plan. The bureau was not kindly looked upon by the people at large by any means; they endured it as an evil, and I think, almost without an exception, were anxious that it should be abolished, and that the care of the negro should be left to their own people. In some parts of the State I found a strong feeling to the effect that measures ought to be passed by the State legislature when it came together, that should establish a system of crimes and punishments under which the negroes could be practically restored to slavery again. In talking with some persons whom I met in the southwestern portion of the State, I asked them if that feeling prevailed to any considerable extent, and they gave me to understand that it did. They thought the State legislature would have the right to pass such measures, and that the Freedmen's Bureau could not prevent their execution.

Question. What was the condition of the negroes generally in that State with reference to physical comfort?

Answer. I was led to the conclusion that the form of slavery which had existed in the central part of the State was not nearly as severe as that which had existed in the lower part. It seemed to me that a great many of the negroes who had left masters living in the central part had not made a change that brought them any advantage with respect to physical comfort. I found them living in huts, often of the rudest kind, with nothing but pine boughs as a roof, and in some cases I had reason to know that negroes living in that condition had left comfortable homes, yet they were quite unanimous in feeling that they had made a good change in getting away from their masters, because they had become free. The negroes in the lower part of the State, I was led to think, were not as well treated by the white people generally as they were above. I met quite a good many down there who had been either forced from the plantations on which they had spent the summer, or had been compelled to leave from neglect, or because they were not allowed anything to eat. I had occasion to meet them, and in some instances to direct them to officers of the bureau, and to suggest to them ways and means of getting hold of what properly belonged to them as a reward for their summer's work.

Question. Did their employers refuse to pay them for what they had done?

Answer. In some cases they did. In some cases they drove them from the plantations by force, without paying them at all, but sometimes they made a pretence of paying them by giving them a pair of shoes or a little clothing. For instance, I met a party of seven, one

morning—they were all men—and I learned from them that three or four were married men. They had been turned off a plantation where they had been hired all summer and had been paid really two dollars and a half apiece for their summer's work: that is to say, the married men received five dollars apiece for themselves and wives, and the single men only received two dollars and a half each. They had been turned off a plantation in the south-western part of the State; their relatives were all in South Carolina. They were negroes that had been taken down there when Sherman's forces were marching through that country. That was, perhaps, in one sense an exceptional case. The pay was less than in most instances, but it was not by any means an exceptional case in respect to negroes being turned off the plantations where they had been at work.

Question. What are the principal objects of desire on the part of the negroes in regard to their own future?

Answer. I found them quite generally anxious to become the owners of land. They did not seem to want much, only "a little patch," as they said, where they could be by themselves. Their next want was pretty generally a mule and cart. They want to become householders themselves. They seemed to think the ownership of land and a horse or mule made men of them at once.

Question. What views do they have in regard to education for themselves and children?

Answer. Their views were a good deal more advanced, in that respect, than those of the lower class of white people I met there. Many of the negroes in some localities, common plantation negroes, and day laborers in the towns and villages, were supporting little schools themselves. Everywhere, I found among them a disposition to get their children into schools, if possible. I had occasion very frequently to notice that porters in stores and laboring men about cotton warehouses, and cart-drivers on the streets, had spelling-books with them, and were studying them during the time they were not occupied with their work. Go into the outskirts of any large town, and walk among the negro habitations, and you will see the children, and in many instances grown negroes, sitting in the sun alongside their cabins studying. I was quite surprised as well as gratified to notice such a decided interest in that respect.

Question. Is there anything further bearing upon the subjects of which you have spoken that you would like to communicate in this connexion?

Answer. I met a gentleman in the State, whose name I do not feel at liberty to give. He was a very intelligent man, of forty or forty-five years of age, who had served as a captain in the rebel army, and was a lawyer by profession. I was introduced to him simply as a gentleman from the north. He had no knowledge of the fact that I was a correspondent. One morning I fell into conversation with him on the affairs of the State. He seemed quite ready to talk, and gave me his views of the situation at some length. They were given in such a way, and were themselves of such a character, that I did not feel at liberty to use his name in my correspondence, or to designate the place in which he lived. I went to my room immediately after the close of the conversation, and within two hours I had written out what he said to me. I should like to incorporate his statement in my evidence. I regard it as one of the most important made to me while I was in the State. I had been saying something on the subject of negro suffrage, and conveyed the idea to him that there were many people up north who favored it, and who had made up their minds that the affairs of the south could only be finally settled by giving the negro the ballot. In reply to what I had said in that regard, and to questions I asked him from time to time, he said:

"No, I have not much faith in the idea that capital and labor will reconcile themselves. Things are exceptional here. Our capital is all in the hands of a few, and invested in great plantations. Our labor is all in the hands of a race supremely ignorant, and against whom we all have a strong prejudice. In my opinion, you can't reconcile these two interests unless you put the labor in subjection to the capital—that is, unless you give the white man control of the negro. Of course that can't again be allowed, and therefore there's an almost impassable gulf between the negro and freedom unless the government aids him.

"I'll tell you what I think you should have done. The policy of confiscation should be rigidly carried out at once. Mercy to the individual is death to the State; and in pardoning all the leading men, the President is *killing the free State he might have built here.* The landed aristocracy have always been the curse of the State. I say that as a man born and reared in Georgia and bound to her by every possible tie. Till that is broken down there can be no real freedom here for either the negro or the poor white. The result of the war gave you a chance you never will get again to overthrow that monopoly. The negroes and the poor whites are bitter enemies in many respects, but they agree in wanting land. You should have carried out your confiscation policy—divided up the great plantations into fifty-acre lots, and sold them to the highest and best bidders. That would have thrown some of the land into other large plantations, but it would have been fair, and would have given the poor whites and the negroes a chance. Give a man a piece of land, let him have a cabin of his own upon his own lot, and then you make him free. Civil rights are good for nothing, the ballot is good for nothing, till you make some men of every class landholders. You must give the negroes and the poor whites a chance to live—that's the first thing you should do. The negro has a great notion to get a piece of land, and you should help him along by that notion. What does he want of a vote? He would not know how to use it, and it would not

bring him anything to eat or wear if he had a dozen. Give him land, and then you touch his case exactly. He can get none now. There is not one planter in a thousand who would sell him any; but if you'd carried out your confiscation policy he could have bought it like anybody else.

"I said in a speech on last Fourth of July that we had always boasted of our country as the land of the free and the home of the oppressed, while in fact it had been the land of the oppressed and the home of the slave. I said, too, that I hoped the war had made it possible for men to be free without regard to color, so that we might boast more truly than England that our flag floats over no slave. I spoke very cautiously, but what little I said was enough to kill me politically in this county. I have sometimes thought I would go north and urge your people to take the first fruits of the victory, but I should not dare to come back here after speaking up there. I've wanted to write a letter to some leading newspaper; but if I should say what I honestly believe, I should be killed if it ever got out that I wrote it. There isn't any freedom of speech here or anywhere in the State, unless you speak just as the secessionists please to let you. I should be shot before to-morrow morning if I were to publicly say what I've said to you. Take the troops away, and off the great lines of travel there would be a reign of terror in a month. Your test oath is a bad thing. It sets an ugly precedent, and it will keep our best men out of Congress. I wish you could have reached your ends in some other way. But you've got it, and you'll have to enforce it. It will punish many who are not guilty, but it will accomplish final results which I want brought about as much as you do.

"The negro's first want is not the ballot, but a chance to live; yes, sir, *a chance to live*. You say the government has given him freedom, and that many good men in the north believe he must have the ballot to secure that freedom. I tell you he's not got his freedom yet, and isn't likely to get it right away. Why, he can't even live without the consent of the white man! He has no land; he can make no crops except the white man gives him a chance. He hasn't any timber: he can't get a stick of wood without leave from a white man. We crowd him into the fewest possible employments, and then he can scarcely get work anywhere but in the rice-fields and cotton plantations of a white man, who has owned him and given up slavery only at the point of the bayonet. Even in this city he can't get a pail of water from a well without asking a white man for the privilege. He can hardly breathe, and he certainly can't live in a house, unless a white man gives his consent. What sort of freedom is that?

"He has freedom in name, but not in fact. In many respects he is worse off than he was before you made him free, for then the property interest of his master protected him, and now his master's hand as well as the hand of everybody else is against him. True, he has the military here for his protection; but there are a thousand things done here every day under the colonel's very nose that he don't know anything about, and that he can't know anything about—things he couldn't remedy if he did know about 'em. Then, besides, there are hundreds of wrongs of which he knows, that he can't reach and can't make right. 'Tisn't such whippings as he told you about that most wrong the negro; it's the small, endless, mean, little injustice of every day that's going to kill him off. He's only partially protected now; take the troops away, and his chance wouldn't be as good as a piece of light-wood in a house on fire.

"Yes, I know there's talk of selling them into slavery again, but I don't see how you got hold of it. I know a good many of these men they've sent to the legislature; and I know there'll be private talk this session, even if there isn't open effort, to make the penal code take him back into the condition of slavery. It'll be called 'involuntary servitude for the punishment of crime,' but it won't differ much from slavery. Why, I know men right here in this very town who believe in making the breaking of a contract a crime for which the nigger may be sold. They can do it. They can establish any system of crimes and punishments they please. I don't say they will do that, but I know many men who would vote for doing it. You northern men can't see much of the real feeling here. Get the troops away and the State into Congress, and I give you my solemn word that I believe three-fourths of the counties in the State would vote for such a penal code as would practically reduce half the negroes to slavery in less than a year."

I did not meet many men in the State more competent than this ex-captain to speak upon the condition of the people. It seemed to me then, and seems to me still, that his remarks are a powerful argument out of the mouth of a southern advocate of the opposite policy, that the ballot in the hand of every man, white and black, is the only thing that will secure the rights of the humbler classes of all colors in the south. It will give them the power and eloquence of numbers. It will give them what party leaders will covet, and what the bitterest slave oligarchist in the whole list will not be above stooping to secure. To be sure, some should be owners of land; but the citizen, with the ballot in his hand, is a king in his own right, to whom all things are possible. There was one thing which impressed me a great deal in all parts of the State—the pertinacity with which the doctrine is held that the southern States had a right to secede. The State-rights doctrine seemed to me to have been pushed to a further conclusion in that State than even in South Carolina. For instance, in South Carolina, I heard a great deal about the sovereignty of a State. In Georgia, it was all about the supremacy of a State. It was repeated to me, time and time again, that the State was supreme;

and not to have "gone with the State," as the phrase was, during the war, seemed to be the worst sin almost a man could commit there, and, so far as I could judge, the result of the war had not changed the opinion of the people in respect to the supremacy of the State. Whether a man did or did not side with the State during the struggle, was made the test of his qualification for office; and I believe that every man who opposed the war during its progress was defeated in running for office last fall, except possibly in a few of the extreme northern counties.

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WASHINGTON, *April* 27, 1866.

Charles G. Baylor sworn and examined.

By Mr. BOUTWELL:

Question. How long have you resided in the State of Georgia?

Answer. I have been identified with the interests of that State officially and privately since 1857. I resided in the State at the time the war broke out, and was there until about eighteen months before it closed. I held the position of commercial commissioner of the State.

Question. Were you officially connected with the United States government before the war?

Answer. I was in the consular service of the government.

Question. At what places, and for how long a time?

Answer. I was at Amsterdam, Holland; at Manchester, England. I had just been nominated for Cologne, Prussia; I never went there.

Question. How much time have you spent in Georgia since Lee's surrender?

Answer. I have not been there at all.

Question. Have you been in any of the rebel States since Lee's surrender?

Answer. Yes, sir; I have been in Virginia.

Question. What means, if any, have you had for ascertaining the condition of public sentiment in the south?

Answer. Through personal contact in the cities of New York and Washington with prominent men from the south, and by correspondence and information I have obtained through friends who have gone down there from the north.

Question. What view do you entertain as to the course to be pursued for the re-establishment of society in the south in reference to this government and to industry?

Answer. I think the only hope of establishing social order and political stability and harmony in the south, is in the poorer class of white citizens and in the freedmen. I think the extension of the franchise to the freedmen, either upon an educational test or with property qualification added, would create for southern society a large and influential population on the side of law and social order and industry; and if the question was entirely free from all political necessity, and the liberal men of the south were disposed to meet in any liberal spirit and harmonize their action with the principles of the government, it would be a most judicious step to initiate that great reform. But it is very evident to my mind that the course of these disunion leaders will force that question out of its legitimate channel, just as they have previously forced other questions of reform and progress out of their legitimate channel, and the adoption of universal suffrage may become an absolute necessity in order to create a loyal element of political power, and in order to counteract the vicious influence of these leaders. I know a great many men in the south, and I have heard several from a district not particularly favorable to the question of franchise at all, in speaking of this question, admit that it would have to be adopted as a political necessity.

Question. What policy in reference to the freedmen is likely to result in best promoting their progress, and in yielding the largest amount of the products of the soil?

Answer. The cultivation of cotton at the south before the emancipation of the slaves was capitalized. A large amount of capital was committed irretrievably to the growth of cotton and nothing else. The progress of mechanical improvement in Europe and America capitalizes the consumption of cotton. Cotton, instead of being consumed mostly by the hand-loom as formerly, came to be consumed by machinery, and large amounts of money had to be invested in special machinery for that special industry, and this capital was equally committed to the consumption of cotton. To illustrate: the planter owning five hundred slaves would have a very large fortune invested in the cultivation of cotton. The manufacturer of New England also had a very large fortune invested in the consumption of cotton. Now, if the price of cotton should fall below the point where it could be profitably produced, the manufacturer of New England and Europe would still find it for their interest to continue the manufacture, even at a loss, rather than to suspend operations, because that would give stability to the consumption; and the planter owning the slaves would also continue to produce; and these two elements at both ends would enable the middle men to come to the financial relief of one or the other, as might be necessary. So that if the planter made a crop at a price so low that it would not pay, his factor, by the aid of banks, would carry him through, or could carry through the manufacturer, if necessary. That condition of things gave a steadily increasing production of cotton, and it gave that stability and security to

the manufacturing interests which justified the investment of capital in the improvement of machinery, and the enlargement of its operations. Now that capital basis at the south is, of course, destroyed through the abolition of slavery. The basis represented by the value of the negroes held as chattel property devoted to this interest has gone, and for the future the lands themselves will have to become the basis upon which money can be loaned in safety in the event of the reduction of the price of cotton to a point below that which would justify its production. The consequence will be, that the attempt to carry on cotton cultivation in the south by vast estates, worked by large gangs of laborers, will be liable to all the fluctuations and shiftings of the market; and if the price of middling cotton at New York, Boston, and Liverpool, at the beginning of the season, is such as to discourage the planter and to induce him to believe that he cannot afford to pay the established rate of wages to grow it, the consequence will be that the production will thereby be diminished, or be discontinued altogether. In other words, we shall have repeated in America what they have had in India, where they have attempted to grow cotton on large estates by the employment of large numbers of laborers. With the cotton lands of the south subdivided and made the property of the man who cultivates the soil directly himself, he himself becomes the guarantee of capital with the lands as collateral, the security is increased, and a stimulus is created for individual production. If the freedman will work for wages, he will certainly work for land and wages combined. If he is intelligent enough to support himself while working for wages to make crops to enrich other people, he certainly is intelligent enough to work his own land and cotton. For these reasons I have long entertained the opinion, and I have submitted it to a large number of cotton-growers at the south—plain men, who understand what they are about—and it has been universally admitted by them that the only practicable or proper way, under existing circumstances, to produce cotton is to subdivide the soil, and put the freedman upon his own land. Let the southern man divide and sell his land, and let northern men, or the government, through some fiscal agent, furnish the financial aid required, and let the colored man apply his tropical labor to that land. In that way you will get every inch of soil cultivated that can produce cotton.

Question. Have the freedmen generally any desire to own land?

Answer. They have universally.

Question. What is the disposition of the present land-owners in regard to selling to them?

Answer. That question hinges on another consideration. The course of the south heretofore, in all her enterprises, in all the steps she has taken forward, educationally, socially, agriculturally, commercially, and mechanically, has been impeded by the infusion of political prejudices and political remedies into everything connected with the south. If you ask a plain farmer what is the curse of Virginia, he will tell you "politics." Now, in reference to the question of the subdivision of the soil and the sale by the planters of their lands, if that question becomes involved at all in the political struggle that is impending, or in the settlement of political issues and principles, they will carry their political prejudices into their private transactions in life even to their own detriment. They have always done it, and always will do it. The disposition of the land-owners now is to sell their lands, and the purchasers will, of course, do what they please with it. Northern capitalists may go there and buy lands; there is no doubt of that. Anybody will be glad to sell lands at a certain price; but if the first transactions of that character were to be followed by this principle of subdivision, and these leading men, who have in some way or other obtained a mysterious control over the whole southern people, who have always had it, and have it now, should oppose it as a political measure, it might create such a political element as would arrest it; but that again would depend entirely upon the political character of the government at Washington. The disposition of the landholders now in the south to sell their lands at any price they think they are worth is very general.

Question. What is your opinion of the capacity of the negro to manage lands in reference to the cultivation of cotton?

Answer. There is not a plantation in the south of any size that did not have one, two, three, or four colored managers. During the war I bought a boy, a field hand, who came up from the coast of Georgia, very black and very ignorant. I had him for my gardener. After a while, when I was away, I intrusted him with all my matters at home. When I left with my family he came with me as far as Wilmington. I found that he knew a great deal more than I had supposed he did, up to that time, about the political issues of the war then going on around him. In the course of six or eight months he came to be a very intelligent member of my family. I had great confidence in him, and placed great reliance on him—trusted in him a great deal. And that is the experience of the people of the south who have had anything to do with our servants They are very capable, not only of managing for themselves, but of managing for their masters, and I have known numerous instances where they have supported their masters. I know one colored man in Georgia who bought himself during the war, paid a very large price for himself, and was of great assistance to his master. The African race in the south are, in fact, what the extreme advocates of slavery claimed for them in defence of the system—a thoroughly civilized people. They have all the habits of industry, and all the tastes of civilized society. And they have been trained to that kind of industry suited to the very country in which they live. Leave the negro in Georgia, give him land, give him an opportunity, and he will take care of himself and his

family, will become a tax-payer, and will rise in the world. I say this as I said to Mr. McCulloch in an interview I had with him, at the suggestion of prominent men in New York. I think Mr. McCulloch could accomplish a return to specie payment in a very short period, by the adoption on his part, or by authority of Congress, of some financial measure that would develop the industry of the freedmen in the south to its fullest extent. With a special issue of a hundred and twenty-five or a hundred and fifty million dollars distributed through the south, through the instrumentality of the national banks by means of discounts, secured on the land itself, which even now, in its depreciated value, would furnish a security of seven or eight hundred millions, and subdivided and cultivated, would rise rapidly in price, I believe that, in two years, six million bags of cotton could be produced in the south. A proposition of that kind was, to my personal knowledge, made to eminent French bankers and to the French government. The scheme was drawn up and sent to Paris. It included a subdivision of the soil, and giving the lands as security; and the persons who owned the land were willing to borrow the money, and proposed to pay ten per cent. interest and give an interest of a quarter of the crop bonus, in addition, agreeing to continue the arrangement for seven years. The proposition was accepted when first presented, but afterwards declined for political or diplomatical reasons. You have at hand all the organizations necessary to carry out such a system. You have a fiscal system by which your discounts could be applied through the national banks. You have the tropical industry, which alone is available for the cultivation of cotton, which is a tropical crop, and by subdividing the soil into small farms, placing upon them intelligent freedmen, and giving them the aid necessary, in connexion with the Freedmen's Bureau, you will have a system under which cotton will be produced in the south, under which the lands in the south, now worth $10 or $15 an acre, will rapidly increase to $50 or $75. The freedman can better afford to grow cotton, and nothing but cotton, except his garden truck, at thirty cents a pound, and buy his provisions from the northwest, than to raise them himself. He can better afford to do it at twenty cents a pound. That, in my deliberate conviction, could be made a practical solution of this whole difficulty, and I have had some experience in this thing. The opinions I give you are not simply my own; they are those I have received by interchange of views, in Europe and the south, with the best minds of both countries, on this subject. Time will show that the cultivation of cotton at the south, upon the principle of vast estates and large gangs of hired laborers, will fail. It will bring poverty to the country, disease and extermination to the African race, and increase the distress of the white people themselves—it will fail.

Question. Are the negroes generally loyal to this government?

Answer. Yes; universally.

Question. Have they intelligence enough, if they were able to vote, so that in the main they would act for the preservation of the government, and against any secession movement that might arise?

Answer. The colored people of the south are much more intelligent than people there suppose. Of course, under slavery, they were in the habit of concealing their thoughts; they had to do it. Concealment, under slavery, has become a part of the negro's character; but when you break through that, can get into his confidence and draw him out—at least that has been my experience—you will be astounded at his intelligence. I have mentioned these things at the south, and the reply has been, "These are exceptions." But I have not yet, in any conversation I have had with them, found any one who did not have a very clear, plain, straightforward idea upon that subject. And, so far as the question of qualification goes, I think that patriotism is as much a qualification of franchise as education. The history of the world proves that all popular governments have mainly depended for their support upon what the educated or intelligent people, as they are termed, called the ignorant class; and all attempts to overturn popular government have nearly always proceeded from the intelligent, educated class. The south is no exception to that rule. The poor people of the south are universally in favor of the Union. They were dragged into this thing. The authorities at Richmond soon found they could not deceive them, and then conscripted them. They first dragged them into the movement by fraud, and then held them by force.

Question. If the elective franchise were extended to the negro, and the entire influence of the government of Congress and the Executive were placed on the side of that policy, how would it be received by the poorer white class of the south?

Answer. That is a very important question. It is the only question that has ever troubled my mind at all when I have reflected on the solution of this difficulty. If that policy had been adopted immediately after the war, the poor white class would have approved of it; that is, if the government, immediately after the war, had reorganized southern society upon the principle, not of vengeance, but upon the principle that every man who took an intelligent and leading part in the maintenance of the Davis military despotism at Richmond should be made to carry the odium of that thing with him in society, in the presence of his neighbors, and that every man in the south who had enriched himself during the war by confederate contracts and speculation out of the people should be made to disgorge his ill-gotten gains—if the poor whites could have seen, by some policy which was manifest in its effects before their eyes, who constituted, in the eye of this government and in the opinion of mankind, the authors of their misery and trouble, then the further measures of this government upon the question of the franchise of the freedmen would have been cheerfully accepted and approved. But

the poor whites of the south have only this knowledge: that before the war this class ruled them by political organization, and that when, in 1850 and 1851, in a few counties, they undertook to assert their rights, they were put down by this political class, aided by the administration at Washington, under President Pierce. And when the war came on, these controllers, bad men, got possession entirely of their property and their lives, conscripted them, drove them into the ranks, and treated them as if they were mere slaves. Then, the moment the war was over, they saw these same men the representatives of the social consequence, property, and wealth of the country—the wealth of many of them accumulated by taxes levied on these poor whites themselves. When they saw these men continued as leaders, and recognized as such by the government of the United States, they naturally came to the conclusion that these men are not wrong, and have not been wrong; that they have done something magnificent—something that is glorious. The consequence is, that when these poor whites come up to pay their taxes to the revenue officer of the government they come with the spirit of the Anglo-Saxon man, which is always against paying taxes anyhow, and particularly so when they are heavy, and for the support of the government which they think is the cause of their misfortunes. When they ask themselves the cause, they say to themselves: "It is not the disunionists; they are not to blame for it." The disunionists are the patriots, they give tone to society; and they tell them it is the United States government that is to blame. Under these teachings the discontent of these poor white people is increasing, and they are every day ranging themselves more and more on the side of the disunion leaders, so that when this question of franchise comes up for the freedmen, and you put the question how the poor whites of the south would receive that measure, you discover that it would have been a very different thing if the same measure had been proposed earlier, or under different circumstances. You cannot expect these people, who have borne as they have the weight of taxation for the support of the Davis rule, and who are now suffering, as they are to-day, the most abject poverty the world has ever seen, to view this question with the same enlightened reason that otherwise you might look for. They have no source of information. They have been so blinded and deceived by the falsehood and sophistry of their political leaders that to-day they do not understand the question. These people of Georgia believe to-day that the United States government waged an unnecessary, unprovoked, and cruel war upon them. They were told so before the war commenced, told so during the war, and told so now the war is over, by the men who deceived them, and who now undertake to represent the intelligence of the State. Governor Hamilton, of Texas, is trying to counteract that influence. He is trying to create a party, based upon the policy of making the people of the State understand that the disunion leaders are the real butchers of their families and plunderers of their property. That is the only State in the south where that policy is being pursued. Therefore, the question you asked me, how the poor whites would receive that measure, is a question very easily answered, but the answer involves the adoption of an accompanying policy which, perhaps, it is impossible to dream of now. I may say, that any measure emanating from Washington city, with the sanction of the government, presented to the people of the south, would be accepted and acted upon. The great mass of the people down there, especially of the poorer class, are well-meaning. They are sick and tired of agitation, and sick of politics, but they have no more control over the political movements and condition of the south than they had before the war, so that, practically, the good disposition of this people, as well as the good disposition of the freedmen, amounts to nothing at all.

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## A.

## APPENDIX

*Extract from the message of the provisional governor of Arkansas, delivered in April, 1864.*

*Gentlemen of the senate and of the house of representatives:*

On the sixth of May, 1861, a convention of the people of Arkansas met in this hall. A majority of that convention had most solemnly pledged themselves to the people that elected them to resist to the last extremity secession and rebellion. Yet, instigated by a strange insanity, they basely betrayed those who had trusted them, and passed an ordinance of secession, and made preparation to resist the authorities of the United States by force of arms, being confederate with other slave States. From that day loyalty and good faith to the United States have been considered a crime, to be punished by confiscation of property and death. Since then the sufferings of those whom fear could not beguile into active participation in the rebellion have been terrible, of which it is not necessary now to speak—they are engraved on the memory of all.

The arrival of the federal army under General Steele at the capital of the State, and the army of General Blunt at Fort Smith, gave an opportunity to honest men to speak and act with some degree of freedom. The opportunity was improved promptly. The people of the northwestern counties called public meetings, passed resolutions expressive of their desire to

return to the Union and to the protection of its government, and to reorganize the State government based on principles of freedom to all races. This movement had just commenced when it was stimulated and sustained by the President's proclamation of amnesty of December 8, 1863. Elections were held and delegates to a convention were elected to assemble at Little Rock in January, 1864. The delegates met at the capital and organized on the 11th of January, 1864, a number of them being prevented from attending by the disturbed state of the country. They were earnest men and firm patriots—ready to die for their country if need be, and presented an aspect of moral sublimity rarely seen. The people for nearly three years had endured the most crushing tyranny; deprived of arms—with no means of resistance—the least suspicion that any one favored the Union or opposed the rebellion was sufficient to justify murder and assassination in the opinion of the tyrants and the reckless mobs that ruled the country during that terrible period. That convention adopted a constitution prohibiting slavery or involuntary servitude except for crime, in other respects not differing materially with the former; established a provisional government, appointed me the provisional governor of the State, and submitted the constitution to the people for ratification. I assumed no power and felt unwilling to perform any executive act until the constitution and ordinances were ratified by the people. They have been confirmed by the almost unanimous vote of the loyal voters of the State, and I now feel justified in assuming to act in that capacity and calling your attention to the condition of the State.

Previous to the act of rebellion the inhabitants of the States were possessed of all the elements of happiness, secure in all their possessions, could travel to any place in any way in confidence of security. That such has not been their condition since, all know. Under the Constitution of the United States, enforced by the fugitive slave laws, slavery was as well protected as it was possible to protect it by legislation. The moral sense of the civilized world was against it. Slave-owners felt that, and conceived the insane idea that by force of arms they could overcome that sentiment of opposition and obtain for it grace, by showing its power. If the designs of the good Ruler of the world and the destinies of war can be known by events, this rebellion of slave-owners against the only protection slavery had, most clearly proves that He had determined to put an end to the system. Perhaps this rebellion against their own government, from which they have never suffered wrong, and against their own interests, was the only way that could be devised to speedily destroy the peculiar institution and embitter even the minds of its adherents against it, and to effect this great end their hearts were hardened and their judgment blinded. Be that as it may, the institution is dead, and the people have buried it in this State, by the adoption of the constitution, too deep ever to be resurrected.

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ISAAC MURPHY,
*Provisional Governor of Arkansas.*

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B.

*Letter from the adjutant general of Arkansas in relation to the troops of that State.*

WASHINGTON, D. C., *January* 28, 1865.

SIR: I respectfully present herewith, for your consideration, a statement of the number of white troops raised from the State of Arkansas for the defence and maintenance of the Union. It is approximate only, for, coming to Washington on other business, I did not contemplate making such a communication when I left the State.

There are in the United States service from Arkansas four cavalry and two infantry regiments, and one six-gun battery. The first cavalry numbers 1,000 effective men, and all these organizations, it is believed, have held their own as well as regiments generally.

The first cavalry, M. La Rue Harrison colonel commanding, was organized in the year 1862, under a special order from the War Department, the first enlistments taking place as early as March.

On the 18th of April, 1863, assisted by the first infantry, then not fully organized and only partially armed, it successfully defended the town of Fayetteville, Arkansas, against an attacking force of three times their number, aided by artillery. This regiment is now stationed at Fayetteville, and on the 28th of October last repelled a besieging force 2,000 strong. Again, on the 3d of November, the town was attacked by General Fagan, with his entire division and some irregular troops, exceeding in all 6,000 men. A successful resistance was once more made by the first cavalry, a small detachment of the first infantry and 200 militia, who behaved with steadiness and bravery.

The second cavalry, Colonel John E. Phelps commanding, organized in 1863, and now in General Thomas's command, particularly distinguished itself in the late great raid into Missouri. Constituting a portion of General Sanborn's force, and led by Colonel Phelps, it was frequently in the advance, and participated honorably in the series of engagements that resulted in the discomfiture of Price's army.

The third cavalry, organized during the same year at Little Rock, Colonel A. H. Ryan commanding, is now on duty at Lewisburg, on the Arkansas river, and has already accomplished a great good in exterminating or driving away a large number of the guerillas, with whom the State has been infested.

The organization of the fourth cavalry has just been perfected, its colonel, Lafayette Gregg, having been mustered during the present month. This regiment had the minimum number of men some months since, but as fast as enlisted, recruits were placed on active duty, and the usual casualties of the service prevented, for a time, the completion of the organization. The regiment is now on duty at DeVall's Bluff.

The first infantry, Colonel J. M. Johnson commanding, was raised directly after the battle of Prairie Grove. It participated, as already observed, in the first defence of Fayetteville, and in the spring of 1864 moved with the frontier division of the 7th army corps from Fort Smith to Camden, co-operating there with the forces from Little Rock, and bearing an honorable part in the successes and reverses of that campaign. It likewise was the first regiment to enter Fort Smith in September, 1863, this honor being generously accorded by General Blunt, then in command of the forces operating on the frontier; and at Prairie D'Anne it and the second infantry bore the brunt of a fierce artillery attack.

The second infantry, Colonel M. L. Stephenson commanding, belongs also to the frontier division, and participated in the campaign referred to. At Saline river, where was fought one of the severest infantry engagements of the war, it behaved with great gallantry, Colonel Stephenson being severely wounded.

The first battery, Captain Denton D. Stark commanding, was organized in 1863; belongs to the same division; took part in the campaign mentioned, and at Prairie D'Arne, where General Steele's entire army was drawn up in line of battle, and partially engaged, its evolutions and practice were especially commendable. This battery together with the first and second infantry have since been stationed at and in the vicinity of Fort Smith.

Other regiments have been partly raised, but since consolidated with older organizations. The militia of the State have also been called out to a considerable extent, and have done good service especially on the frontier.

Finally, hundreds of the citizens of Arkansas have enlisted in Iowa, Kansas, Illinois and Missouri regiments, and it is entirely safe to say that, during the present rebellion, the State has furnished 10,000 white troops for the defence of the Union, and but for the issuance of circular No. 31 from the office of the provost marshal general, dated August 31, 1864, which practically prevents the return of many loyal men who have been conscripted into the rebel armies, the number of the troops of the State would be much larger than it now is.

Very respectfully, your obedient servant,

A. W. BISHOP,
*Adjutant General of Arkansas.*

Hon. S. C. POMEROY, *U. S. Senate.*

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## C.

*Proclamation of the Governor of Arkansas.*

EXECUTIVE OFFICE,
*Little Rock, Arkansas, August* 1, 1865.

*To the voters of the State of Arkansas:*

The civil government of your State is fully organized. Peace and apparent harmony prevail. The laws can be faithfully enforced if you so will it. On you rests the responsibility for the good or evil that may ensue. The future will take its character from your present action. If your course is guided by calm wisdom and patriotism, peace and security will be assured; if by the impulse of passion and the prejudices of the past, confusion and demoralization will be the result.

Your condition is critical, and the approaching election for members of Congress will be a test of your wisdom and self-control. The great sorrows and sufferings of the last four years have crushed the public energies and produced a reckless and irritable state of mind, which a sudden excitement might render ungovernable. You must guard against this.

Listen to no one who is disposed to irritate old sores. Listen only to those whose words are calculated to calm the temper and to soothe the wounded feelings.

The fate of the State is in your hands. Should you elect men who by the laws are disqualified they will be rejected; and, inasmuch as the qualifications of members of Congress have been materially modified by an act of Congress, passed during the rebellion, I have deemed it my duty to place it before you that you may be enabled in your selection of candidates to act intelligently, with a full knowledge of the facts. The requirements of the following act cannot be evaded:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military, or naval de-

partments of the public service, excepting the President of the United States, shall, befor entering on the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation:

"I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion: So help me God.

"And any person who shall falsely take said oath shall be guilty of perjury, and on conviction, in addition to the other penalties now prescribed for that offence, shall be deprived of his office and rendered incapable forever after of holding any office or place under the United States.

"Approved July 2, 1862."

To vote for any person as a candidate for Congress who cannot honestly and truthfully take the above oath is discreditable to the voter and an insult to the majesty of law, besides being a vote thrown away; and should such disqualified person be elected, the most disagreeable consequences are sure to follow, both to him and to the State.

In so important a matter I trust the people will be wise and watchful, as an imperative duty. I also call your attention to the qualifications of voters in this State. Each voter, before depositing his ballot, in addition to former qualifications must take the following oath:

"I do solemnly swear that I will support the Constitution of the United States, and of this State, and that I have not voluntarily borne arms against the United States, or this State, nor aided, directly or indirectly, the so-called confederate authorities, since the 18th day of April, 1864."

The above oath must be taken by every voter, or his vote will be considered worthless, and he will subject himself to indictment for perjury for a violation of the act.

The returns of the election of officers made to the secretary of state must show that the oath has been taken as prescribed. I trust the people will see the propriety and necessity of yielding a cheerful obedience to the requirements of the law, until repealed or declared unconstitutional by competent judicial authority. It is the law of the land, and must be enforced. The executive is bound in the most solemn manner to enforce the laws, and, with the help of God, he will try to faithfully perform his sworn obligations.

To voters I would say, select good and true men to serve you. Do not be governed by those who seek office; they generally seek their own profit, not yours; and be sure to choose those whose disposition and capacity are to build up and restore. Shun all those whose inclinations lead them to pull down and destroy; we have had enough of that. Let all the laws be executed faithfully.

The Good God seems to have returned to us in kindness and mercy. Let us humble ourselves under His mighty hand, and ask of Him wisdom, and that He will be our guide and counsellor.

ISAAC MURPHY, *Governor.*

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## D.

*Message of the Governor of Mississippi.*

EXECUTIVE OFFICE, JACKSON, MISS.,
*November* 20, 1865.

*Gentlemen of the senate and house of representatives:*

By the sudden emancipation of over three hundred thousand slaves, Mississippi has imposed upon her a problem of vast magnitude, upon the proper solution of which depend the hopes and future prosperity and welfare of ourselves and of our children.

*Under the pressure of federal bayonets, urged on by the misdirected sympathies of the world in behalf of the enslaved African*, the people of Mississippi have abolished the institution of slavery, and have solemnly declared in their State constitution that "the legislature should provide by law for the protection and security of person and property of the freedmen of the State, and guard them and the State against any evils that may arise from the sudden emancipation." How this important provision and requirement of the constitution is to be carried

into effect is the question presented for our solution. We must now meet the question as it is, and not as we would like to have it. The rule must be justice. The negro is free, whether we like it or not; we must realize that fact now and forever. *To be free, however, does not make him a citizen, or entitle him to social or political equality with the white man.* But the constitution and justice do entitle him to protection and security in his person and property, both real and personal.

In my humble judgment, no person, bond or free, under any form of government, can be assured of protection or security in either person or property, except through an independent and enlightened judiciary. The courts, then, should be open to the negro. But of what avail is it to open the courts, and invite the negro to "sue and be sued," if he is not permitted to testify himself, and introduce such testimony as he or his attorney may deem essential to establish the truth and justice of his case? Whether the witness be white or black, it is the denial of the most common privilege of freedom, an unmeaning delusion, the merest mockery.

A measure of domestic policy, whether for the protection of the person or the property of the freedman, or for the protection of society, the negro should be allowed and required to testify for or against the white and black according to the truth. There are few men living in the south who have not known many white criminals to go "unwhipped of justice" because negro testimony was not permitted in the courts. And now that the negro is no longer under the restraints and protection of his master, he will become the dupe and the "cat's-paw" of the vile and the vicious white man who seeks his association, and will plunder our lands with entire security from punishment, unless he can be reached through negro testimony. It is an insult to the intelligence and virtue of our courts, and juries of white men, to say or suspect that they can not or will not protect the innocent, whether white or black, against the falsehood and perjury of black witnesses.

The question of admitting negro testimony for the protection of their person and property sinks into insignificance by the side of the other great question of *guarding them and the State* against the evils that may arise from their sudden emancipation. What are the evils that have already arisen, against which we are to guard the negro and the State? The answer is patent to all—vagrancy and pauperism, and their inevitable concomitant, crime and misery, hang like a dark pall over a once prosperous and happy, but now desolated land.

To the guardian care of the Freedmen's Bureau has been intrusted the emancipated slaves. The civil law and the white man outside of the bureau have been deprived of all jurisdiction over them. Look around you and see the result. Idleness and vagrancy have been the result. Our rich and productive fields have been deserted for the filthy garrets and sickly cellars of our towns and cities. From producers they are converted into consumers, and, as winter approaches, their only salvation from starvation and want is federal rations, plunder, and pillage. *Four years of cruel war, conducted on principles of vandalism disgraceful to the civilization of the age, were scarcely more blighting and destructive to the homes of the white man, and impoverishing and degrading to the negro, than has resulted in the last six or eight months from the administration of this black incubus.* Many of the officers connected with that bureau are gentlemen of honor and integrity, *but they seem incapable of protecting the rights and property of the white man against the villanies of the vile and villanous with whom they are associated.*

How long this *hideous curse*, permitted of Heaven, is to be allowed to rule and ruin our unhappy people, I regret it is not in my power to give any assurance, further than can be gathered from the public and private declarations of President Johnson, that "the troops will all be withdrawn from Mississippi, when, in the opinion of the government, the peace and order and civil authority has been restored, and can be maintained without them." In this uncertainty as to what will satisfy the government of our loyalty and ability to maintain order and peace and civil government; our duty, under the constitution, to guard the negro and the State from the evils arising from sudden emancipation must not be neglected. Our duty to the State, and to the freedmen, seems to me to be clear, and I respectfully recommend—1st. That negro testimony should be admitted in our courts, not only for the protection of the person and property of the freedmen, but for the protection of society against the crimes of both races. 2d. That the freedman be encouraged at once to engage in some pursuit of industry for the support of his family and the education of his children, by laws assuring him of friendship and protection. Tax the freedman for the support of the indigent and helpless freedmen, and *then with an iron will and the strong hand of power take hold of the idler and the vagrant and force him to some profitable employment.* 3d. Pass a militia law that will enable the militia to protect our people against the insurrection, or any possible combination of vicious white men and negroes.

I deem the passage of these measures, before you take a recess, of vital importance. By them we may secure the withdrawal of the federal troops, and thus again inspire our people with hope and confidence in the future, and encourage them to engage again in agricultural pursuits, upon which our all depends If we fail to pass them, the future is all uncertainty, gloom and despondency.

BENJAMIN G. HUMPHREYS,
*Governor of Mississippi.*

## E.

*Reports of Captain Mathews, sub-commissioner of freedmen.*

OFFICE OF SUB-COMMISSIONER OF FREEDMEN,
*Magnolia, Mississippi, November* 13, 1865.

MAJOR: I have the honor to report that I arrived at this place on the 9th instant, and entered upon the duties connected with the Freedmen's Bureau. The condition of the freedmen in this part of the State is *most miserable indeed.* All the malice and envy that human nature could be heir to is manifested toward the freedmen in this country. The old system of flogging is an every-day occurrence, while shooting is practiced with impunity. The negroes of this section have remained on their former plantations since the surrender; but when the crops were gathered many were driven away by threats or abuse, and all law that protects the freedman and insures compensation to the laborer has been withheld from them. *They are absolutely without law.* The codes of Mississippi direct that in order to prosecute a claim, or to bring suit against any party, the plaintiff must give security for the cost, should the case be decided against him—a condition that, perhaps, out of the entire population of the blacks in the State, not one in a hundred would be able to comply with, while the remaining ninety and nine are left to the caprice of the capitalist. Two colored persons were murdered by white men at or near this place. The first occurred some four and the second about two weeks since. The first case was disposed of by binding the murderer over to the next term of court, while the second was dropped on a verdict of a coroner's jury, "that the deceased came to her death by a pistol-shot fired by some unknown person," that person having committed the deed in the presence of children, whose evidence was not taken on account of their age.

Since my arrival more than fifty well-authenticated complaints have been made by the freedmen, the great proportion of which were of flogging, and in many instances these complaints were substantiated by marks of violence, all of which have been referred to the civil authority; but, with one single exception, no action has been taken in any instance.

The people (the whites) of Mississippi are looking anxiously for the day when the troops shall be withdrawn, and they be left to execute their own laws; but this desire certainly grows out of no disposition to deal justly with the negroes of the State.

I believe the condition of the blacks to be infinitely worse to-day, in this section, than at any time either before or after the war, and that slavery, if not in name, in fact exists in its most aggravated form.

In isolated cases fears are entertained of an insurrection on the part of the blacks; but in no instance are such fears entertained where a disposition is manifested on the part of the whites to deal fairly with the colored people with whom they are surrounded. Such fears are the legitimate fruits of their determination to oppress the people who were but yesterday their slaves. I am informed by an old gentleman, whose standing is beyond question, that in Columbia, Mississippi, the condition of the freedmen is even worse than at this place; and this report is fully corroborated by many officers of the regiment that marched through the country. In justice to the freedmen, in behalf of a race that has borne such a conspicuous part in the cause of freedom, I submit this report for your information and the considerate judgment of mankind.

I am, sir, very respectfully, your obedient servant,

J. H. MATHEWS,
*Captain 66th U. S. Col'd Inf., and Sub-Comm'r of Freedmen.*

Major GEO. D. REYNOLDS,
*Ass't Comm'r of Freedmen, Southern District of Mississippi.*

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OFFICE OF SUB-COMMISSIONER OF FREEDMEN,
*Magnolia, Mississippi, November* 27, 1865.

MAJOR: Application is most respectfully made that I be relieved from duty as sub-commissioner of freedmen at this point, and returned to duty with my regiment; the reasons for which were set forth in my report of the 13th, and my experience since that time has only mournfully verified my report. Owing to the limited instructions under which I am acting, my position has been that of an idle "spectator." When aggravated cases of flogging have been reported, a few arrests have been made, and the parties turned over to the civil authorities; but out of more than fifty well-authenticated cases, but one has been acted upon. In this section of the country the evidence of the negroes is taken only where troops are stationed, and then when the matter is urged by the military authority. I am informed by many magistrates that they prefer waiting until "something shall happen."

On the 21st instant the mayor at Osika telegraphed to the major commanding to come down to that place; that fears were entertained of a negro insurrection. Accordingly, the major and myself immediately proceeded hither for the purpose of investigating the matter.

On our arrival, every white person was very anxious to disclose what he had heard, and particularly what he thought, from whom we learned that something might happen, nobody knew what. This was about as definite information as could be gathered from the citizens, (the whites.) On our cross-examination of the negroes we learned that on Saturday (previous) the colored people of Osika had a ball, which was broken up by some three or four white men, who came there drunk and made a fuss. On Sunday following it was whispered about town that something was up, which was all the information that could be gathered. This affair, together with many others, confirms the time-honored belief that no insurrection will ever occur without the white man being first the aggressor; that in every community where such fears exist, there is a stinging consciousness of having wronged a people whose cause is impleaded; who are defenceless in the eyes of the law, and before tribunals whose prejudices are as old as the laws themselves.

People are substantially the same the world over; a man seldom fears a man with whom he deals justly; while he does fear the man whom he has wronged, in proportion to the wrongs sustained. To fear a negro insurrection, then, is to confess the negro outraged, and violence is apprehended as the result. A more ingeniously devised pretext for oppressing a people was never conceived by man than to circulate a report of an apprehended outbreak of the blacks in insurrection; a mere subterfuge by which to justify the most foul and bloody murders known to any people, upon a race that is unarmed and unable to defend themselves, much less to assume the offensive. To demand the rights of a human being is readily construed into a disposition that these people call insurrection. Almost daily murders are reported to this office, many of which are perpetrated by the militia or black cavalry, as they are called, who seem to have special fears of an "insurrection." These organizations are particularly adapted to hunting, flogging, and killing colored people; two instances of which occurred last Saturday night—one man was most shamefully beaten, while the other was shot. These militiamen have frequently been known to black themselves up and perpetrate the most fiendish crimes that would enter the minds of men or devils. Of this there is abundance of evidence, and for which there seems at present to be no remedy. Men have told me that they did not "recognize the freedom of their slaves, and that the hogs should eat them rather than they should lose them." For this quotation I beg pardon; I have simply given it that you might fully understand the savage dispositions that seem to control the minds of a people who are clamoring "for a more full control of civil law." It is the earnest desire of the bureau that the freedmen should seek employment for the coming year; but I should certainly be false to the position I occupy were I instrumental in placing these people where they are hunted, beat, and shot so indiscriminately. For your better information I wish you were here in person, as I believe that you can have no adequate conception of the present condition of the country. I herewith transmit a deposition of a man whose statement is fully corroborated by his son.

In conclusion, I would say that I respect a position filled with difficulty, but I cannot fill a position with honor and credit to myself when my power to do is so inconsiderable in proportion to my task.

I am, sir, very respectfully, your obedient servant,

JAMES H. MATHEWS,
*Captain 66th U. S. Col. Inf., and Sub-Comm'r of Freedmen.*

Major GEORGE D. REYNOLDS,
*A. A. Comm'r of Freedmen, Southern District of Mississippi.*

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## F.

*Extracts from the constitution of Georgia adopted November 7, 1865.*

Article I, section 20:

20. The government of the United States having, as a war measure, proclaimed all slaves held or owned in this State emancipated from slavery, and having carried that proclamation into full practical effect, there shall henceforth be, within the State of Georgia, neither slavery nor involuntary servitude, save as a punishment for crime, after legal conviction thereof: *Provided*, this acquiescence in the action of the government of the United States is not intended to operate as a relinquishment, waiver, or estoppel of such claim for compensation of loss sustained by reason of the emancipation of his slaves, as any citizen of Georgia may hereafter make upon the justice and magnanimity of that government.

Article II, section 5, paragraph 5:

5. It shall be the duty of the general assembly, at its next session, and thereafter as the public welfare may require, to provide by law for the government of free persons of color; for the protection and security of their persons and property, guarding them and the State against any evil that may arise from their sudden emancipation, and prescribing in what cases their testimony shall be admitted in the courts; for the regulation of their transactions

with citizens; for the legalizing of their existing, and the contracting and solemnization of their future marital relations, and connected therewith their rights of inheritance and testamentary capacity; and for the regulation or prohibition of their immigration into this State from other States of the Union, or elsewhere. And further, it shall be the duty of the general assembly to confer jurisdiction upon courts now existing, or to create county courts with jurisdiction in criminal cases excepted from the exclusive jurisdiction of the superior court, and in civil cases whereto free persons of color may be parties.

Article V, section 1:

1. The electors of members of the general assembly shall be free white male citizens of this State, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying agreeably to law, for the year preceding the election, shall be citizens of the United States, and shall have resided six months either in the district or county, and two years within this State, and no person not qualified to vote for members of the general assembly shall hold any office in this State.

2. All elections by the general assembly shall be *viva voce*, and the vote shall always appear on the journal of the house of representatives; and where the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall, in such cases, preside and declare the person or persons elected.

3. In all elections by the people, the electors shall vote by ballot until the general assembly shall otherwise direct.

4. All civil officers heretofore commissioned by the governor, or who have been duly appointed or elected since the first day of January last, but who have not received their commissions, and who have not resigned, nor been removed from office, and whose terms of office shall not have expired, shall continue in the exercise of the duties of their respective offices during the periods for which they were duly appointed or duly elected as aforesaid, and commissioned, and until their successors shall be appointed under the provisions of this constitution, unless removed from office as herein provided.

5. The laws of general operation now of force in this State are, 1st, as the supreme law, the Constitution of the United States; the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States; 2d, as next in authority thereto, this constitution; 3d, in subordination to the foregoing, all laws declared of force by an act of the general assembly of this State, assented to December 19, A. D. 1860, entitled "An act to approve, adopt, and make of force, in the State of Georgia, a revised code of laws prepared under the direction and by authority of the general assembly thereof, and for other purposes therewith connected;" an act of the general assembly aforesaid, assented to December 16, A. D. 1861, amendatory of the foregoing, and an act of the general assembly aforesaid, assented to December 13, A. D. 1862, entitled "An act to settle the conflicts between the code and the legislation of this general assembly;" also, all acts of the general assembly aforesaid, passed since the date last written, altering, amending, repealing, or adding to any portion of law hereinbefore mentioned, (the latter enactments having preference in case of conflict,) and also so much of the common and statute law of England, and of the statute law of this State, of force in Georgia in the year eighteen hundred and sixty, as is not expressly superseded by nor inconsistent with said code, though not embodied therein: except so much of the law aforesaid as may violate the supreme law, herein recognized, or may conflict with this constitution, and except so much thereof as refers to persons held in slavery, which excepted laws shall henceforth be inoperative and void; and any future general assembly of this State shall be competent to alter, amend, or repeal any portion of the law declared to be of force in this third specification of the fifth clause of this fifth article. If in any statute law herein declared of force, the word "Confederate" occurs before the word States, such law is hereby amended by substituting the word "United" for the word "Confederate."

6. Local and private statutes heretofore passed, intended for the benefit of counties, cities, towns, corporations, and private persons, not inconsistent with the supreme law, nor with this constitution, and which have neither expired by their own limitations nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when enacted, and to any limitations imposed by their own terms.

7. All judgments, decrees, orders, and other proceedings of the several courts of this State heretofore made, within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to past or future reversal by motion for new trial, appeal, bill of review, or other proceeding, in conformity with the law of force when they were made.

8. All rights, privileges and immunities which may have vested in, or accrued to, any person or persons, in his, her, or their own right, or in any fiduciary capacity, under and in virtue of any act of the general assembly, or of any judgment, decree, or order, or other proceeding of any court of competent jurisdiction in this State, since the first day of January, A. D. eighteen hundred and sixty-one, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

9. The marriage relation between white persons and persons of African descent is forever prohibited, and such marriage shall be null and void; and it shall be the duty of the general assembly to enact laws for the punishment of any officer who shall knowingly issue a license for the celebration of such marriage, and any officer or minister of the Gospel who shall marry such persons together.

10. All militia and county officers shall be elected by the people, under such regulations as have been or may be prescribed by law.

11. This constitution shall be altered or amended only by a convention of the people, called for that purpose by act of the general assembly.

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G.

AN ORDINANCE to repeal certain ordinances and resolutions therein mentioned, heretofore passed by the people of the State of Georgia in convention.

*We, the people of the State of Georgia in convention, at our seat of government, do declare and ordain*, That an ordinance adopted by the same people, in convention, on the nineteenth day of January, A. D. eighteen hundred and sixty-one, entitled "An ordinance to dissolve the union between the State of Georgia and other States united with her under a compact of government entitled "the Constitution of the United States of America;" also an ordinance, adopted by the same on the sixteenth day of March, in the year last aforesaid, entitled "An ordinance to adopt and ratify the constitution of the Confederate States of America;" and also all ordinances and resolutions of the same, adopted between the sixteenth day of January and the twenty-fourth day of March, in the year aforesaid, subversive of or antagonistic to the civil and military authority of the government of the United States of America, under the constitution thereof be, and the same are hereby, repealed.

Signed October 30, 1865.

HERSCHEL V. JOHNSON, *President.*

Attest:

J. D. WADDELL, *Secretary.*

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H.

*Georgia law relative to the right of colored persons to testify.*

AN ACT to make free persons of color competent witnesses in the courts of this State in certain cases therein mentioned, and to authorize the making and declaring of force affidavits by them in certain cases.

*The senate and house of representatives of the State of Georgia, in general assembly met, do enact*, That from and after the passage of this act free persons of color shall be competent witnesses in all the courts of this State in civil cases whereto a free person of color is a party, and in all criminal cases wherein a free person of color is defendant, or wherein the offence charged is a crime or misdemeanor against the person or property of a free person of color, any law, usage, or custom to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That in all cases hereafter pending or about to be instituted wherein a free person of color is a party, plaintiff or defendant, it shall be competent for such free person of color to make and file any affidavit now by law allowed a citizen to advance the remedy or aid the defence; and when so made and filed in conformity with law, such action shall be had thereon as though the said affidavit had been made and filed by any other litigant.

Approved December 15, 1865.

# PART IV.

# FLORIDA, LOUISIANA, TEXAS.

## SUB-COMMITTEE.

Mr. GEORGE H. WILLIAMS, (of Oregon,) United States Senate.
Mr. E. B. WASHBURNE, (of Illinois,) House of Representatives.
Mr. A. J. ROGERS, (of New Jersey,) House of Representatives.

Mr. E. B. WASHBURNE, from the Select Joint Committee on Reconstruction, reported the following evidence.

# TESTIMONY

John W. Recks called, sworn and examined.

By Mr. WILLIAMS:

Question. State your age, residence, and occupation.

Answer. My age is 37; residence, at present, Pensacola, Florida; occupation, collector of customs.

Question. How long have you resided in Florida?

Answer. I have resided in Florida since the 14th of July last.

Question. Have you travelled through the State to any extent, since you have resided there?

Answer. Yes, sir; I have been through the western portion of the State, not through the eastern portion. We touched at Key West while going down, but I have not travelled through that portion of the State.

Question. Has your business brought you into contact with many of the citizens of that State?

Answer. Yes, sir; especially in Western Florida.

Question. State the views and feelings of the people with whom you came in contact when you first went to Florida, as to the late war and its results.

Answer. That would be a rather difficult question to answer definitely. The general impression among those people is, that they have been overcome, but not conquered.

Question. Have you noticed any change in the sentiments and feelings of the people since you commenced to reside in Florida, in reference to that subject?

Answer. No material change, that I know of, for the better—nor in any portion of the States lately in rebellion in which I have been—Louisiana, Alabama, and Tennessee. They have a bitter aversion to what they term the Yankee; that is, a Union man; it does not matter whether he comes from the extreme east or the extreme west, if he is true in his adherence to the national government. They have treated me with a good deal of courtesy, but at the same time that is their inherent spirit. They have no love for the Yankees, as they term them. I have had no difficulty, however, myself.

Question. Are there any men, to your knowledge, in Florida who remained true to the Union cause during the rebellion? If so, state what number, to the best of your knowledge.

Answer. Of course I can only speak of that portion of the State I have been in. In respect to that, I may say, I would not know where to lay my hand upon a man who really loves the Union at the present day. I would just as soon expect to find a white raven on the sand-beaches of Florida as to find a Union man who has always resided there. There may be some, but I have not met them.

Question. Are there any persons there who emigrated to that State from the north since the rebellion?

Answer. Yes, sir; there are some who have been mustered out of regiments—none others that I remember. There are some few who have been merchandizing in what is called Warrenton, who, I know, are good Union men. But your question, I suppose, refers to the original residents of that State.

Question. State what the relations are of those men who emigrated there from the north, and are called Yankees, and those who lived there during the rebellion; are they free and friendly, or otherwise?

Answer. They are apparently friendly, but really not. As far as their own selfish interests are concerned, in matters of trade, they appear friendly enough; but they have no regard for the Union.

Question. State your opinion, derived from your observation of and intercourse with these people, as to whether their professions correspond with their real views and feelings in reference to the Union—whether among Union men they hold out one idea, and among themselves cherish a different one?

Answer. That is what I understand of them, that they are totally deceitful in reference to these matters.

Question. Are there any troops at this time in Florida?

Answer. There were a few at the time I left, last Friday week, mostly occupying the forts. There were some at Fort Barrancas, below; there were none at Pensacola—in the town; there were some at the navyyard, and some at Fort Pickens. Most of the volunteer forces there have been mustered out and their places filled by colored troops.

Question. Do you think the presence of a military force in Florida is or is not necessary to secure the rights of property and the lives of citizens, white or black?

Answer. I do. I may be mistaken, but that is my honest conviction. I think, in other words, that if they had the power, they would use it to destroy Union men.

Question. State, as near as you can, the circumstances and condition of the colored men in that State. Have they, generally, remained with those to whom they belonged before the war, or have they changed their places of abode?

Answer. In that portion of Florida where I am acquainted, some of them have remained with their old owners or masters, and some have not. I think the majority of them are working for themselves, and are generally disposed to be industrious.

Question. What is your opinion of the willingness of the negroes to work for white men, for fair wages and kind treatment?

Answer. Almost universally, as far as my information extends, they are perfectly willing and anxious to work for men who will pay them anything like a fair or reasonable compensation. I do not know that I have remarked any instance to the contrary in Florida. Then, on the other hand, those who have been their former masters, and those who have employed them, have been punctual in paying them and have treated them kindly, as a general thing. But there are very few of their old owners who have any colored servants now. Some of them have so bitter an aversion that they say they will never have them round again; that they will send to the north for Irish servants. That may, however, be mere talk that amounts to nothing.

Question. What class of white people in that State, in your judgment, are most inimical to the blacks, in their present condition?

Answer. The wealthier class—those whom we formerly termed the upper grade—the upper crust. The poorer class of white men there are not so unfavorable to the black men as those formerly known as the wealthier class.

Question. What are the views, so far as you know, of the original citizens of the State as to the willingness of the negroes to work, with or without physical compulsion?

Answer. They have the impression that there must be physical compulsion, or they will never be of any service, or very stringent laws, which would be the same in substance, to make them work. That is the way they talk; but moral suasion, I think, would make them all work. There being no Freedmen's Bureau agents there, I have had charge of the interests of that class of people. Having been requested by General Howard to look after their interests, I did so.

Question. State what you know of the willingness or unwillingness of the colored people there to learn or to obtain an education?

Answer. I can give some information upon that subject. In coming down the coast upon a United States revenue cutter, I was requested by General Oliver O. Howard to visit the various freedmen's schools at Fernandina, Charleston, Key West, Pensacola, &c., which I did. I was highly pleased to find the schools in a very excellent condition, and the colored children evincing a spirit and disposition to learn as I have never witnessed, even in the white schools at the north; and not only evincing the disposition, but actually learning. That is something that has impressed me most profoundly everywhere at the south.

Question. What are the feelings of the old citizens of Florida as to the education of the blacks?

Answer. Bitterly opposed to it.

Question. Was there anything said in Florida among the old citizens, that you heard, about the payment of the debts contracted by the rebel government during the rebellion?

Answer. No, sir.

Question. Do you hear anything said about the payment of the debt of the United States contracted in the suppression of the rebellion?

Answer. I have heard some talk on that subject, but I could not state with any degree of definiteness in reference to that.

Question. Have you heard anything said there about obtaining payment for slaves emancipated by the war?

Answer. Oh, yes, I have heard such talk, and even for buildings which have been destroyed. Some of our prominent men have even advocated the doctrine that they would be reimbursed for the property they had lost in the way of slaves and other personal chattels. But it is hard to tell much about their talk on that point. They think they will have been treated with the greatest injustice if the government does not pay for all these things. It is the impression of a great many—it may not be of all—that unless the government does in some way remunerate them for the losses they have sustained in consequence of emancipation, it will not be doing its duty towards them.

Question. State whether you were there at the time an election was held in that State?

Answer. Yes, sir; I was there at the time. I had been there some time previous to the election of delegates to the Tallahassee convention. Just before the nomination of delegates the provisional governor, William Marvin, called upon me and upon my father-in-law, also an old New York lawyer, and also an acquaintance of Governor Marvin. I saw fit to interrogate Governor Marvin as to who were qualified to vote in the election to be held, and what would constitute a delegate, in the proper sense of the word, to represent the people in the

Tallahassee convention. He stated to me that although a majority of the old citizens had been living out in Alabama for some time past, and had not returned home, yet if they returned home the day before the election, pardoned or unpardoned, they were fully entitled to vote, and they could even go as delegates to the convention, if elected.

Question. At what time did the election of delegates to that convention occur?

Answer. I cannot tell positively. I was there at the time. I know the votes in our township were polled in the custom-house building.

Question. Did the people generally vote at that election in the place where you resided?

Answer. I think they generally voted. There was one exception. Major Alden, who was formerly in the United States service, with the rank of major, now agent of Adams Express Company, went out to vote and was refused, on the ground that although he had lived there some two or three years, yet his proper place of voting was in some other section of the country. I understood Governor Marvin so instructed, and the judges so decided. He told me, I think, that he voted afterwards at Barrancas, some eight miles below.

Question. Was there more than one ticket at that election of delegates?

Answer. There were two. A friend of mine by the name of Clapp was almost forced into the field, but he had no show.

Question. Was that election any test of the Union sentiment in the town where you resided?

Answer. I suppose it might be considered a test. As a general thing the Union men were true to their man.

Question. How did the vote of the Union men compare with that of the others?

Answer. The Union vote was very insignificant. I do not suppose you could find three hundred Union votes in the whole State of Florida. Governor Marvin told me he did not think you could get three hundred Union votes, out and out, in the whole State. It was impossible then to adopt any plan by which a large Union vote would be called out. It did not matter at all what a man's course had been. I recollect a man who had been a major in the federal army, and then a major in the confederate army, and Governor Marvin told me he was and told others they were entitled to vote. That same man, Major Kelly, went as a delegate to the convention, and was afterwards nominated for lieutenant governor of the State on the ticket with Governor Walker, and was overwhelmingly elected. He is still unpardoned, unless he has been pardoned recently.

Question. I understand, then, that Major Kelly was elected delegate to the Tallahassee convention, and has been elected lieutenant governor. State what position he held during the rebellion.

Answer. He had the rank of major in the confederate army. He was acting as purser of a fleet, or something of that kind. He goes by the name of Major Kelly altogether, and, I believe, held that position in the confederate army.

Question. Were you there at the time members of the legislature were elected?

Answer. Yes, sir.

Question. State, as far as you know them, what their positions were—what side they took during the rebellion.

Answer. They were rebels during the war in the confederate service; some of them, I think, with the rank of captain, and at heart to-day they are as good rebels as they ever were.

Question. Were you present at the session of the legislature there?

Answer. No, sir; I did not go.

Question. Do you know the man who has been elected governor of that State?

Answer. I do not, only by reputation. I have heard him in Pensacola spoken very highly of by men who are resident there. I do not know how he is, one way or the other. I believe I have heard some Union men speak very highly of Governor Walker.

Question. Do you know any of the men elected to Congress, either to the House or Senate?

Answer. I have some little acquaintance with Governor Marvin, elected to the United States Senate. Mr. Call I am not acquainted with. His election apparently caused universal satisfaction to the former sympathizers of the south, and the election of Governor Marvin is just as much congenial to them, I think, as that of the other senator, though I have nothing to say against Governor Marvin particularly. He wanted all the votes he could get, I suppose.

Question. Then all the officers of the government there, and those chosen to represent that State in Congress, as I understand you, were chosen by men who were chosen during the war?

Answer. Yes, sir.

Question. And those who were not pardoned, as well as those who were, voted for their election?

Answer. Yes, sir; and whether they had been there three days or had lived there three years did not matter. They would come back, and, according to the instructions given by Provisional Governor Marvin, would vote the next day, pardoned or unpardoned.

Question. Has there been any member of Congress elected?

Answer. I have heard of none.

Question. Has there been any election for member of Congress?

Answer. I have not heard of any.

Question. State, if you can, what is the disposition there among the people as to legislation there among the blacks; what rights are the majority of the white people of Florida disposed to give the blacks, political or civil?

Answer. I think they look upon them, as a general thing, with as great, and perhaps greater aversion than during the war. As to what rights they are willing to give them, I think they would be very much pleased to have them right out of the way, and to have Chinamen, coolies, or anybody else to do the work. That may be a mere conjecture of mine. I only speak of my best belief.

Question. Have you heard the question of negro suffrage discussed there among the people?

Answer. I have; they perfectly abhor negro suffrage.

Question. Have you heard anything said as to giving the negroes the right to purchase and hold real estate?

Answer. No, sir; I have heard nothing on that point.

Question. Have you heard anything said among the people there as to the right of the negroes to bring suits and to be witnesses in court?

Answer. Yes, I have seen some who are in favor of that, but a majority are opposed to it.

Question. Can you repeat anything you have heard prominent men say there in reference to what they proposed to do, when that State resumed its former position in the Union, as to their own domestic matters?

Answer. No, sir; I do not know that I have. The papers are the best index you could have in reference to these things. I have not heard or charged my mind with what I have heard on that subject sufficiently to repeat it.

Question. Do you know the number of votes cast at the late election in that State?

Answer. I do not, and have no means of ascertaining.

Question. Do you know the number of votes cast at Pensacola?

Answer. I think about 250 votes were cast in the town of Pensacola. There were a good many more than that cast up and down the harbor. I took no interest in the matter.

By Mr. WASHBURNE:

Question. Has there ever been any disposition to interfere with you in the discharge of your official duties at all?

Answer. Yes, sir.

Question. What was the nature of the interference?

Answer. I required a man to pay some rents on property he had leased in compliance with the regulations. He refused to do it. I wrote him a notification such as the regulations require. He came down very much offended, made some remark about d——d abolitionists, and said "I have a notion to give you a whaling." I said, "I guess you will whale us once to your satisfaction, and you may try it on again if you like." This man, Major Humphreys, had always been civil to me before.

Question. What had he been major of?

Answer. He was at Fort Sumter at the time of the lowering of our flag. He was a northern man by birth, but went over to the confederate army. He is a particular friend of the present Lieutenant Governor Kelley.

Question. What was the nature of your claim upon him?

Answer. For rent due the United States. He had leased some property reported as abandoned by my predecessors. He took out a lease in the regular form, but refused to pay the rent.

Question. What is the present status of the courts in that State?

Answer. We have only a justice court there. No other court had been organized at the time I left. They were expecting to organize others.

Question. Have you any knowledge of the proceedings of the last session of the legislature of Florida?

Answer. No; I have received nothing in relation to them.

Question. You do not know, then, what action they have taken in relation to the rights of colored people?

Answer. No, sir; I do not.

Question. Have there been many pardons of rebels in your vicinity to your knowledge?

Answer. Not many, to my knowledge.

Question. Do you know whether or not many are seeking pardon?

Answer. Yes, sir; they are all seeking pardon, pretty much, I believe; that is, I have so learned.

Question. What protection would there be there for colored people if the troops were withdrawn entirely from the State?

Answer. In the only portion I have any knowledge of, there would be no difficulty, because there would be a sufficient number of colored people to thrash them out, with a good commander. Were there not a majority of them, their condition would be very bad.

Question. What is your judgment in regard to the number of troops that would be neces-

sary to maintain public order and the safety of all classes of citizens in that section of the State to which your knowledge extends?

Answer. It would require a comparatively small force at each of the various points. A force of 25 or 50 men would be quite sufficient at Pensacola, or at any other one point, to keep everything in order. I may, perhaps, mention that there is a great deal more demoralization in the south, more drinking and intoxication, than ever I knew before. Every other house, almost, is a drinking saloon, and there is fighting in every direction.

Question. How do you account for it?

Answer. I account for it in my own little town by the absence of the military as much as anything. They have a municipal organization there now, and municipal officers, but they do nothing apparently to keep order; there are some very reckless fellows there, and almost every day there is a stabbing or something of the kind occurring. A few days before I left a man by the name of Lloyd stabbed a negro man without any provocation whatever.

Question. What was done with Lloyd?

Answer. They took him down to Fort Pickens; they have taken him there several times before, but he always manages to get out in some way or other, and I presume is out again by this time.

Question. Who is in command of the military force at that post?

Answer. Colonel Woodman was in command in western Florida; who is his successor I do not know; he was in command of a Maine regiment which has been mustered out; I do not know who is in command now; most of the troops have been removed. As far as Pensacola is concerned, I am not at all apprehensive of any difficulty. The Union men have such an understanding with the colored people that, in case of an outbreak, we would give them a fair showing.

Question. From your knowledge and observation of that country, what, in your judgment, is necessary to be done in order, properly and fairly, to reconstruct the State, in justice to the State and to the Union?

Answer. There is such a diversity of opinion upon that subject that I hardly know how to answer. The only way for this government to make these people its friends is just to keep them down. They have more respect for a man who goes there and shows decision than they do for one who is wavering. My policy may, perhaps, be a little too severe. I would pin them down at the point of the bayonet so close that they would not have room to wiggle, and allow intelligent colored people to go up and vote in preference to them. The only Union element in the south proper, among the original inhabitants, is among the colored people. The whites will treat you very kindly to your face, but they are deceitful. I have often thought, and so expressed myself, that there is so much deception among the people of the south since the rebellion, that if an earthquake should open and swallow them up, I was fearful the devil would be dethroned and some of them take his place.

Question. What is the nature of the business at Pensacola at this time, and by whom is it conducted mostly?

Answer. We have a goodly number of merchants for a place of that size; a great many doggeries, bar-room saloons, commission merchants, &c. A very large majority of those in business are men in sympathy with those heretofore engaged in the southern cause. On the other hand, we have a few good Union men in business in that place.

Question. Are there any returned rebels there in business?

Answer. Yes, sir.

Question. In what business mostly engaged?

Answer. As commission merchants.

Question. Are there many engaged in rum-selling, and little business of that kind?

Answer. Yes; a great many are engaged in that; some of them have groceries, and some of them are commission merchants.

Question. Why do these men not go out and work on their lands? Is it because they cannot get the negroes to work?

Answer. I believe that is the reason they give—that they cannot get the negroes to work.

By Mr. WILLIAMS:

Question. In your judgment, is the Freedmen's Bureau there a necessity or not, for the advantage of all concerned?

Answer. I do not think there is any very material necessity for it. As I stated, General Howard requested me to look after the freedmen to some extent. It was at a season of the year I anticipated a good deal of sickness—in July, August, and September; but they passed through it without, as a general thing, and I believe they are doing tolerably well.

Question. I ask you whether there is much idleness, dissipation, and poverty among the blacks there?

Answer. Not a great deal; no more than you will find, perhaps, in a great many other places further north. I have seen some evidence of suffering, but, as a general thing, not much. I have made it my business to inquire how they were getting along; and if any were suffering for the necessaries of life, I would see if something could not be done for them; but there were no such reports.

Question. Are there any landholders there among the blacks?

Answer. Yes, sir, some of them are landholders.

Question. Are any of the blacks settling upon vacant lands in that neighborhood?

Answer. Yes, sir.

Question. Is there not an anxiety among the blacks to acquire lands and become landholders?

Answer. I think there is.

Question. What do the blacks who have taken lands raise mostly?

Answer. They cultivate gardens principally, bring in vegetables and sell them in the market at Pensacola and at the navy yard. Some of them are farming on a small scale. There is a disposition with a majority of the blacks to remain in town, mainly, I think, for the reason that they are not treated as kindly as they ought to be in the country.

Question. How are the farming lands in your neighborhood divided, into large farms, or plantations, or otherwise?

Answer. Near our place the country is sandy. The soil is not rich, and the farming is on rather a small scale. There are some very good farms on the harbor above, and on the Black Water and Escambia.

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WASHINGTON, *January* 22, 1866.

Hon. William Marvin sworn and examined.

By Mr. WILLIAMS:

Question. State where you reside.

Answer. My residence is at Key West, Florida, southern part of the State.

Question. How long have you resided there?

Answer. Since 1835. I have been temporarily absent from there during the last two years, until I again returned to the State as provisional governor.

Question. State in what way you have been connected with the reorganization of that State since the war?

Answer. I was provisional governor of the State, appointed 13th of July, and entered upon the duties of the office in Florida about the first day of August, I think.

Question. Where were you during the war?

Answer. Until July, 1863, I was at Key West, in Florida, acting as judge of the district court of the United States for the southern district of Florida.

Question. After that where were you?

Answer. In July, 1863, I resigned my office on account of ill health. My health was broken down from over-work. I suppose I decided more prize cases than any other one judge, perhaps, and perhaps more than all the other courts put together. I became overworked, resigned my position, and went temporarily to New York.

Question. Where were you born and raised?

Question. I was born in the county of Herkimer, State of New York. I grew up to young manhood in the State of New York; resided, when quite a young man, four years in the State of Maryland; returned again to the State of New York, and in 1835 emigrated to Florida, where I have been ever since. I was appointed judge of the superior court for the Territory of Florida by Mr. Van Buren in 1839, if I remember right. I remained judge of the superior court under the territorial arrangement until after a State government was organized and the district court of the United States was established for the southern district. I was appointed judge of that court in 1847, I think, by Mr. Polk. I remained district judge until I resigned in July, 1863.

Question. Subsequent to the ordinance of secession in the State of Florida, did you discharge your duties as United States judge in that State?

Answer. I did. Key West is an island at the extreme southern point of the State, distant from the main land some seventy or eighty miles; is among a cluster of islands, and, fortunately for me, there was a military support there of, I believe, one company of troops, and a naval force there to enable the government to retain possession of the island. I remained and discharged my duties until my health broke down.

Question. When you were appointed provisional governor of that State, what sort of a government, if any, was there in the State of Florida?

Answer. When I was appointed provisional governor of the State, the actual government was purely military. Martial law prevailed throughout the State. The civil authorities were not recognized as having any existence by the military, and I did not recognize them as having any existence for some months afterwards.

Question. Were there any persons holding office, or attempting to discharge the duties of any civil office, under the confederate authorities in that State?

Answer. Not at that time. Of course there were men claiming to be in office, but they were not in the discharge of any of the functions of their offices.

Question. Can you state how long it was, after the confederate authorities had ceased to exercise their functions in that State, to the time you became provisional governor? In other words, how long was the State under, exclusively, military rule?

Answer. I cannot state positively. I believe the State of Florida was occupied by the military forces in the first days of May; and from the time of their occupation the civil authorities were considered as in abeyance, and overthrown.

Question. State what your first steps were, after your appointment as provisional governor, towards the reorganization of that State under the federal government.

Answer. I have not the documents here with me, or I might shorten the answer. Perhaps the first step I took towards the reorganization of a State government in Florida was to issue an address, published in all the newspapers, in which was portrayed a plan whereby the people would be enabled to meet in convention for the purpose of amending or altering their constitution and re-establish a new government. This address was generally circulated. As soon as I got time to mature a plan whereby the people of the State could meet at the different precincts in their several counties and hold an election, I issued a proclamation appointing an election to be held in the several precincts of the different counties of the State for delegates to a convention. This proclamation recognized all persons as entitled to vote for delegates to this convention who were entitled under the constitution of the State established and existing prior to the passage of the ordinance of secession, and who should also have taken the amnesty oath at the time of voting. It was arranged by the government itself that this amnesty oath might be taken before any military officer, or any civil officer who was loyal to the government. The larger number of amnesty oaths in that State were taken before the mustering officers of the army. In some of the counties there was an inability to supply these officers, so as to enable the people to take the oaths. In a few weeks before the election I authorized the judges of election to administer these oaths at the polls. They were to allow no person to vote who did not present a certificate that he had taken the oath previously, or who did not take it at the time of voting at the polls. The oaths taken at the polls were forwarded to me with the election returns, and oaths taken before military officers were also reported to me by such military officers. The number of oaths taken exceeded seven thousand. I do not remember the precise number. The number of votes at the election for delegates in the whole State was six thousand seven hundred and odd, which is more than half of all the votes of the State given at elections when party contests were rife. I think that considerably more than half the people voted at this election. There was an election held in every county in the State. Every county in the State but two were fully represented in the convention. One county was unrepresented in consequence of the delegates having been lost at sea; and, for the other, delegates could not get there. So far as I was able to judge, I think the election itself was as full and fair an election, and as full and fair an expression of the wishes of the people as could possibly be had.

Question. State, if you please, whether or not at that election there were tickets in the field opposed to each other—one designated as the Union ticket, and the other as the opposition ticket—in any or many of the places of that State.

Answer. I do not think it could properly be said that there were any tickets run in any of the counties, as far as I am informed, which could be called in opposition to the reconstruction of the Union. There were in some of the counties candidates running who claimed to be old Union men, and claim to be at present the *Simon Pure* Union men all through, who were opposed by men who went into the war and were in the confederate army. That was the case, I think, in three counties. I am not aware that it was any more than that.

Question. Who were elected in these counties?

Answer. In one of them the Union candidates, or men who were, the old Union men, (for all claimed to be Union men at this time,) were elected, and beat the secesh. In the other two, I think, according to my recollection, the secesh were eectedl. There were, so far as I understood, individual persons opposed to it, but there was nothing like an organization at all to defeat the plan of reconstruction; that was acceptable to almost everybody.

Question. State what, in your judgment, was the proportion of delegates elected to that convention who belonged to the confederate army during the rebellion.

Answer. If I had a list of the delegates before me I could state with considerable accuracy. I can now only give an approximate answer. According to my present recollection I should say about a fourth, perhaps half, certainly fully a quarter of them; and, on further consideration, I would give one-half as an approximate estimate.

Question. State what the position of the other half was during the rebellion.

Answer. I should say one-quarter, or nearly a quarter, claimed to have been Union men all the time, and to have avoided being dragged into the rebel service, or any participation in the movement. The other quarter I should say rather sympathized with the secession movement; that would be my judgment of their position.

[Governor Marvin having to leave the city, his examination was here suspended.]

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WASHINGTON, *February* 28, 1866.

Rev. L. M. Hobbs sworn and examined.

By Mr. WILLIAMS:

Question. Have you, since the commencement of the rebellion, been in Florida; and if so, when did you go there and when did you leave?

Answer. I landed at Jacksonville, Florida, on the 8th of February, 1864, and left that place on the 15th of February, 1866.

Question. Did you visit different parts of Florida while there?

Answer. Yes, sir; I have travelled over a good portion of the State, especially the planting districts, since the surrender of the confederate armies. I was detailed from my regiment by General Tillson, directly after the surrender, to visit the plantations and explain to the colored people their situation, and endeavor to induce them to remain on the plantations, and work to secure the growing crops. I was provost marshal for two and a half months at the port of Tallahassee. Since my regiment was mustered out of service I have been connected with the Freedmen's Bureau, in charge of the educational interests of the freedmen. During the session of the legislature I draughted a bill for the establishment of a school system for the free people of Florida, which bill, with some modifications, became a law, and I have since received the appointment of superintendent of the State for schools for freedmen.

Question. What do you find to be the present temper and spirit of the people of Florida in reference to the general government?

Answer. It is bitter; much more so now than it was three or four months ago. There was a time when the people seemed to be very much disposed to do anything that the government would require of them. They are now quite bitter, and say things that they would not have dared to say three months ago. They talk treason on the streets without any concealment; that is, a great many of them do—the majority of the lower classes. There are a few intelligent planters whom I regard as honorable men, who deplore the expression of such opinions; but they are very much in the minority, and can have but little influence in the affairs of the State government.

Question. How do you explain this change that has taken place in their feelings, or the expression of them?

Answer. I consider it is because of the leniency manifested by the present administration: first, in extending the privilege of amnesty; and second, in re-establishing the civil government, throwing the affairs of the State, the administration of the law, in the hands of probate and circuit judges, leaving the military to have control only of some cases where capital punishment, or some punishment of that kind, can be inflicted; also the general opposition that has grown up within the last three months to the negro having civil rights, the right of suffrage, &c.

The people there, through the agency of the officers of the Freedmen's Bureau, have been restrained from committing injustice to the negroes in the way of cheating them of their wages, and withholding remuneration from them. A great many unjust contracts had been made with the freedmen during the summer. For instance, while I was provost marshal, thirteen contracts were brought into my office for approval, in which the employer agreed to give a first-class hand thirteen bushels of corn and one hundred pounds of meat for seven and a half months' labor, and to lower class hands a proportionately less amount. It was so manifestly unjust, that the general commanding issued an order that where the wages were to be paid by a share of the crops, one-fourth at least of the crops should be allowed for the wages of the laborers. That raised a great deal of opposition, though the order was not issued until the general had consulted with the leading planters about Tallahassee, some of whom had voluntarily given their hands one-half or one-third of their crops; and they stated that one-fourth of the crop would be a very fair remuneration.

The people show a great anxiety to have the military and the Freedmen's Bureau withdrawn from the State, and the control of the State government placed entirely in their hands, and they speak very bitterly of any one opposing them in that respect. I suppose I have been more successful in obtaining the confidence of the people than any other northern man who has gone into that State, and yet, if what I am stating here to you now were made known to them, my life would be in danger should I return to that State. Union men, the citizens of the State who have been in favor of the Union, are proscribed.

Question. What would be the condition of the Union men there should the military be withdrawn?

Answer. It would be intolerable; they could not remain there in safety; they would be compelled to leave the State. Northern men, especially those who have been in the United States service, could not live there at all. I should feel no security there, with the present feelings of the people, should the military be withdrawn and the State be readmitted; I could not stay there. I would have no fears of the intelligent planters to whom I have already referred; but there are the bar-room loafers, formerly slave-drivers and overseers, and what are called "piney-woods men," men who, as the old settlers there have said to me, have escaped justice in other States and have settled there. Then there is a class of boys of nineteen or twenty years of age, who would put a bowie-knife or a bullet through a northern man as soon as they would through a mad dog. In some portions of the State even now a northern man is not safe.

Question. Were you in Florida when any elections took place?

Answer. Yes, sir.

Question. What class of candidates appeared to be the favorites of the people, loyal or disloyal men?

Answer. The elections were very quiet; but there was no chance for a loyal man to be elected. Even men who had been with them through the war, but had since expressed favor-

able opinions towards the negro, could not be elected. There was Mr. Papy, of Tallahassee, an attorney, one of the best men in the State; he went with his State into the rebellion, but has accepted the result like a true man; I believe him now to be a truly loyal man. Prior to the election of members of the convention to amend the constitution of the State, Mr. Papy stated to some of his friends that he was in favor of allowing negroes to testify. This becoming known, he was defeated, and could not be elected to any office.

I knew a number of such men there. There are men there who have been loyal all through the war, men who are qualified to fill any position in the State. Mr. O. B. Hart, of Jacksonville, is a man qualified to act as governor of the State or as United States senator, but he is completely proscribed, and could not be elected constable. There are a number of very true loyal men in the State, but they have no chance of being elected to any office: the people ignore any man who has been a Union man as capable of holding any position.

Question. What is the prevailing opinion in Florida in regard to the rights that should be extended to the freedmen?

Answer. The prevailing opinion is that the general government should not interfere in that matter at all; that it should be left entirely to the people of the State. They say they understand the negro better than we do; that they can manage him better, and that the government has no right whatever to interfere in the matter. They evidently desire one of two things: to so control the freedman that he will be in a condition of semi-slavery or peonage, or else make the free-labor system an utter failure, in order to show that their peculiar notions about the matter are correct and that we are wrong, hoping to gain something by it in the future. They have been very slow in accepting the condition of affairs in reference to the negro. I have had a great deal of difficulty on that subject. I have addressed, I suppose, thirty thousand freedmen, urging them to be quiet and peaceable, and go to work. I have found them all willing to go to work when they have received proper treatment, or even any kind of decent treatment. They are a very quiet and docile people.

The change within the last month, before I left, was very favorable, wonderfully so, and when I came away I left with bright hopes of the future. The loyal men had taken fresh courage, anticipating nothing else than that the Freedmen's Bureau bill would become a law.

It was interesting to notice the change of sentiment in the minds of the planters. They had all along said that the free negro would not work; that they could raise no cotton But, they had been so successful last year that there are not now near enough hands to supply the demands. We could find employment for 10,000 more men in Florida to-day than we had there. The planters are offering $20 a month for them. They say now that the negro will work, but that he will only work for four or five years, until he can save money enough to buy some land, and then he will not be worth anything; that he will not work for anybody else when he gets property of his own; but it is a great advance for them to admit that he will work for five years; at first they said he would not work at all.

One of the planters used to come to my office and say that the free negroes would not work at all. At last he came there with three negroes whom he charged with stealing hogs from his place. I asked the negroes if they had taken the hogs: they said they had. I asked what they had done with them; they said they had killed them and made meat of them. I said, "Do you not think it wrong to steal hogs?" "Well, no; they did not think it wrong to kill Massa Chairs's hogs." "Why not?" "Because they were working for him, and he did not give them any meat." "How long since you have had any meat?" "About three weeks." I asked the planter how that was. He said that last year the negroes did not take care of his stock, neglected it, and now they must do without.

I told him that I could not go back and regulate anything that had transpired when the negroes had been slaves; that I could hold them to account only for what they have done since they had been declared free. I said that those people were working for him, and that he ought to pay them, and feed them; that I could not punish them for taking something to eat, after he had refused to give it to them. He said he must turn them off, or I must punish them, or he would have to take down his fences and let his stock run. I told him to come back in a half an hour, and in the mean time I would see the general, and get his instructions.

I stated the facts to the general, who told me to tell Mr. Chairs, that if he could not feed his negroes properly and take care of his plantation, he would put some man there who could take care of it. I told him this, and he did not speak to me for three weeks afterwards.

He then came back and said that he wanted to buy some government mules for his plantations; he was carrying on three plantations at that time. I said to him, "The free negroes will work, then?" He replied, "I am very much encouraged: I have raised 300 bales of cotton this year." Not long ago I saw him again, and he told me that he had rented four other plantations; was carrying on seven in all. He told me that he wanted me to send four teachers out on his plantations; that he wanted these people educated so that they could read and write, and understand what was in their contracts; and, said he, "I go further than that; I go for giving them the right of suffrage;" and yet, if I was back there to-day, I would guarantee that he would be crying out against the Freedmen's Bureau and everything else of the kind, because he would have hope, from the action of the President in vetoing the Freedmen's bureau Bill, that they would soon have the entire control of affairs in their own hands.

A great many of the people express themselves very cordially and friendly to me and in my presence, when they know who and what I am. But sometimes, where I am not known

for instance, when I am riding in the cars, I hear them making their threats, and saying that if they could get the military taken away "there would be plenty of dead niggers lying around in the woods;" not only would northern men and white Union men of the State be killed, but the negroes would be shot down like sheep. This is not the feeling about the negroes among the best citizens there; but it is the feeling of the smaller planters, those who never owned slaves; who hold the positions of constables and justices of the peace, some of them probate judges, &c. They are a bad set of men, bitter and treacherous, and are in the majority there.

Question. In case the military were withdrawn, and the people left to themselves, what class would obtain the control of affairs there?

Answer. Judging from the character of the legislation there this last winter, I should say that the most rabid and violent secessionists, and they only, would have the control.

Question. Was that the character of the legislative assembly there?

Answer. Yes, sir; where they dared to express their sentiments freely. If it had not been for their fears of certain consequences, their laws would have been much more infamous than they were They did pass some very infamous laws in regard to the negroes. They would meet together, have their caucuses and secret meetings, and make secession speeches and sing secession songs. Every day they became more violent in their expressions, and gloried more and more openly in what they had done. They profess loyalty only so far as they think it necessary to enable them to get back into the Union. I have heard many of them say, time and time again, that the oath they had taken was not binding upon them. I said to some of them afterwards that they had not had the oath administered to them by me, for I would not allow them to take it, as they placed no value or estimation whatever upon it. This is the case with a great many of them there. There are some half a dozen men in Tallahassee, whom I could name, who are true men—men whom I could trust anywhere. Beyond these, and a few others around in the country, I should not know where to look for men upon whom I could rely. The others there are not honorable in their words nor in their contracts, but will take every advantage of an ignorant negro, or of anybody else. They seem to be determined, or were for a long time, and many are yet, to forbear favoring the negro any further than to make him a mere instrument of labor. If they can keep him in the condition of a laborer, keep him in their control entirely, so that he cannot possibly attain any higher position, they are satisfied. Many of them leave their plantations lying idle rather than to sell or rent any of their lands to the negroes. The negroes will not hire to them, for they were unkind to them when they held them as slaves, and their plantations are now lying idle. But northern men can go there, and as long as they can remain there they can get as many hands as they want.

Question. What do the negroes appear to know about their rights as freemen, or about the character of the late contest between the rebels and the general government?

Answer. They know a great deal about it. I have learned a great deal of human nature from observing the negroes in the south. They possess the greatest power of dissembling of any people I ever saw. In the presence of their former masters, or of any one of whom they have any doubts, they can appear to be the most ignorant and stupid of beings, to know nothing about freedom or anything else. But where they know that they may dare speak, where they feel certain that they will not be informed of, they appear very differently, and show that they have a very clear idea of what the government has done for them. I have tested them in this way: In visiting a school I asked the boys what they understood freedom to mean. They said that to be free was to be their own; that is, that they were not under the control of another person to be bought and sold. I asked them if they could do as they pleased now that they were free. They said that they could not break the law—could not do wrong without being punished. I asked them how they knew they had been made free. They said that when the Union soldiers came and hoisted the United States flag over the capitol, that meant freedom; they knew they were free then. Just before the surrender the rebels were organizing colored troops for their service, and on two or three occasions a large number had been taken to Tallahassee to be drilled. I have frequently asked the negroes what was their opinion of that. They said they were all going into the rebel army. I asked them if they would have fought against the United States government. They said, "Not a man of us; we had our plans all laid; we knew all about it; we would never have fired a gun at the Union soldiers, but on the very first opportunity we would have turned our fire upon the rebels, or we would have gone over to the Union side." I asked them if they had always believed that the Union cause would prove successful. They said that at times they would feel discouraged, from hearing the rebels always say that they were whipping the Yankees, but that they had always hoped and believed that the Union cause would be successful. I asked them what they would do if the people there should attempt to force them back into slavery, or to make them take part against the United States government. They said they would die before they would go back into slavery. I asked them if they were aware what they must do in order that the government should perpetuate their freedom. Well, they supposed they must be good citizens; and when I asked them what they understood by that, and they replied that they must be honest and industrious. They understood well that their freedom depends upon themselves; that if they would prosper they must go to work, and it is very cheering to see their conduct in that regard. In my mind, one of the

strongest and most encouraging features of the case in regard to the negroes becoming self supporting and prosperous, taking care of themselves, and raising themselves to the standard of useful citizens, is their exceeding desire to secure homes for themselves. They desire to possess property, and will buy it when they have the means. They are consequently very anxious to obtain work, and will save their money and invest it in property as soon as they can. I regard that as one of the best and most encouraging features they have exhibited.

Question. If there is anything more you think of which you deem it important to state upon the subject about which you have been testifying, you will please state it.

Answer. I do not know that I have anything further to state except this: From reading the veto message of the President, I have come to the conclusion that he does not fully comprehend the true condition of affairs in the south when he speaks of the great expense which will be required to carry on the operations of the Freedmen's Bureau, as one of the objections to the bill. When I left Florida everything was working admirably with us; matters were beginning to look up nicely there, and withdrawing the bureau will upset everything, I am afraid. The Freedmen's Bureau there operated very much like the father's rod over the door in keeping the boys straight. The boys behave themselves because they know the rod is there, rather than because they have felt it much, and so with the Freedmen's Bureau; the people will treat the negro well, and give him a fair chance, when they know they have to do it. We have had to apply the power of the military in but few cases. If the bureau is withdrawn there will be no safety for the freedmen at all; he will not be safe unless there is some protection of that kind for him. I do not care how soon these States are received back into the Union if the government continues to exercise a controlling power over those people. The freedman must be protected, or else giving him his freedom will be but a farce. The Freedmen's Bureau will not be expensive if it is known it is to be kept there and will be used for the protection of the negro in his just rights. That has been our experience in Florida, and I am satisfied it would continue to be so, and I think such would be the testimony of all true, honest, loyal men there.

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*Address of the Hon. William Marvin, provisional governor of Florida, delivered before the general assembly of the State, at Tallahassee, December 20, 1865, on the occasion of the inauguration of the governor elect.*

*Mr. President, Mr. Speaker, and Gentlemen of the Senate and House of Representatives:*

When I assumed the duties of provisional governor in this State, in the first days of August last, I found the civil government of the State overthrown and prostrate, and martial law everywhere prevailing. This was a painful, anomalous and unnatural state of things.

The Constitution of the United States guarantees to each State in the Union a republican form of government, and the chief object contemplated by the President in appointing for the State a provisional governor, under the circumstances of the case, was, that the latter might make such rules and regulations as were necessary to enable the people of the State to assemble in convention, and, accepting the results of the war, adopt such measures as were necessary to re-establish a State government, republican in form, and restore the natural and normal relations of the State with the general government.

I entered upon the duties of my office with zeal and earnestness, and notwithstanding the difficulties to be encountered in consequence of the total absence of any mail facilities in many parts of the State, and very insufficient ones in others, yet the facilities so generously furnished me by Major General Foster, the commander of the military department of the State, enabled me to distribute, through military couriers, the proclamation and poll-books for an election; and an election was held on the 10th day of October in every county of the State for delegates to a convention. The convention assembled at the capitol in this city on the 25th day of the same month, all the counties but two being fully represented. The aggregate vote of the State was 6,707, being considerably more than one-half of the votes usually polled at a general election in times of party contests, and this, too, notwithstanding in very many counties no opposing candidates were run. The convention, therefore, represented the mass of the people, and the constitution adopted and the ordinances passed by that body are founded upon the consent of the people of the State, regularly expressed by and through their delegates duly elected.

The convention incorporated into the constitution a clause declaring that "neither slavery nor involuntary servitude shall in future exist in this State, except as a punishment for crime, whereof the party shall have been convicted by the courts of this state, and that all the inhabitants of the State, without distinction of color, are free, and shall enjoy the rights of person and property without distinction of color; and that in all criminal proceedings, founded upon an injury to a colored person, and in all cases affecting the rights and remedies of colored persons, no person shall be incompetent to testify as a witness on account of color." It opened the courts of justice alike to all persons. It repudiated the State debt contracted in support of the rebellion, and annulled the ordinance of secession. This action of the convention was at the time eminently satisfactory to me, and I have reason to believe

has proved so to the President. It is under this constitution, the fundamental law of the State, that you are now assembled, and the government is being organized. It is this constitution that you have sworn to support.

Soon after the convention adjourned, at its request and by virtue of its authority I directed the civil officers of the government to resume the exercise of the functions of their respective offices, which had been hitherto and for some months previous suspended. The civil law governs in the State at the present time in all matters except in the trial and punishment of certain high crimes, reserved for the present to the military authorities. I also issued a proclamation, at the request of the convention, directing the militia of the State to be organized, and inviting the formation of volunteer companies to be employed, if the occasion should require it, in the support of the civil authorities, and the preservation of the public peace and order. It is not intended, however, that the militia or volunteer troops shall appear under arms before they have received special orders from myself or the constitutional governor, unless in some unforeseen case of justifiable necessity. The admirable disposition made of the white troops of the United States by the general in command will secure the peace and quiet of the State, if the civil authorities do their duty, as I have no doubt they will. The colored troops have nearly all been removed from the interior of the State to the seaboard, and I am assured that the remainder will be just as soon as the interest of the public service will permit it.

It is under these circumstances, and at this point in the progress of the reconstruction of the State government, that I have the honor and the very great pleasure to present to you the honorable David S. Walker, lately elected by the qualified voters of the State to be its constitutional governor for the next four years. The admirable qualifications of Governor Walker for this important office have been recognized by the people by his unanimous election. It would, therefore, be but idle vanity in me to suppose that I can say anything which would recommend him more fully to the respect and confidence of the general assembly or the people. I know, gentlemen, that you will appreciate his good sense, his intelligence, his equanimity of temper, his integrity of character, and, above all, his sincere and earnest love of justice, a quality above all others most essential in the character of the chief magistrate of the State. I know, too, that you will respect his official character and give earnest attention and consideration to such measures as he may, in compliance with his constitutional duty, deem it expedient to recommend to you.

The State government enters upon its new career under circumstances of very great difficulty and embarrassment. The people are left by the war greatly impoverished, and are ill prepared to pay taxes. The State treasury is empty. Taxes upon the lands of the State are due to the treasury of the United States to the extent of $77,520, less a small part heretofore collected, mostly by the sale of lots and houses at St. Augustine and Fernandina. The labor of the country is disorganized and demoralized, and the whole fabric of society more or less disturbed by the constant friction and irritation produced by this novel state of things. Martial law continues to exist for the punishment of the higher crimes and offences, and may at any time be extended. The State has not resumed its normal and constitutional relations with the general government, and it depends upon the action of Congress whether it may immediately be permitted to do so or not. This Congress was elected at a time when the civil war was raging, and whether its members are prepared to believe in the sincerity of our avowed declarations when we declare our desires to be represented on the floor of Congress, and to abide hereafter, for weal or woe, whatever fate may befall the nation, is more than I can say. But our condition cannot be improved by folding our hands and sitting down in idle despair. We need to look calmly, dispassionately, and earnestly at our real and true condition, and realize it in all its force, and then we ought patiently, enduringly, and faithfully to labor to improve it. It appears to me that, by wise legislation and a just and impartial administration and enforcement of the laws which shall protect and secure all persons alike, without distinction of color, in all their just rights of person and property, and which shall give an easy and cheap remedy to the laborer for the collection of his wages, much may be done towards restoring confidence and kind feelings between the employer and the employed, and encouraging the industry of the country. Let the laborer be protected against impositions upon his ignorance in making his contract, so that he shall fully understand it, and let him feel fully assured that he has an easy and cheap remedy in the courts of law for the recovery of his wages if they should be unjustly withheld from him, and many white and colored persons will be inclined to enter into contracts to labor, who would not otherwise do so. It is all-important to the successful cultivation of corn and cotton that the planter should be able to rely at all times upon having a sufficient number of hands in his service to make and gather the crop, and this takes nearly or quite all the year. He must hire his laborers by the year, and it seems to me that in the present condition of the laboring force in this country, it is all-important to the interest of the country that he should have some security that the laborer will not leave his employment at a time when his services are most needed. The ordinary remedies known to the common law for the non-performance of a contract to labor afford him no security, for the laborer, as a general thing, has no goods or chattels, lands or tenements, to levy upon under an execution. It seems that some remedy ought to be provided by the legislature in such cases. What that remedy ought to be may tax the ingenuity of the legislature to devise, and perhaps it will only be

learned by experience; but it appears to me that it would be wise for the legislature to provide, by law, that where the laborer has entered into a contract in writing before the judge of probate or a justice of the peace, to labor upon a plantation for one year for wages or a part of the crop, and the contract specifies the wages to be paid and the food to be given; that if the laborer abandons the service of his employer, or is absent therefrom two days without the leave of his employer, or fails without just cause in other important particulars to perform his part of the contract, that then he may be arrested by the proper tribunal, and, if found guilty on a hearing of the case, be sentenced to labor during the unexpired term, without pay, upon the highways, in a government workshop, or upon a government plantation to be rented or bought either by the State or by the different county commissioners in their respective counties, and there subjected to such oversight and discipline as may be found to be necessary.

Much may be done, too, to stimulate the industry of the country and protect it against pauperism, by passing wise laws upon the subject of vagrants and providing for their employment, being careful not to include in this class persons who are not really so.

The old and infirm, who are destitute and incapable of supporting themselves by labor, ought to be supported at the public expense. It would be inhumane and anti-Christian to leave them to perish, so long as we have the ability to prevent it. "The poor ye have always with you," said our Saviour. They are his gift or legacy to us, for the trial of our faith and charity. Let us accept the gift with grateful hearts, and do what we can for their support and comfort.

There are many children in this State, white and black, who are deprived of their parents, one or both, or whose parents are incapable of supporting and educating them as they ought to be. These should be apprenticed until they are twenty-one years of age. The law on this subject ought to be carefully guarded, so as to protect the apprentice against injustice or oppression. It ought to provide that the apprentice should be produced, if living, at least once a year before the tribunal that binds him out, which should be authorized to revoke the articles of apprenticeship on account of any gross injustice or oppression of the master.

The material wealth and prosperity of our State, in the present condition of the country, would be greatly promoted, in my judgment, by the introduction of money capital from abroad, to be employed in other branches of industry besides agriculture. More and different avenues of labor should be opened in order to give employment to all our people. Every healthy man, woman, and child over ten years of age, white or black, is capable of doing something for his or her support. But many persons do not like to work in the cotton or corn fields, or are physically incapable of it. If these could find employment in manufacturing establishments, or in mechanic workshops, it would be a great advantage to them and a profit to the State. We are not prepared by any means and all at once to engage in an extensive system of manufacturing; but we are, in my opinion, prepared to manufacture all of our leather. Hides, oak bark, and rivulets of water are on hand to supply tanneries. We ought to make all our own boots and shoes, saddles and harness. We can manufacture, too, to advantage, the courser cotton and woollen fabrics. We ought to make all of our ploughs, harrows, cultivators, carts, and wagons. The forests are filled with beautiful wood, suitable to the manufacture of cabinet wares, bureaus, tables, chairs, sofas, &c. The forests supply, too, moss for mattresses and other purposes, and abound in live oak, cedar, pine, and other valuable woods. Indeed, capital from abroad is flowing rapidly into our State, to be employed in the manufacture of lumber. I am glad to see it, but I wish to see the labor of the country still more diversified, so that all may be without excuse for their idleness. Labor is the law of our existence.

I know of no sure and certain way of replenishing the exhausted treasury of the State but by taxation. It would be a great relief to the people of our State if Congress would authorize the postponement of the collection of the direct tax due to the United States for a year or two, and allow the State in the mean time to assume the debt and collect it through its own tax collectors. It is possible, too, that a temporary loan for a small amount for present use can be effected at home or in the northern cities.

In regard to the re-establishment of our constitutional and normal relations with the general government at an early day, much depends, in my judgment, upon the action of the present legislature and upon the spirit and temper of the people in the different parts of the State. The legislature must ratify the proposed amendment to the Constitution of the United States for the abolition of slavery throughout the country. Slavery is abolished in all the southern States, and no intelligent man expects to see it re-established. The general assembly can have, therefore, no reasonable objection to the ratification of this proposed amendment, and I should be glad to see it done; not because the President desires it, though he ardently does, but because in the present condition of the country it is right and proper in itself, and necessary to the general pacification of the country. This done I think, so far as I can judge, that the President will permit the State government to go on and exercise its proper powers and perform its proper duties. Whether Congress will allow our senators and representatives to take their seats without some discussion and delay, I have no means of knowing. Much may depend upon the opinion that body may form on the subject of the willingness and the ability of the State government to protect all the in-

habitants of the State in the enjoyment of their just rights, without distinction of class or color, and without regard to the part each may have taken in the late civil war. And this depends upon the spirit and temper of the people in different parts of the State, and mainly upon the disposition of the justices of the peace, sheriffs, and jurors, to do their duty impartially, according to law. It must be borne in mind that the faith of the nation is pledged for the protection of the freedmen in all their proper rights of freedom. It is also pledged for the protection of that class of our fellow-citizens who remained loyal to the Union during the war, and particularly to those who entered into the military service of the United States. These are in a minority in the State.

If by the passage of wise laws and their impartial execution we can give assurances that these persons will receive equal and fair protection with others, I think we may look forward hopefully to the early admission of our senators and representatives on the floor of Congress.

It is every way the interest, and I believe the sincere desire, of the people of this State that the controversy pending with the government and people of the United States should be settled on fair and honorable terms. Let us therefore do everything which we honorably can to settle it upon a solid and durable basis. Let us cultivate, too, sentiments of nationality and love of the whole country from Maine to Texas, and from the Atlantic to the Pacific. We are Floridians, and we ought to be thankful that our lots have fallen to us in so pleasant a land. But are we not Americans, also, and have we not an interest in the whole country? And should we give up or throw away our birthright, our inheritance, in this great country, and not love it, and not be proud of it, because we were born in or prefer to live in this State rather than another? Peace has its victories as well as war. The bravery and gallantry of our troops in war is known and acknowledged by the whole American people. But a brave people is also a generous people. The war over, they forget the causes of the war and the war itself, and make friends of their enemies. Let us do our part to re-establish kind and friendly relations. At least let us not indulge the idle fancy of loving or hating one man rather than another for no other reason than because he happened to be born in one section of the country rather than another. What matters it to you or to me whether his infant years first opened to the sound of the whistling, freezing winds on the granite hills of New Hampshire, or to the sound of the Æolian harp playing in the warm sunshine among the tops of our beautiful pines in Florida? It is the man himself, not the place where he was born, which concerns us. The prejudiced Jews failed to discover anything good in our Saviour, because he came out of Nazareth. Let us not imitate their example, but, on the contrary, set an example of charity and liberality to our northern brethren. Our people are freer, probably, from indulging in this idle whim than the people of any other State in the Union, for they are made up in a large degree of immigrants from all the States, and they have learned that worth and merit, or prejudice and meanness, do not belong exclusively to any one portion of these United States. Above all, let us conscientiously do what is right ourselves and leave events to the control of Him who governs the nations of the earth, and at the same time numbers the hairs of our head.

A new constitution in harmony with the existing order of things having been adopted, and an election held under it for a governor, members of the general assembly, and most of the civil officers of the government, upon the completion of the inauguration now going on and the passage of a resolution ratifying the proposed amendment to the Constitution of the United States, the objects of my appointment will have been mainly, if not wholly, accomplished, and I shall expect to receive in a few days, if the ratification passes, the formal leave of the President to retire from the post assigned me. The labors of the office, for a considerable number of months after I first assumed its duties, were very severe. The property of many of the inhabitants had been seized for confiscation or actually confiscated, the property of others was held as captured or abandoned, and the property of others had been sold for the non-payment of taxes which they had had no opportunity of paying. Everybody seemed to be in trouble. The limitations imposed on the powers of the provisional governor were not generally known. It was often supposed that he could do everything, though he possessed really little or no power.

All these persons naturally applied to me for advice or assistance. Whenever I could not give the relief sought, I applied to the commanding general of the department, or in his absence to the general in command of the district, or, if the case required it, to the Commissioner of the Freedmen's Bureau. These gentlemen I always found ready to listen to the many tales of distress produced by the war, and cheerfully responded to the claims of humanity and justice whenever it was in their power.

In all my labors I have constantly been cheered by manifest signs among the people of a returning sense of attachment to the old Union, and by the prospect of soon seeing the State of my adoption and of my affection restored to her true position among her sister States, respected as an equal, and cherished as a friend. Taught wisdom by experience, may she find in the Union, for unnumbered ages yet to come, that security, contentment, and repose which she in vain sought for elsewhere. And may her children and children's children yet unborn, as they read the instructive lessons of this day, learn to avoid the rock on which she split, and cling to the Union of these States as the sheet-anchor of our peace and safety at home and of our character and respectability abroad.

*Inaugural address of the Hon. D. S. Walker, governor elect, delivered before the general assembly of the State of Florida, at Tallahassee, December 20, 1865.*

*Gentlemen of the Senate and House of Representatives:*

From the beginning it has been the custom in the States of our Union for the governor elect to improve the occasion of his inauguration by making such remarks as existing circumstances might suggest, and by recommending the adoption of such measures as the good of the country might require. In compliance with this time-honored custom, I now address you.

By failing to regard the disinterested warnings of the "Father of his Country" against "the baneful effects of the spirit of party," and particularly "when founded on geographical discriminations," by omitting, as he advised, to remember that "the jealousy of a free people ought to be *constantly* awake against the insidious wiles of foreign influence," and by neglecting, as he recommended, "to frown indignantly upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts," the people of the United States, nearly five years ago, became involved in the terrific civil strife which has but recently ended. We now hope that by a strict adherence to his advice "the unity of government which constitutes us one people" will again become "dear to us," and that in all future time we will regard it as "a main pillar in the edifice of our real independence, the support of our tranquillity at home, our peace abroad, of our safety, of our prosperity, of that very liberty we so highly prize."

To repair the waste of war; to restore the States to their proper relations with the Union; to bring about an era of good feeling and fraternity; to re-establish the government on the principles of the Constitution, and to perpetuate our unity by securing all that makes it desirable, are now objects of primary desire with all patriotic and honest men north and south, east and west.

But it is more particularly of our duties as citizens of Florida that I would speak.

And, in the first place, as we are now renewing our relations of friendship and union with the States of the north, let us be particular to abolish all points of difference among ourselves. During the late unhappy conflict some of us were known as Union men, some as constitutional secessionists, and others as revolutionists. A glorious opportunity is now afforded to fling away these names, and with them the strifes they have engendered, and to meet, as brethren ought to meet, upon the platform of the Constitution which our fathers made for us in 1787. If I shall be permitted to administer the government, I shall know no distinctions between citizens on account of past political differences.

I will not condemn the Union man, because I know from experience how completely the love of the Union becomes a part of our very existence, and how it is endeared to us by a thousand glorious recollections, and as many brilliant anticipations. I know that the heart of Florida's greatest and most renowned citizen was literally broken by the severence of the Union.

Nor will I condemn the constitutional secessionist, because I know that, though he differed from me, his side of the question was supported by arguments, if not unanswerable, yet of great plausibility, and by the authority of many of the greatest names that this country has ever produced.

Nor yet will I condemn the revolutionist, for I know that he, though originally opposed to secession, went into the war, after the fact was done, upon the conviction that it was no longer an open question, and that it was the duty of every man to stand or fall with his own section.

In fact, the great questions connected with the integrity of the Union were before the war so unsettled, and the opinions of great men so varied, that it required a man greatly superior to myself to say with certainty who was right and who was wrong. Seeing the different luminaries which guided our people, I am not astonished that the very best men in our land were found arrayed in opposing ranks.

I need not enumerate the host of great men who stood with the immortal Clay for the integrity of the Union and against the doctrine of secession.

The logic of events has proved that they were right. But among those who held the contrary doctrine, that a State might secede from the Union without an infraction of the federal Constitution, we find the names of such men as Mr. Rawle, a distinguished lawyer of Pennsylvania, to whom General Washington more than once tendered the office of Attorney General of the United States; John Randolph, of Roanoke; Nathaniel Macon, of North Carolina; Mr. Calhoun, of South Carolina; P. P. Barbour, a late justice of the Supreme Court of the United States, and Judge McKean, a late chief justice of the supreme court of Pennsylvania.

Those who advocated the right of revolution quoted the remark of Mr. Webster, that "a bargain broken on one side was broken on all sides, and that if the north should not obey the Constitution in regard to the rendition of fugitive slaves, the south would no longer be bound by the *compact*." Mr. Greeley, then, as now, a great leader of northern sentiment, had said that "he could not see how twenty millions of people could rightfully hold ten, or even five, in a Union with them by military force;" and again, "that if seven or eight States should send agents to Washington to say 'we want to get out of the Union,' he should feel

constrained by his devotion to human rights to say, let them go." In this connexion he also quoted the Declaration of Independence, that "governments are instituted for the benefit of the governed; and that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government," &c. Mr. Lincoln, prior to his first election, had acknowledged this principle, with the addition, that not only a people, but any part of a people, being sufficient in numbers to make a respectable government, might set up for themselves. Mr. Tyler, a late President of the United States, held to the doctrine of secession, and Mr. Buchanan, the then President of the United States, said, just before the commencement of the war, that while he thought a State had no right to leave the Union; yet if she should leave it, the remaining States would have no right to coerce her return.

Amidst these various and conflicting views, all supported by the highest authority, it is no wonder that our people should have become bewildered, or that, being forbidden by the stress of events to remain neutral, some should have adhered to the Union and others to the State.

For these reasons I repeat, that if I shall be permitted to administer the government, I shall know no distinction between citizens on account of past political differences. I shall take it for granted that all have done what they conceived to be their duty under the circumstances, and the only question I shall ask concerning any one presented to me for position will be, "Is he honest; is he capable; is he attached to the principles of the Constitution of the United States and the constitution of the State of Florida?" All shall have the equal benefit of the laws, and, as Heaven is my judge, all shall equally suffer the keenest penalty of the laws for any infraction thereof. Law and order shall be maintained.

I am happy to believe that this declaration meets with the general approbation of our people. Already they have given the most gratifying indications that they hold the same opinion with myself on this subject. All over the State I hear of citizens, who were recently in hostility, now forming business associations, and getting along most harmoniously; and in our constitutional convention, just adjourned, I saw gentlemen who had served in the army of the United States, and gentlemen who had served in the army of the Confederate States, sitting side by side, consulting only for the good of the Union, and the State as one of its members.

Having spoken of the relations which ought to exist, and which for the most part do exist among the white people of the State, I now naturally come to speak of the feelings which ought to be cherished, and the policy which ought to be pursued, towards our colored population.

I think we are bound by every consideration of duty, gratitude, and interest, to make these people as enlightened, prosperous, and happy as their new situation will admit. For generations past they have been our faithful, contented, and happy slaves. They have been attached to our persons and our fortunes, sharing with us all our feelings—rejoicing with us in our prosperity, mourning with us in our adversity. If there were exceptions to this general rule, they were only individual exceptions. Every southern man who hears me knows that what I say is literally true in regard to the vast mass of our colored population. The world has never before seen such a body of slaves, for not only in peace, but in war, they have been faithful to us. During much of the time of the late unhappy difficulties Florida had a greater number of men in the army beyond her limits than constituted her entire voting population. This of course stripped many districts of their entire arms-bearing inhabitants, and left our females and infant children almost exclusively to the protection of our slaves. They proved true to their trust. Not one instance of insult, outrage, or indignity has ever come to my knowledge. They remained at home and made provisions for our army. Many of them went with our sons to the army, and there, too, proved their fidelity, attending them when well, nursing and caring for them when sick and wounded. We all know that many of them were willing, and some of them anxious, to take up arms in our cause. Although for several years within sound of the guns of the vessels of the United States for six hundred miles along our seaboard, yet scarcely one in a thousand voluntarily left our agricultural service to take shelter and freedom under the flag of the Union. It is not their fault that they are free; they had nothing to do with it; that was brought about by "the results and operations of the war."

But they are free. They are no longer our contented and happy slaves, with an abundant supply of food and clothing for themselves and families, and the intelligence of a superior race to look ahead and make all necessary arrangements for their comfort. They are now a discontented and unhappy people, many of them houseless and homeless, roaming about in gangs over the land, not knowing one day where the supplies for the next are to come from; exposed to the ravages of disease and famine; exposed to the temptations of theft and robbery, by which they are too often overcome; without the intelligence to provide for themselves when well, or to care for themselves when sick, and doomed to untold sufferings and ultimate extinction unless we intervene for their protection and preservation. Will we do it? I repeat, we are bound to do it by every consideration of duty, gratitude, and interest.

Much has been said of late about the importation of white labor from Germany, Ireland, Italy, and other countries, and with proper limitations and restrictions I am in favor of it.

but let us always remember that we have a laboring class of our own, which is entitled to the preference. It is not sufficient to say that white labor is cheaper. I trust we are not yet so far degraded as to consult interest alone. But interest alone would dictate that it is better to give these people employment, and enable them to support themselves, than have them remain upon our hands as a pauper race; for here they are, and here, for weal or woe, they are obliged to stay. We must remember that these black people are natives of this country, and have a pre-emption right to be the recipients of whatever favors we may have to bestow. We must protect them, if not against the competition, at any rate against the exactions of white immigrants. They will expect our black laborers to do as much work in this climate as they have been accustomed to see white ones perform in more northern latitudes. We know that they cannot do it. They never did it for us as slaves, and the experience of the last six months shows that they will do no better as freedmen. Our fathers of 1783 knew that it takes five black men to do the work of three white ones, and, consequently, in adjusting the apportionment of taxes upon the basis of the labor and industry of the country, eleven of the thirteen States of the old Confederation recommended that every five blacks be counted as only three. The same rule was afterwards adopted in the Constitution of 1787 in regard to representation. But I fear those who may migrate hither from Europe or elsewhere will be unmindful of this fact. We ought not to forget it, and between foreign and black labor we ought always to give the preference to the latter when we can possibly make it available. And if we can offer sufficient inducements, I am inclined to think that the black man, as a field laborer, *in our climate*, will prove more efficient than the imported white.

We ought to encourage our colored people to virtue and industry by all the means in our power. We ought to protect them in all their rights, both of person and property, as fully as we do the whites.

This is the view taken by our recent State convention. After recognizing the fact that they are free, and declaring that slavery shall never hereafter exist in this State, they proceed to open to them all the courts of justice, and admit them as witnesses "in all criminal proceedings founded upon an injury to a colored person, and in all cases affecting the rights and remedies of a colored person."

I trust, gentlemen, that this action meets your approbation, and that you will take great care not only not to discriminate in your legislation against the colored race, but that you will so shape your enactments as to promote their welfare and happiness to the fullest possible extent.

Considering their ignorance and liability to be imposed upon, I think it would be well for you to provide that they shall be bound by no contract to labor unless the same be reduced to writing and acknowledged before some judicial officer; that a speedy remedy be given them to collect their wages, and that they recover damages when dismissed without good cause. And, on the other hand, considering how essential it is to the successful cultivation of our great staples that those who engage as laborers should remain throughout the whole period of service contracted for, I recommend that a violation, without good cause, of any contract, once fairly entered into, either by black or white laborers, be made a misdemeanor, and punishable with such penalties as will prevent the evil.

I now invite your attention to our relations with the federal government.

Thus far our people have manifested their loyalty and desire to return to the Union, by doing all that the government was understood to desire. They have taken the oath prescribed in the proclamation of the President, "to support the Constitution of the United States, and the union of the States thereunder, and to abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves." They have held an election, under the proclamation of the provisional governor, for members of a State convention. That convention has annulled the ordinance of secession. It has repudiated all debts contracted by the State since the date of the secession. It has declared that all those who were slaves are now free. It has opened to them all the courts. It has admitted them as witnesses in all cases in which they are interested. And, in short, they have left nothing undone which they understood the government to desire.

At the conclusion of the session of the convention, our much esteemed provisional governor, who represents the President, and so deservedly possesses his confidence as well as that of our people, appeared before that body and said: "I congratulate you upon the termination of your labors. The result of them merits and receives my entire approbation as provisional governor. As a citizen of the State, I approve of *nearly* all that you have done. Speaking, however, merely as any other *citizen*, I confess that some of your action I could have preferred to have been different. But, *as provisional governor, I am entirely satisfied with what you have done.* You have done everything that in my official capacity I asked you to do. I asked nothing but what was right. You have done it all, and in the right spirit. Your action in regard to negro testimony receives my especial commendation. You have met the issue fairly and fully, and have done all that could have been desired. The conventions of other States have evaded it by transferring it to their legislatures. I hope they will be successful and prosperous, but feel that the action of Florida, so fully in accordance with the wishes of the President, will place her in a better situation than theirs. With such a

constitution as you have adopted, there can be no reason to doubt the admission of your representative and senators into the Congress of the United States."

Thus we have the indorsement of the government itself upon the action of our convention, that "they have done all that could have been desired, and in the right spirit."

Yes, gentlemen, the convention did all that *it* could do. And now one thing remains for the legislature to do which the convention could not do, and that is to ratify the proposed amendment to the Constitution of the United States, which reads as follows:

"First. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Second. And Congress shall have power to enforce this article by appropriate legislation."

I cannot better give you the reasons why this amendment should be adopted, and at the same time the true meaning of the second clause thereof, than by repeating to you a portion of the correspondence which recently took place between the President and the provisional governor of South Carolina.

On the 28th of October last, the President telegraphed to the governor as follows:

"I hope your legislature will have no hesitation in adopting the amendment to the Constitution of the United States abolishing slavery. It will set an example which will no doubt be followed by the other States, and place South Carolina in a most favorable attitude before the nation. I trust in God that it will be done. The nation and State will then be left free and untrammelled to take that course which sound policy, wisdom and humanity may suggest."

Three days subsequently the President telegraphed to the governor as follows:

"There is deep interest felt as to what course the legislature will take in regard to the adoption of the amendment of the Constitution of the United States abolishing slavery, and the assumption of debt created to aid in the rebellion against the government of the United States. I trust in God that the restoration of the Union will not be defeated, and all that has so far been well done thrown away. I still have faith that all will come out right yet. This opportunity ought to be understood and appreciated by the people of the southern States. If I know my own heart and every passion which enters it, it is my desire to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by the fratricidal war. Let us be guided by love and wisdom from on high, and union and peace will once more reign throughout the land."

To these telegraphic despatches the provisional governor replied, among other things, that "there was no objection to the adoption of the proposed amendment to the federal Constitution, except an apprehension that Congress might, under the second section of that amendment, claim the right to legislate for the negro after slavery was abolished."

To this the Secretary of State replied on the 6th of November, stating, among other things, as follows:

"The objection which you mention to the last clause of the constitutional amendment is regarded as querulous and unreasonable, because that clause is really restraining in its effects instead of enlarging the power of Congress. The President considers the acceptance of the amendment by South Carolina as indispensable to a restoration of her relations with the other States of the Union."

The President of the United States, the Attorney General and the Secretary of State, are all understood to concur in this obvious meaning of the proposed amendment, and with this understanding I earnestly recommend it to your adoption. Congress can only enforce, "by appropriate legislation," the non-existence of slavery. This being done, their power is exhausted, and "the apprehension that Congress might, under the second section of the amendment, claim the right to legislate for the negro after slavery was abolished." "is regarded as querulous and unreasonable, because that clause is really restraining in its effects instead of enlarging the powers of Congress."

The only other objection I have heard to the adoption of this amendment is, that its adoption may only be opening the door to a demand for new concessions. My answer is, that we have no reason to believe that this will be so. It is unfair and ungenerous to suppose that the government is endeavoring to inveigle us into the adoption of certain measures with a promise of a restoration of our rights in the Union, when in fact it does not mean to admit us upon the adoption of those measures, but intends to make further demands after the first shall have been acquiesced in. Such a suspicion is entirely unworthy of the course which the President of the United States has pursued towards us since the cessation of hostilities. He told us frankly from the beginning what would be required of us. I know that he told me in July last the adoption of this amendment would be expected. Our provisional governor told us so in his speech at Quincy, and on other occasions. All the action of the convention was had with a full knowledge of that expectation, and in the adoption of the amendment you will but be completing a series of measures which they knew must be completed to secure to the State all her rights as a member of the Union.

The new demand which, I am informed, some fear will be made, is that of negro suffrage.

I am satisfied that this demand will never be made by the President. If there is any one thing that he is more pledged to than another, it is that of allowing each State to "prescribe the qualifications of electors and eligibility of persons to hold office under the constitution and laws of the State—a power which (he says) the people of the several States composing the federal Union have rightfully exercised from the origin of the government to the present time." This is the language used and the position taken by him in his proclamation organizing the first provisional government in North Carolina. On the 3d of October last he said, "Our only safety lies in allowing each State to control the right of voting by its own laws;" and in his message to Congress, which we have just received, he stands firmly, fairly, and squarely up to his original position.

Nor do I think that this unjust demand will ever be made by Congress. I think the position of the President will be sustained. The recent vote in Connecticut and Wisconsin, expressly repudiating negro suffrage, together with the fact that it is allowed in only a few States of the Union, and in those few only with qualifications, renders it highly improbable that a Congress of northern men will compel us to admit it while they reject it themselves To do so would be to assert that many generations of freedom have not qualified the few negroes in their midst to vote, while as many generations of slavery have qualified our millions

But suppose, for the sake of the argument, that Congress should make this demand, what then? Still I say we will be in a better position by having adopted the amendment. We will have done all that the President desired us to do, and so far as the executive department is concerned, we may be considered as in the Union and entitled to the enjoyment of all its blessings, for the President most feelingly says, "If I know my own heart and every passion which enters it, it is my desire to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by the fratricidal war." We may then reasonably hope that ere long martial law will cease to prevail in our State, that civil law will be fully restored, and the authority and jurisdiction of the State government entirely reinstated.

If Congress shall unexpectedly refuse to admit our senators and representative, because we have not allowed negro suffrage, we must then, without manifesting any undue impatience, wait until Congress shall think better of the matter. The justice of our cause, the influence of the President, and the good sense and patriotism of the nation, cannot fail to give us our representation in the end.

Of course we could never accede to the demand for negro suffrage, should it be made.

We have manifested that our loyalty and desire to renew our relations with the Union are so great that to do so we are willing to yield everything but our honor and our consciences. We have all lost much—many of us our all—all but our honor. Let us preserve that, though we lose everything else. We have been able to give an honest and conscientious consent to all that has been done, but each one of us knows that we could not give either an honest or a conscientious assent to negro suffrage. There is not one of us that would not feel that he was doing wrong, and bartering his self-respect, his conscience, and his duty to his country and to the Union itself, for the benefits he might hope to obtain by getting back into the Union. Much as I have worshipped the Union, and much as I would rejoice to see my State once more a recognized member thereof, yet it is better, a thousand times better, that she should remain out of the Union, even as one of her subjugated provinces, than go back "eviscerated of her manhood," despoiled of her honor, recreant to her duty, without her self-respect, and of course without the respect of the balance of mankind—a miserable thing, with the seeds of moral and political death in herself, soon to be communicated to all her associates.

If time allowed, I would like now to speak of what provision ought to be made for our poor, and for those who have been disabled in or made widows and orphans by the late war, and upon our financial, educational, and internal improvement systems. But to do so would protract my remarks to an inconvenient length. I must, therefore, make what I have to say on these and other points the subjects of special messages. I shall at all times seek a free interchange of opinions with you, deeming it important to the welfare of the State that a good understanding and cordial relations shall exist between the executive and legislative departments of the government.

And in this connexion it is proper to say that I shall deem it my duty, as the representative of the State, and it will be in perfect accord with my feelings, to cultivate the friendship and invite the confidence and co-operation of the provisional governor and of the gentlemen of the army of the United States who are stationed among us. They are our fellow-citizens and the officers of our government, on duty here, not to irritate and oppress us, but to assist in preserving order during our transition state, and to conciliate and soothe. With few exceptions they all have filled their delicate mission with credit to themselves and satisfaction to us. To Major General Foster, commanding in this State, our thanks are due for the general justice and mildness with which he has exercised his great authority, and particularly for the facilities he has afforded both to the members of the convention and of this legislature in assemblage at the capitol.

In conclusion, I beg that you will excuse a few words in regard to myself.

Twenty-eight years ago I was a penniless stranger, from a far distant State, seeking in this bright land a place where, by close attention to business, I might earn an honest living I found it here. The people took me by the hand, and ever since, whether in prosperity or

adversity, peace or war, have held me in the embrace of their confidence. As a lawyer, representative, senator, register of public lands, and judge of the supreme court, they have always stood by, encouraged, sustained, and with their approbation, more precious than the gold of Ophir, rewarded me.

Six years ago, when they placed me upon the bench of the supreme court, I fondly hoped my political days were numbered, and that the residue of my life was to be spent in the calmer labors of judicial investigation. But now, the tornado of civil discord having swept over the land, prostrating every interest, entirely destroying our labor system, and uprooting the very foundations of our political edifice, they have called me, with a unanimous voice, to preside as grand master at the rebuilding of the temple.

My obligations are the more sensibly felt from the fact that this honor has been conferred without one word of solicitation, without the writing of a single letter, or the making of a single speech- without a pledge, a platform or a party.

For this extraordinary manifestation of kindness and confidence I wish thus publicly to acknowledge my great indebtedness to the masses of the people.

But it is not in words that I will attempt to express my gratitude. The unremitting and utmost efforts of whatever powers a merciful God may bestow, to secure to our State, as one of the co-equal members of the federal Union, all the benefits and blessings of wise laws and good government, must attest the depth and sincerity of my thankfulness.

And now, gentlemen, requesting all the pious people of the State to join me in prayer to Almighty God that He will convert the weakness and inadequacy I so painfully feel, into strength and competency for the good of my country, and that He will, of His abundant mercy, bless our State and our whole land, I bring these remarks to a close.

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*Constitution or form of government for the people of Florida, as revised, amended, and agreed upon, at a convention of the people, begun and holden at the city of Tallahassee, on the 25th day of October, A. D.* 1865.

We, the people of the State of Florida, by our delegates in convention assembled, in the city of Tallahassee, on the 25th day of October, in the year of our Lord 1865, and of the independence of the United States the 90th year, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form the following constitution and form of government in and for the said State:

## ARTICLE I.

### *Declaration of rights.*

That the great and essential principles of liberty and free government may be recognized and established, we declare:

1. That all freemen, when they form a government, have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority and established for their benefit, and, therefore, they have at all times an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may deem expedient.

3. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience, and that no preference shall ever be given by law to any religious establishment or mode of worship in this State.

4. That no property qualification for eligibility to office, or for the right of suffrage, shall ever be required in this State.

5. That every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty; and no law shall be passed to curtail, abridge, or restrain the liberty of speech or of the press.

6. That the right of trial by jury shall forever remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or thing shall issue without describing the place to be searched and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

8. That no freeman shall be taken, imprisoned, nor disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

9. That courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay.

10. That in all criminal prosecutions the accused hath a right to be heard by himself or counsel, or both; to demand the nature or cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or presentment a speedy and public trial by an impartial jury of the county or district where the offence was committed, and shall not be compelled to give evidence against himself.

11. That all persons shall be bailable by sufficient securities, unless in capital offences, where the proof is evident or the presumption is strong; and the habeas corpus act shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

12. That excessive bail shall in no case be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

13. That no person shall, for the same offence, be twice put in jeopardy of life and limb.

14. That private property shall not be taken or applied to public use, unless just compensation be first made therefor.

15. That in all prosecutions and indictments for libel the truth may be given in evidence; and if it shall appear to the jury that the libel is true and published with good motives and for justifiable ends, the truth shall be a justification, and the jury shall be the judges of the law and facts.

16. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment, except in such cases as the legislature shall otherwise provide; but the legislature shall pass no law whereby any person shall be required to answer any criminal charge involving the life of the accused, except upon indictment or presentment by a grand jury.

17. That no conviction shall work corruption of blood or forfeiture of estate.

18. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared penal or criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law shall ever be made.

19. That no law impairing the obligation of contracts shall be passed.

20. That the people shall have a right, in a peaceable manner, to assemble together to consult for the common good; and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That no soldier in time of peace shall be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

22. That no standing army shall be kept up without the consent of the legislature; and the military shall be in strict subordination to the civil power.

23. That perpetuities and monopolies are contrary to the genius of a free people, and ought not to be allowed.

24. That no hereditary emoluments, privileges, or honors, shall be granted or conferred in this State.

25. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

26. That, to guard against transgressions upon the rights of the people, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

## Article II.

### *Distribution of the powers of government.*

1. The powers of the government of the State of Florida shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive to another; and those which are judicial to another.

2. No person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except in the instance expressly provided in this constitution.

## Article III.

### *Executive department.*

1. The supreme executive power shall be vested in a chief magistrate, who shall be styled the governor of the State of Florida.

2. The governor shall be elected for four years, by the qualified electors, at the time and place they shall vote for representatives, and shall remain in office until a successor shall be chosen and qualified.

3. No person shall be eligible to the office of governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States ten years, and shall have been a resident of Florida at least five years next preceding his election.

4. There shall be elected at the same time, for the same term, and with like qualifications

as the governor, a lieutenant governor, who shall be *ex-officio* president of the senate, but shall have no vote except in case of a tie, and during the session of the general assembly he shall receive such compensation as shall be allowed to a senator.

5. The returns of every election for governor and lieutenant governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session next after their election, open and publish them in the presence of both houses of the general assembly; and the persons having the highest number of votes for the respective offices shall be governor and lieutenant governor; but if two or more should be equal and highest in votes for the office of governor, one of them shall be chosen governor by the joint vote of the two houses; and in like manner, if two or more shall be equal and highest in votes for the office of lieutenant governor, one of them shall be chosen lieutenant governor by the joint vote of the two houses. And contested elections for governor and lieutenant governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

6. The governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he shall have been elected; but such compensation shall never be less than three thousand dollars per annum.

7. He shall be the commander-in-chief of the army and navy of this State and of the militia thereof.

8. He may require information in writing from the officers of the executive department on any subject relating to the duties of their respective offices.

9. He may by proclamation, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become dangerous from an enemy or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not beyond the day of the next meeting designated by the constitution.

10. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

11. He shall take care that the laws be faithfully executed.

12. In all criminal and penal cases, (except impeachment,) after conviction, he shall have power to grant reprieves and pardons, and remit fines and forfeitures under such rules and regulations as shall be prescribed by law.

13. The State seal last heretofore used (until altered by the general assembly) shall continue to be the great seal of the State, and shall be kept by the governor for the time being, and used by him officially.

14. All commissions shall be in the name and by the authority of the State of Florida, be sealed with the State seal, and signed by the governor and attested by the secretary of state.

15. There shall be a secretary of state elected by the qualified electors of the State at the same time, and who shall continue in office for the same term of years, as the governor of the State; and he shall keep a fair register of the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the general assembly, and shall perform such other duties as may be required of him by law.

16. Vacancies that happen in offices, the appointment to which is vested in the general assembly, or given to the governor, with the advice and consent of the senate, shall be filled by the governor during the recess of the general assembly, by granting commissions which shall expire at the end of the next session.

17. Every bill which shall have passed both houses of the general assembly shall be presented to the governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; and if, after such reconsideration, two-thirds of the whole number voting shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered; and if approved by two-thirds of the whole number voting, it shall become a law; but in such cases the votes of both houses shall be by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each house respectively; and if any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall not be a law.

18. Every order, resolution or vote to which the concurrence of both houses may be necessary, (except on questions of adjournment,) shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be re-passed by both houses, according to the rules and limitations prescribed in case of a bill.

19. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor until the governor absent, or impeached, shall return, or be acquitted, or until the governor next regularly elected shall be duly qualified, as the case may be; and for the time the lieutenant governor shall occupy

the office of governor he shall receive the same compensation as shall be allowed by law to the regularly elected governor.

20. In case of the impeachment of both the governor and the lieutenant governor, their removal from office, death, refusal to qualify, resignation, or absence from the State, the speaker of the house of representatives shall in like manner administer the government, unless the general assembly shall otherwise provide; and for the time he shall occupy the office of governor, he shall receive the same compensation as shall be allowed by law to the governor.

21. It shall be the duty of the general assembly to provide for the purchase or erection of a suitable building for the residence of the governor, and the governor shall reside at the seat of government; but whenever, by reason of danger from an enemy, or from disease, the governor may deem the capital unsafe, he may, by proclamation, fix the seat of government at some secure place within the State, until such danger shall cease.

22. No person shall hold the office of governor and any other office or commission, civil or military, either in this State or under any State, or the United States, or any other power, at one and the same time, except the lieutenant governor or the speaker of the house of representatives, when he shall hold the office as aforesaid.

23. A State treasurer and comptroller of public accounts shall be elected by the qualified electors of the State at the same time, and who shall continue in office for the same term of years as the governor of the State, and until their successors shall have been duly commissioned and qualified.

## ARTICLE IV.

### *Legislative department.*

1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the senate, the other the house of representatives, and both together "The general assembly of the State of Florida," and the style of the laws shall be, "Be it enacted by the senate and house of representatives of the State of Florida in general assembly convened."

2. The members of the house of representatives shall be chosen by the qualified voters, and shall serve for the term of two years from the day of the general election, and no longer; and the sessions of the general assembly shall be annual, and commence on the second Wednesday in November in each year.

3. The representatives shall be chosen every two years on the first Monday in the month of October, until otherwise directed by law.

4. No person shall be a representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State two years next preceding his election, and the last year thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

5. The senators shall be chosen by the qualified electors for the term of two years, at the same time, in the same manner, and in the same places where they vote for members of the house of representatives; and no man shall be a senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district or county for which he shall be chosen, and shall have attained the age of twenty-five years.

6. The house of representatives, when assembled, shall choose a speaker and its other officers, and the senate its other officers, and in the absence of the lieutenant governor a president pro tempore, and each house shall be judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

7. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

8. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the consent of two-thirds expel a member, but not a second time for the same cause.

9. Each house, during the session, may punish by imprisonment any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not extend beyond the end of the session.

10. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment; and the yeas and nays of the members of each house shall be taken and entered upon the journals upon the final passage of every bill, and may, by any two members, be required upon any other question; and any member of either house shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public, or an individual, and have the reasons of his dissent entered on the journal.

11. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to or returning from the same, allowing one day for every twenty miles such member may reside

from the place at which the general assembly is convened, and for any speech or debate in either house they shall not be questioned in any other place.

12. The general assembly shall make provision by law for filling vacancies that may occur in either house, by the death, resignation, or otherwise, of any of its members.

13. The doors of each house shall be open when in legislative session, except on such occasions as, in the opinion of the house, the public safety may imperiously require secrecy.

14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

15. Bills may originate in either house of the general assembly; and all bills passed by one house may be discussed, amended, or rejected by the other; but no bill shall have the force of law until on three several days it be read in each house and free discussion be allowed thereon, unless, in cases of urgency, four-fifths of the house in which the same shall be depending may deem it expedient to dispense with the rule; and every bill having passed both houses shall be signed by the speaker and president of their respective houses.

16. Each member of the general assembly shall receive from the public treasury such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the term for which the representatives were elected, when such law passed.

17. The sessions of the general assembly shall not extend in duration over thirty days, unless it be deemed expedient by a concurrent majority of two-thirds of the members of each house; and no member shall receive pay from the State for his services after the expiration of sixty days continuously from the commencement of the session.

18. The general assembly shall, by law, authorize the circuit court to grant licenses for building toll-bridges, and to establish ferries, and to regulate the tolls of both; to construct dams across streams not navigable; to ascertain and declare what streams are navigable. But no special law for such purpose shall be made.

19. The general assembly shall pass a general law prescribing the manner in which the names of persons may be changed, but no special law for such purpose shall be passed; and no law shall be made allowing minors to contract, or manage their estates.

20. The general assembly shall pass a general law for the incorporation of towns, religious, literary, scientific, benevolent, military, and other associations, not commercial, industrial, or financial; but no special act incorporating any such association shall be passed.

21. No act incorporating any railroad, banking, insurance, commercial, or financial corporation shall be introduced into the general assembly, unless the person or persons applying for such corporation shall have deposited with the treasurer the sum of one hundred dollars as a bonus to the State.

22. Officers shall be removed from office for incapacity, misconduct, or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this constitution.

## ARTICLE V.

### *Judicial department.*

1. The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, courts of chancery, circuit courts, and justices of the peace, provided the general assembly may also vest such civil or criminal jurisdiction as may be necessary in corporation courts, and such other courts as the general assembly may establish; but such jurisdiction shall not extend to capital cases.

2. The supreme court, except in cases otherwise directed in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law, provided that the said court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general superintendence and control of all other courts.

3. The supreme court shall be holden at such times and places as may be prescribed by law; and two judges of the circuit court may be added to the supreme court, when in session, at the discretion of the legislature; and the court so composed shall constitute the supreme court of the State, when the legislature shall so direct.

4. The State shall be divided into convenient circuits; and for each circuit there shall be a judge, who shall, after his election or appointment, reside in the circuit for which he has been elected or appointed, and shall, as well as justices of the supreme court, receive for his services a salary of not less than twenty-five hundred dollars per annum, which shall not be diminished during his continuance in office; but the judges shall receive no fees, perquisites of office, nor hold any other office of profit under the State, the United States, or any other power.

5. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not otherwise excepted in this constitution.

6. A circuit court shall be held in such counties, and in such times and places therein, as may be prescribed by law; and the judges of the several circuit courts may hold courts for each other, either for the entire circuit or for a portion thereof, and they shall do so when required by order of the governor or chief justice of the supreme court; and they may exercise

jurisdiction in cases of writs of habeas corpus in any judicial circuit in which the judge may happen to be at the time the case arises.

7. The general assembly shall have power to establish and organize a separate court or courts of original equity jurisdiction; but until such court or courts shall be established and organized, the circuit courts shall exercise such jurisdiction.

8. There shall be elected in each county of this State, by the qualified voters, an officer to be styled the judge of probate, to take probate of wills; to grant letters testamentary of administration and guardianship; to attend to the settlement of the estates of decedents and minors, and to discharge the duties usually appertaining to courts of ordinary, and such other duties as may be required by law; subject to the direction and supervision of the circuit courts, as may be provided by law.

9. A competent number of justices of the peace shall be from time to time elected in and for each county, in such mode and for such term of office as the general assembly may direct, and shall possess such jurisdiction as may be prescribed by law; and in cases tried before a justice of the peace, the right of appeal shall be secured under such rules and regulations as may be prescribed by law.

10. There shall be appointed by the governor, by and with the advice and consent of the senate, a chief justice and two associate justices of the supreme court of this State, who shall reside in this State, and hold their office for the term of six years from their appointment and confirmation, unless sooner removed under the provisions of this constitution, for the removal of judges by address or impeachment; and for wilful neglect of duty or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them on the address of two-thirds of the general assembly: *Provided, however*, That the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence before any vote for such removal shall pass, and in such case the vote shall be taken by yeas and nays, and entered on the journal of each house respectively, and in case of the appointment to fill a vacancy in said offices, the person so appointed shall only hold office for the unexpired term of his predecessor.

11. There shall be elected, at the time and places prescribed by law, by the qualified electors of each of the respective judicial circuits of this State, one judge of the circuit court, who shall reside in the circuit for which he may be elected, and the said circuit judges shall continue in office for the term of six years from the date of their respective elections, unless sooner removed under the provisions in this constitution for the removal of judges by address or impeachment; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient for impeachment, the governor shall remove any of them on the address of two-thirds of the general assembly: *Provided, however*, That the cause or causes shall be stated at length in such address, and entered on the journal of each house: *And provided further*, That the cause or causes shall be notified to such judge so intended to be removed, and he shall be admitted to a hearing in his own defence before any vote or votes for such removal shall pass; and in such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

12. The appointment of chief justice and associate justices of the supreme court shall be made every sixth year after their first appointment, and the election of judges of the circuit court, and judges or chancellors of the chancery court, when established, shall be held in every sixth year after their first elections, at the same time and places as the election for members of the general assembly.

13. That whenever the general assembly shall create a chancery court, under the provisions of this constitution, the judges thereof shall be elected in the manner provided in the last two sections of this article, and shall hold their offices and be subject to all the provisions of said sections: *Provided, however*, That the said judges shall be elected by general ticket or by districts, as the general assembly may direct.

14. That should a vacancy occur either in the chancery or circuit courts, by death, removal, resignation, or otherwise, it shall be the duty of the governor to issue a writ of election to fill such vacancy, and he shall give at least sixty days' notice thereof by proclamation; and the judge so elected to fill said vacancy shall continue in office from the time he qualifies under his commission until the expiration of the term of his predecessor: *Provided, however*, That should it become necessary to fill any such vacancy before an election can be held under the provisions of this constitution, the governor shall have power to fill such vacancy by appointment, and the person so appointed shall hold his office from the date of his commission until his successor shall be duly elected and qualified.

15. The clerks of the circuit courts of the several circuits of this State shall be elected by the qualified voters in their several counties at such times and places as are now or may be provided by law: *Provided, however*, That the chief justice of the supreme court and the chancellors of the court of chancery, when such courts shall be established, shall have the power to appoint the clerks of their respective courts.

16. The justices of the supreme court, chancellors and judges of the circuit courts shall, by virtue of their offices, be conservators of the peace throughout the State

17. The style of all process shall be "The State of Florida," and all criminal prosecutions shall be carried on in the name of the State, and all indictments shall conclude, "against the peace and dignity of the same."

18. There shall be an attorney general for the State, who shall reside at the seat of government, and he shall perform such duties as may be prescribed by law; he shall be elected by the qualified voters of the State, at the same time and in the same manner that the comptroller, secretary of state, and treasurer are elected, and his term of office shall be the same; but he may be removed by the governor on the address of a majority of the two houses of the general assembly, and shall receive for his services a compensation to be fixed by law.

19. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services a compensation to be fixed by law.

20. No justice of the supreme court shall sit as a judge, or take part in the appellate court, on the trial or hearing of any case which shall have been decided by him in the court below.

21. The general assembly shall have power to establish in each county a board of commissioners, for the regulation of the county business therein.

22. No duty not judicial shall be imposed by law upon the justices of the supreme court, the chancellors or the judges of the circuit courts of this State, except in cases otherwise provided for in this constitution.

## Article VI.

*The right of suffrage and qualifications of officers, civil officers, and impeachments, and removals from office.*

1. Every free white male person of the age of twenty-one years and upwards, and who shall be, at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year next preceding the election at which he shall offer to vote, and who shall, at such time, and for six months immediately preceding said time, have had his habitation, domicile, and place of permanent abode in the county in which he may offer to vote, shall be deemed a qualified elector at all elections under the constitution, and none others; except in elections by general ticket in the State or district prescribed by law, in which cases the elector must have been a resident of the State one year next preceding the election, and six months within the elective district in which he offers to vote: *Provided*, That no officer, soldier, seaman or marine, in the regular army or navy of the United States, or any other person in the employ or pay of the United States, unless he be a qualified elector of the State previous to his appointment or enlistment, as such officer, soldier, seaman or marine, in the regular army or navy of the United States, or of the revenue service, shall be considered a resident of the State in consequence of being stationed within the same.

2. The general assembly shall have power to exclude from every office of honor, trust, or profit within the State, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

3. No person shall be capable of holding or being elected to any post of honor, profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this State, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or who shall, in any manner, aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance, whether the same occur or be committed in or out of the State; but the legal disability shall not accrue until after trial and conviction, according to due form of law.

4. No person who may hereafter be a collector or holder of public moneys shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid into the treasury all sums for which he may be accountable.

5. No governor, member of Congress, or of the general assembly of this State, shall receive a fee, be engaged as counsel, agent or attorney, in any civil case or claim against this State, or to which this State shall be a party, during the time he shall remain in office.

6. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

7. Members of the general assembly, and all officers, civil or military, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do swear (or affirm) that I am duly qualified, according to the constitution of this State, to exercise the office to which I have been elected, (or appointed,) and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States of America."

8. Every person shall be disqualified from serving as governor, senator, representative, or from holding any other office of honor or profit in this State, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

9. Laws shall be made by the general assembly to exclude from office, and from suffrage,

those who shall have been or may hereafter be convicted of bribery, perjury, forgery, or other high crime or misdemeanor; and the privilege of suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

10. All civil officers of the State at large shall reside within the State, and all district or county officers within their respective districts or counties, and shall keep their respective offices at such places therein as may be required by law.

11. It shall be the duty of the general assembly to regulate by law in what cases and what deduction from the salaries of public officers shall be made for any neglect of duty in their official capacity.

12. Returns of elections for members of Congress and the general assembly shall be made to the secretary of state in a manner to be prescribed by law.

13. In all elections by the general assembly the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

14. No member of Congress or person holding or exercising any office of profit under the United States, or under any foreign power, shall be eligible as a member of the general assembly of this State, or hold or exercise any office of profit under the State; and no person in this State shall ever hold two offices of profit at the same time, except the office of justice of the peace, notary public, constable, and militia offices, except by special act of the legislature; but the legislature shall never unite in the same person two offices the duties of which are incompatible.

15. The general assembly shall by law provide for the appointment or election and removal from office of all officers, civil and military, in this State not provided for in this constitution.

16. The power of impeachment shall be vested in the house of representatives.

17. All impeachments shall be tried by the senate; when sitting for that purpose the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

18. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgments in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this State; but the parties, nevertheless, shall be liable to indictment, trial, and punishment, according to law.

## Article VII.

### *Militia.*

1. All militia officers shall be elected or appointed, under such rules and regulations as the general assembly may from time to time direct and establish.

2. All offences against the militia laws shall be tried by court-martial, or before a court and jury, as the general assembly may direct.

3. No commission shall be vacated except by sentence of a court-martial.

## Article VIII.

### *Taxation and revenue.*

1. The general assembly shall devise and adopt a system of revenue, having regard to an equal and uniform mode of taxation, throughout the State.

2. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government.

3. No money shall be drawn from the treasury but in consequence of an appropriation by law, and a regular statement of the receipts and expenditures of all public moneys shall be published and promulgated annually with the laws of the general assembly.

4. The general assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes, respectively, and all property shall be taxed upon the principles established in regard to State taxation.

5. The general assembly shall have power to authorize the levying of a capitation tax.

## Article IX.

### *Census and apportionment of representation.*

1. The general assembly shall, in the year one thousand eight hundred and sixty-seven, and in the year one thousand eight hundred and seventy-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State; and to the whole number of white inhabitants shall be added three-fifths of the number of colored people; and they shall then proceed to apportion the representation equally among the different counties, according to such enumeration, giving, however, one representative to every county, and increasing the number of representatives on a uniform ratio of population, according to the foregoing basis, and which ratio shall not be changed until a new census shall have been taken.

2. The general assembly shall also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of the State of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the house of representatives; and they shall lay off the State into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section, each of which districts shall be entitled to one senator.

3. When any senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

4. No county now organized shall be divided into new counties, so as to reduce the inhabitants of either below the ratio of representation.

5. The several counties of this State shall be entitled to the following representatives, viz: Escambia three, Santa Rosa two, Walton two, Holmes one, Washington one, Calhoun one, Franklin one, Jackson four, Gadsden three, Leon four, Wakulla one, Liberty one, Jefferson three, Madison two, Hamilton two, Lafayette one, Taylor one, Suwannee one, Columbia two, Baker one, Bradford one, Alachua two, Nassau one, Duval two, Clay one, St. John's one, Putnam one, Marion two, Sumter one, Orange one, Volusia one, Brevard one, Levy one, Hernando one, Hillsborough one, Manatee one, Monroe one, Dade one, and Polk one. There shall be twenty-nine senatorial districts in this State, which shall be as follows: The county of Escambia shall compose the first district; the county of Santa Rosa shall compose the second district; the county of Walton shall compose the third district; the counties of Washington and Holmes shall compose the fourth district; the county of Franklin shall compose the fifth district; the county of Calhoun shall compose the sixth district; the county of Jackson shall compose the seventh district; the county of Gadsden shall compose the eighth district; the county of Liberty shall compose the ninth district; the county of Leon shall compose the tenth district; the county of Wakulla shall compose the eleventh district; the county of Jefferson shall compose the twelfth district; the county of Madison shall compose the thirteenth district; the county of Hamilton shall compose the fourteenth district; the counties of Lafayette and Taylor shall compose the fifteenth district; the county of Columbia shall compose the sixteenth district; the county of Suwannee shall compose the seventeenth district; the counties of Baker and Bradford shall compose the eighteenth district; the county of Alachua shall compose the nineteenth district; the county of Nassau shall compose the twentieth district; the counties of Duval and Clay shall compose the twenty-first district; the counties of St. John's and Putnam shall compose the twenty-second district; the county of Marion shall compose the twenty-third district; the county of Sumter shall compose the twenty-fourth district; the counties of Orange and Volusia shall compose the twenty-fifth district; the counties of Levy and Hernando shall compose the twenty-sixth district; the counties of Hillsborough and Manatee shall compose the twenty-seventh district; the counties of Polk and Brevard shall compose the twenty-eighth district; and the counties of Monroe and Dade shall compose the twenty-ninth district; and each senatorial district shall be entitled to one senator.

## ARTICLE X.

### *Education.*

1. The proceeds of all lands for the use of schools and a seminary or seminaries of learning shall be and remain a perpetual fund, the interest of which, together with all moneys accrued from any other source, applicable to the same object, shall be inviolably appropriated to the use of schools and seminaries of learning, respectively, and to no other purpose.

2. The general assembly shall take such measures as may be necessary to preserve from waste or damage all lands so granted and appropriated for the purpose of education.

## ARTICLE XI.

### *Public domain and internal improvement.*

1. It shall be the duty of the general assembly to provide for the prevention of waste and damage of the public lands that may hereafter be ceded to the State of Florida, and it may pass laws for the sale of any part or portion thereof; and, in such cases, provide for the safety, security, and appropriation of the proceeds, but in no wise to affect the purposes for which said lands have heretofore been appropriated.

2. A liberal system of internal improvement being essential to the development of the resources of the State, shall be encouraged by the government of this State; and it shall be the duty of the general assembly, as soon as practicable, to ascertain by law proper objects for the extension of internal improvements in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may have been, or may hereafter be, appropriated by said general assembly for such improvements.

3. That the general assembly may at any time cede to the United States government a sufficient parcel or fraction of land for the purpose of coast defence and other national purposes.

## ARTICLE XII.

*Boundaries.*

1. The boundary of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the southern boundary line of the State of Alabama, on the thirty-first degree of northern latitude; then due east to the Chattahoochee river; thence down the middle of said river to its confluence with the Flint river; thence down the middle of said river to the Atlantic ocean; then southwardly to the Gulf of Florida and Gulf of Mexico; thence northwardly and westwardly, including all islands within five leagues of the shore, to the beginning.

## ARTICLE XIII.

*Banks and other corporations.*

1. The general assembly shall pass no act of incorporation, nor make any alteration in one, unless with the assent of at least two-thirds of each house, and unless public notice in one or more newspapers of the State shall have been given for at least three months immediately preceding the session at which the same may be applied for.

2. No bank charter, nor any act of incorporation granting exclusive privileges, shall be granted for a longer period than twenty years.

3. Banks chartered by the general assembly shall be restricted to the business of exchange, discount, and deposit, and they shall not deal in real estate, nor merchandise, nor chattels, except as security for loans or discounts, or for debts due to such bank; nor shall they be concerned in insurance, manufacturing, exportation, or importation, except of bullion or specie; nor shall they own real estate or chattels, except such as shall be necessary for their actual use in the transaction of business, or which may be received in payment of previously contracted debts, or purchased at legal sales to satisfy such debts, of which they shall be required to make sale within three years after the acquisition thereof.

4. The capital stock of any bank shall not be less than one hundred thousand dollars, to be paid in suitable instalments, and shall be created only by the payment of specie therein.

5. All liabilities of such banks shall be payable in specie, and the circulation of no bank shall exceed three dollars for one of capital actually paid in.

6. No dividends or profits exceeding ten per centum per annum on the capital stock paid in shall be made; but all profits over ten per centum per annum shall be set apart and retained as a safety fund.

7. Stockholders in a bank, when an act of forfeiture is committed, or when it is dissolved or has expired, shall be individually and severally liable for the redemption of the outstanding circulation in proportion to the stock owned by each, and no transfer of stock shall exonerate such stockholder from this liability, unless such transfer was made at least two years previous to said forfeiture, dissolution, or expiration.

8. Banks shall be open to inspection under such regulations as may be prescribed by law, and it shall be the duty of the governor to appoint a person or persons, not connected in any manner with any bank in the State, to examine at least once a year into their state and condition; and the officers of every bank shall make quarterly returns, under oath, to the governor, of its state and condition, and the names of the stockholders and shares held by each.

9. *Non-user* for the space of one year, or any act of a corporation, or those having control or management thereof, or intrusted therewith, inconsistent with or in violation of the provisions of this constitution or of its charter, shall cause its forfeiture, and the general assembly shall by general law provide a summary process for the sequestration of its effects and assets, and the appointment of officers to settle its affairs, and no forfeited charter shall be restored.

10. The general assembly shall not pledge the faith and credit of the State to raise funds in the aid of any corporation whatever.

## ARTICLE XIV.

*Amendments and revisions of the constitution.*

1. No part of this constitution shall be altered except by a convention duly elected.

2. No convention of the people shall be called unless by the concurrence of two-thirds of all the members of each house of the general assembly, made known by the passing of a bill, which shall be read three times on three several days in each house.

3. Whenever a convention shall be called, proclamation of an election for delegates shall be made by the governor at least thirty days before the day of election. Every county and senatorial district shall be entitled to as many delegates as it has representatives in the general assembly. The same qualifications shall be required in delegates and in electors that are required in members of the general assembly and voters for the same respectively, and the elections for delegates to a convention and the returns of such election shall be held and made in the manner prescribed by law for regulating elections for members of the general assembly; but the convention shall judge of the qualifications of its members.

## ARTICLE XV.

*Seat of government.*

The seat of government shall be and remain permanent at the city of Tallahassee until otherwise provided for by the action of a convention of the people of the State.

## ARTICLE XVI.

*General provisions.*

1. Whereas slavery has been destroyed in this State by the government of the United States; therefore, neither slavery nor involuntary servitude shall in future exist in this State, except as a punishment for crimes, whereof the party shall have been convicted by the courts of the State, and all the inhabitants of the State, without distinction of color, are free, and shall enjoy the rights of person and property without distinction of color.

2. In all criminal proceedings founded upon injury to a colored person, and in all cases affecting the rights and remedies of colored persons, no person shall be incompetent to testify as a witness on account of color; in all other cases the testimony of colored persons shall be excluded, unless made competent by future legislation. The jury shall judge of the credibility of the testimony.

3. The jurors of this State shall be white men, possessed of such qualifications as may be prescribed by law.

4. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his confession in open court.

5. Divorces from the bonds of matrimony shall not be allowed but by the judgment of a court, as shall be prescribed by law.

6. The general assembly shall declare by law what parts of the common law, and what parts of the civil law, not inconsistent with the constitution, shall be in force in this State.

7. The oaths of officers directed to be taken under this constitution may be administered by any judge, or justice of the peace, in the State of Florida, until otherwise provided by law.

## ARTICLE XVII.

*Schedule and ordinance.*

1. All laws of the State passed during and since the tenth session of the legislature thereof, in 1860, not repugnant to the constitution of this State, or of the United States, shall be valid; all writs, actions, prosecutions, judgments, and decrees of the courts of the State, all executions and sales made thereunder, and all acts, orders, and proceedings of the judges of probate, and of executors, administrators, guardians and trustees, provided they were in conformity to the laws then in force, and not fraudulent, shall be as valid as if made under the usual and ordinary legislation of the country, provided that the same be not repugnant to the constitution of the State and of the United States.

2. All fines, penalties, forfeitures obligations, and escheats, heretofore accruing to the State of Florida, and not made unlawful by the Constitution or laws of the United States, shall continue to accrue to the use of the State.

3. All recognizances heretofore taken shall remain valid, and all bonds executed to the governor of the State of Florida, either before or since the 1st day of January, 1861, or to any other officer of the State in his official capacity, shall be of full force and virtue for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all criminal prosecutions and penal actions which have arisen may be prosecuted to judgment and execution in the name of the State.

4. The provisional governor of this State is hereby requested to authorize the civil officers of this State who were discharging the duties of their offices prior to or during the month of May, A. D. 1865, to resume the exercise of the functions of their respective offices, and to make such other appointments to office as may be necessary or proper to reorganize or re-establish the civil government of this State; and all actions at law, or suits in chancery, or any proceeding pending in any of the courts in this State, prior to or during the said month of May. A. D. 1865, and either before or subsequent to the 10th day of January. A. D 1861, shall continue in all respects valid, and may be prosecuted to judgment and decree; and all judgments and decrees rendered in civil cases in any of the courts in this State during the period of time last above specified, and not repugnant to the Constitution of the United States, are hereby declared of full force, validity, and effect.

5. The provisional governor of the State is hereby requested and authorized, at as early a day as practicable, to issue writs of election to the proper officers in the different counties in this State, and make proclamation for an election for governor lieutenant governor, secretary of state, treasurer, comptroller of public accounts, attorney general, circuit judges, judge of probate, sheriffs, clerks of circuit courts, solicitors, representative in Congress, senators and

representatives of the general assembly, county commissioners, coroners, justices of the peace, county surveyors, and all other officers provided for by this constitution. The said election shall be held on the 29th day of November, A. D. 1865. The said election shall be conducted according to the existing laws of the State of Florida, and shall take place on the same day throughout the State, the returns to be made according to law. The members of the general assembly so elected shall assemble on the third Monday in December, A. D. 1865. The governor, lieutenant governor, secretary of state, treasurer, comptroller of public accounts, attorney general, circuit judges, judges of probate, sheriffs, clerks of circuit courts, solicitors, representative in Congress, senators and representatives of the general assembly, county commissioners, coroners, justices of the peace, county surveyors, and all other officers provided for by this constitution, shall enter upon the duties of their respective offices immediately after their election, and shall continue in office in the same manner and during the same period they would have done had they been elected on the 1st Monday in October, A. D. 1865. The representative in Congress shall continue in office in the same manner and during the same period he would have done had he been elected on the 1st Monday in October, A. D. 1865.

6. The statutes of limitation shall not be pleaded upon any claim in the hands of any person whomsoever, not sued upon when such claim was not barred by the statutes of limitation on the 10th day of January, A. D. 1861.

7. No law of this State providing that claims or demands against the estates of decedents shall be barred if not presented within two years, shall be considered as being in force within this State between the 10th day of January, 1861, and the 28th day of October, 1865.

Done in open convention. In witness whereof, the undersigned, the president of said convention, and delegates present, representing the people of Florida, do hereby sign our names, this the seventh day of November, anno Domini eighteen hundred and sixty-five, and of the independence of the United States of America the ninetieth year, and the secretary of said convention doth countersign the same.

E. D. TRACY, *President.*

THOMAS BALTZELL,
A. H. BUSH,
F. B. CALLAWAY,
JAMES T. MAGBEE,
G. TROUP MAXWELL,
ASA MAY,
W. B. COOPER,
W. R. COULTER,
R. H. M. DAVIDSON,
ARTHUR J. FORMAN,
ALEXANDER BELL,
JAMES GETTIS,
W. J. J. DUNCAN,
JAMES D. GREEN,
FRANCIS A. HENDRY,
W. JAMES HINES,
D. P. HOGUE,
J. W. H. HOLDEN,
JAMES F. P. JOHNSON,
WILLIAM W. J. KELLY,
J. M. LANDRUM,
JESSE B. LASSITER,
FELIX LESLIE,
DANIEL G. LIVINGSTON,
THOMAS T. LONG,
JAMES LOVE,
JOHN MCLELLAN,
JAMES A. MICKLER, Jr.,
S. L. NIBLACK,
SILAS T. OVERSTREET,
JAMES G. OWENS,
JOHN C. RICHARD,
JACKSON N. RICHARDS,
A. RICHARDSON,
W. WASH. SCOTT,
MOSES SIMMONS,
S. SPENCER,
J. L. TAYLOR,
G. K. WALKER,
D. W. WHITEHURST,
JAMES A. WIGGINS,
B. D. WRIGHT,
WILLIAM WILSON,
WILLIAM CAPERS BIRD,
WILEY W. WHIDDEN.

A. J. PEELER, *Secretary.*

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*Ordinances adopted at a convention of the people assembled at the city of Tallahassee on the 25th day of October,* 1865.

No. 1.

AN ORDINANCE to annul the ordinance of secession.

Whereas the people of the State of Florida are desirous, in good faith, to restore the State to her former peaceful relations with the United States: Therefore,

*Be it ordained by the people of the State of Florida in convention assembled,* That the ordinance adopted by the convention of the people on the 10th day of January, A. D. 1861, known as the secession ordinance, be, and the same is hereby, annulled.

Done in open convention, October 28, 1865.

No. 2.

AN ORDINANCE to provide for the pay and mileage of the members and other expenses of the convention.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That the provisional governor of this State be empowered and authorized to borrow a sum of money sufficient to pay and discharge the pay and mileage of the members of this convention, its officers, and all incidental expenses, and that he be authorized to sign a bond for the payment of the money borrowed, with interest thereon, not exceeding the rate of eight per centum per annum, the said bond to be paid and discharged out of the first money collected and paid into the treasury, which may be sufficient for that purpose.

SEC. 2. *Be it further ordained*, That, in default of the ability of the provisional governor to borrow the said sum of money, he be authorized to issue certificates of indebtedness to defray the aforesaid pay and expenses, which certificates shall be made payable to the person or bearer, and shall be received in payment of all public dues, and be first paid in preference to any other claim or demand against the State, out of any money hereafter collected and paid into the treasury.

SEC. 3. *Be it further ordained*, That the pay of the members of this convention shall be a per diem of five dollars and mileage at ten cents per mile each way.

SEC. 4. *Be it further ordained*, That the pay of the officers of this convention shall be as follows: The secretary shall receive for his services eight dollars per day, and each of his assistants shall receive for their services six dollars per day; the sergeant-at-arms shall receive for his services six dollars per day; the doorkeeper for his services six dollars per day; and the messenger for his services six dollars per day.

SEC. 5. *Be it further ordained*, That the secretary of the convention be, and he is hereby, authorized to audit the account of the members and all other expenses, and upon a certificate, signed by the president and secretary, the same shall be paid by the provisional governor, as hereinbefore provided.

Done in open convention, November 4, 1865.

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No. 3.

AN ORDINANCE to repeal certain ordinances and acts therein mentioned, and for other purposes.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That all ordinances and resolutions heretofore passed by any convention of the people of this State, and all acts and resolutions of the general assembly of this State, conflicting or inconsistent with the Constitution of the United States and of the State of Florida, and in derogation of the existence or position of this State as one of the United States of America, be, and the same are hereby, repealed.

SEC. 2. That all lawful and regular acts of the several executive, judicial, and ministerial officers of this State, since the 10th day of January, A. D. 1861, be, and the same are hereby declared to be, in all respects regular, valid, and justifiable.

SEC. 3. That it shall be the duty of the general assembly to make provision whereby persons who held offices under the United States in this State on or before the 10th day of January, A. D. 1861, may be reimbursed or held without damage for moneys or other property in their possession belonging to the government of the United States, and which were by them turned over or paid to the treasury or government of the State.

SEC. 4. That all marriages to which there was no legal impediment, solemnized in this State since the 10th day of January, A. D. 1861, by an ordained minister of the gospel, justice of the peace, judicial officer of this State, notary public, or commissioned officer in the army or navy of the United States, shall be, and the same are hereby declared to be, legal and binding, to all intents and purposes whatsoever.

Done in open convention, November 4, 1865.

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No. 4.

AN ORDINANCE on vagrancy.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That upon complaint made on oath before a justice of the peace, mayor, alderman, or intendant of police, or a judge of the circuit court, that any person able to work, or otherwise to support himself in a reputable way, is wandering or strolling about, or leading an idle, or profligate, or immoral course of life, to issue his warrant to the sheriff or any constable, commanding him to arrest the party accused and bring him before such justice of the

peace or other officer, and if the said officer should be satisfied by the testimony of the guilt of the accused, the said officer shall require him to enter into bond, payable to the governor of Florida and his successors in office, in such sum as the said officer may prescribe, not to exceed five hundred dollars, with sufficient security, to be approved by said officer, for his good behavior and future industry for one year; and upon his failing or refusing to give such security, he shall be committed and indicted as a vagrant, and on conviction shall be punished by a fine not exceeding five hundred dollars, and imprisoned for a time not exceeding twelve months, or by being sold for a term not exceeding twelve months, at the discretion of the court, and that this ordinance shall be in force only until the general assembly shall make provision on this subject.

SEC. 2. That it shall be the duty of the general assembly to pass such laws as it may deem best calculated to prevent vagrancy in this State.

Done in open convention, November 4, 1865.

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No. 5.

AN ORDINANCE to continue in force certain acts therein mentioned.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That all acts and amendments heretofore passed in relation to the municipal governments of the cities of Pensacola and Appalachicola, not repugnant to the Constitution of the United States, be, and the same are hereby, declared to be in full force.

SEC. 2. An election for mayor and other municipal officers may be held on the fourth Monday in November, 1865, under the rules prescribed in the charters of said cities; and the mayor and other members of the city government so elected shall continue in office as though they were regularly elected on the election day fixed in the respective charters of the cities of Pensacola and Appalachicola.

SEC. 3. That all acts and amendments thereto relating to the Alabama and Florida railroad be, and the same are hereby, confirmed and declared to be in full force.

Done in open convention, November 6, 1865.

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No. 6.

AN ORDINANCE in relation to the State treasury notes.

*Be it ordained by the people of the State of Florida in convention assembled*, That all State treasury notes issued, and all other liabilities contracted by the State of Florida on or after the 10th day of January, A. D. 1861, to the 25th day of October, A. D. 1865, except such liabilities as may be due to the seminary and school funds, and such other liabilities as are provided for by this constitution, be and are declared void, and the general assembly shall have no power to provide for the payment of the same or any part thereof.

Done in open convention, November 6, 1865.

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No. 7.

AN ORDINANCE in relation to State liabilities.

*Be it ordained by the people of the State of Florida in convention assembled*, That the ordinance in relation to State liabilities and treasury notes shall not be construed to invalidate, impair, or make void any *bona fide* contract or liability of the State of Florida incurred or undertaken prior to the date of the ordinance of secession: *Provided*, That this ordinance shall not apply to any claims which have heretofore been declared fraudulent or have been rejected by the State.

Done in open convention, November 7, 1865.

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No. 8.

AN ORDINANCE in reference to contracts made during the late war.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That in all proceedings in the courts of this State founded upon a contract or contracts made and entered into during the late war between the United States and the late Confederate States, the courts are hereby authorized to admit testimony as to the value of the property or consideration contemplated by the parties to said contracts, and to instruct the jury to find accordingly, provided that the defendant shall allege by plea under oath, and prove to the

satisfaction of the jury, that the currency contemplated in the payment of said contract or contracts was confederate or State treasury notes, or upon what basis the consideration, or the value of the property or its use, which was estimated at the time of the formation of said contract or contracts.

SEC. 2. *Be it further ordained*, That executors, administrators, trustees and guardians are hereby authorized, by and with the approval of the probate court, to compromise with persons against whom they hold notes or claims made during the war aforesaid, upon the basis of the real value of the property or consideration for which said notes were given, or upon which said claims were founded.

Done in open convention, November 7, 1865.

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No. 9.

AN ORDINANCE for the relief and protection of certain persons therein named.

SECTION 1. *Be it ordained by the people of the State of Florida in convention assembled*, That in all cases in which judgment or decrees of the courts of this State have been rendered against parties in the military service, whether such parties were defendants or plaintiffs in their own right, or as the representatives of others, the said parties shall have the right of rehearing, new trial, or appeal for six months after the reorganization of the State government under this constitution, and no execution or other process shall issue under such judgment or decree until after the expiration of six months, provided that the party asking for such rehearing, new trial, or appeal shall make it appear to the satisfaction of the court that the case on his part has not been fully heard upon the merits, before such motion shall be granted.

Done in open convention, November 7, 1865.

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## RESOLUTIONS.

No. 1.

A RESOLUTION making it the duty of the secretary of the convention to have published and to distribute the ordinances and constitution adopted by the convention, and for other purposes.

*Resolved*, That, as soon as practicable after the adjournment of this convention, it shall be the duty of the secretary of the same to have published the ordinances and constitution adopted by this convention, with a general index thereto, and with such marginal notes and references as may be proper, and that when so published he shall send to each member of this convention three copies of said ordinances and constitution, with three copies of the journal of proceedings; and that for his services he shall receive such compensation as may be fixed by the next general assembly.

SEC. 2. *Be it further resolved*, That when the secretary shall have discharged the duties required of him by this resolution, he shall file with the secretary of state all the enrolled ordinances and the constitution adopted, with all other books and papers remaining in his hands and appertaining to the proceedings of this convention.

Adopted in open convention, November 3, 1865.

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No. 2.

A RESOLUTION in reference to Jefferson Davis, of Mississippi.

Whereas the convention of the State of Florida feel deep solicitude for the president of the late southern confederacy, Jefferson Davis, and being mindful that he was but an instrument of the people of the southern States, and guilty only to the extent of others, who have already been pardoned for the same offence, and respectfully suggesting that in his release the government would illustrate its wisdom, magnanimity, and clemency, not only to the people of the United States, but the world at large:

*Resolved*, That his excellency Andrew Johnson, President of the United States, whose administration has been signalized in a most extraordinary degree by the great virtues of clemency and mercy, be requested to extend a pardon to the said Jefferson Davis.

*Resolved further*, That the president of this convention be requested to communicate this resolution to his excellency President Johnson.

Adopted in open convention, November 4, 1865.

No. 3.

A RESOLUTION in reference to S. R. Mallory and others, of Florida.

Whereas the convention, in common with the people of Florida, take a deep interest in their eminent fellow-citizens, the honorables D. S. Yulee, S. R. Mallory, and Governor A. K. Allison, now for a long time detained in confinement by the general government, and feeling assured that they are no only well disposed and loyal to the government, but by their talents, energy, and fair standing, would exert a favorable influence in restoring order and prosperity to the State in her present disturbed condition, whilst their own private affairs and the condition of their families require also their presence at home:

*Be it therefore resolved by this convention*, That a deputation consisting of three persons be selected by the convention to wait upon the President of the United States at an early period and respectfully to present the cogent claims of these individuals to his clemency, and to express to him the great gratification it would afford the convention and people of Florida to have their speedy release.

Adopted in open convention, November 4, 1865.

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No. 4.

A RESOLUTION requesting his excellency the provisional governor to appoint a commission of three qualified gentlemen to examine and report to the next session of the general assembly, for their action thereupon, certain matters therein mentioned.

*Resolved*, That his excellency the provisional governor be requested to appoint a commission of three qualified gentlemen to examine and report to the next session of the general assembly, for their action thereupon, the changes and amendments to be made to the existing statutes, and the additions required thereto, so as to cause the same to conform to the requisitions of the amended constitution, and with reference especially to the altered condition of the colored race, under the operation of the President's proclamation of emancipation, and the action of this convention.

Adopted in open convention, November 6, 1865.

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No. 5.

A RESOLUTION requesting his excellency the provisional governor to exert himself to have removed from the interior of the State, at as early a day as possible, the colored troops of the United States, and for other purposes.

*Resolved*, That his excellency the provisional governor be respectfully requested to exert himself to have removed from the interior of the State, at as early a day as possible, the colored troops of the United States, and to the end that good order and peace may be preserved, the provisional governor is hereby authorized to organize the militia forces of this State for such purposes when in his opinion it may be necessary.

Adopted in open convention November 6, 1865.

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WASHINGTON, *February* 3, 1866.

Brigadier General W. E. Strong appeared and presented the following report on the condition of affairs in the State of Texas:

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
*Washington, D. C., January* 1, 1866.

GENERAL: In accordance with instructions received from you early in October last, as contained in Special Orders No. 84, dated at these headquarters, I have the honor respectfully to submit for your information the following report of my action and observation in the State of Texas:

I passed little more than a month in the State, and during that time used every endeavor to ascertain the true condition of the freedmen; what they were doing to support themselves, and what the citizens of Texas, their former masters, were doing for them under the new order of things.

As it was impossible for me to visit every portion of the State without remaining several months, and as the time allowed for my inspection was limited, I decided, after consultation

with various officers on duty at Galveston and Houston, to travel in the eastern portion of the State on the Trinity river, and between the Trinity and Neches rivers. This section of country is acknowledged by all officers and citizens with whom I conversed to be the very worst portion of the State; and it was thought that more good could be done on this route than any other. I also visited the extreme western portion of the State and several points along the coast between Galveston and the mouth of the Rio Grande.

I travelled with an escort of cavalry furnished by Major General Mower, commanding at Houston, and was accompanied as far as Huntsville by Brigadier General E. M. Gregory, assistant commissioner of this bureau for the State of Texas, and Colonel De Grass, provost marshal general of the district commanded by General Mower, and who, in addition to his military duties, has charge of the freedmen, reporting direct to General Gregory.

At Huntsville General Gregory and myself separated—he swinging to the left and heading towards Mellican, the terminus of the railroad, and I, accompanied by Colonel De Grass, with a portion of the escort, striking out in a due easterly course, crossing the Trinity river at Ryan's ferry. General Gregory and I separated, not on account of any disagreement or misunderstanding, as was reported in New Orleans by a Texas delegation and telegraphed over the country, but simply for the reason that we believed more good could be accomplished by dividing the column.

At the little villages along our line of march the freedmen were collected together from the surrounding country, and as many of the planters as could be induced to attend, and addressed by General Gregory and myself. We explained to them in as simple and clear a manner as possible their rights, privileges and responsibilities, and what the government and country expected of them as freedmen. We told them that they were free, and that they could never be slaves again; that they were free to go and come wherever they pleased, and to work for whomever they thought proper, and to control and use their own wages, and that they had the same right to purchase and own land, horses, mules and farming implements that any white person had; and we advised them, when they had accumulated money enough to buy a piece of land, to invest it in that way. We also advised them to remain at their old homes and hire to their former masters if they had been kindly treated and could obtain fair compensation for their labor; and if not, to look about and make contracts with persons in whom they had confidence, and who would treat them fairly and pay them liberally for their work. We urged upon them the necessity of making contracts for the year 1866, and when once made, that they must observe and fulfil them religiously; and that if any of them broke a contract, through no fault of the employer, they would forfeit their wages, or be compelled to carry out their portion of the agreement. We also disabused their minds of the report that had been circulated very freely among them by corrupt and evil-designed persons as to a general distribution of the property; and impressed upon their minds the fact that there was to be no division of lands, horses, mules, and farming utensils on New Year's day; that the lands were owned by the citizens of Texas, and not by the government; that the United States had nothing whatever to give them; that they had been made free by the action of the government, and that in return for this they must show by their industry and perseverance that they were worthy of freedom.

General Gregory is an earnest and very able speaker, and these meetings, which were usually held at night, and conducted by him in conjunction with religious exercises, I am well satisfied made a lasting impression upon the freedmen, and resulted in much good.

It is not my wish or intention to pass judgment upon the entire State of Texas by what I saw on my inspection tour. I, of course, travelled over but a small portion of the State, and, as I have heretofore remarked, in what is known as the very worst section. In the large cities, such as Galveston, Houston, San Antonio, and Austin, there are many most excellent men; men who are anxious and willing to abide by the laws of the country, and who would use all their influence and energy to promote peace and harmony among the freedmen and whites. I found this to be true in several of the larger cities which I visited; it was particularly the case in Houston. I met as fine gentlemen as I have ever seen, and was treated by them, during my visit in the city, with the greatest kindness and courtesy.

That a majority of these gentlemen were sincere in their expressions I am thoroughly convinced; that all of them were I do not believe.

All of the cities above referred to are occupied by United States troops, and held under strict military discipline; and the citizens dare not express themselves in an unfriendly manner towards the United States soldiers and the government, even though they felt inclined to do so. In the interior of the State, one or two hundred miles from the prominent cities, away from the influence of federal troops and federal bayonets, at points where our army has never penetrated, and where the citizens have but little fear of arrest and punishment for crimes committed, I assure you there is a fearful state of things; the freedmen are in a worse condition than they ever were as slaves.

When they were held in bondage they were, as a rule, treated well. Cases of extreme cruelty were very rare. It was for the interest of the master to take care of them, and not to ill treat them; now it is quite different; they have no interest in their welfare, and seem to take every opportunity to vent their rage and hatred upon the blacks. They are frequently beaten unmercifully, and shot down like wild beasts, without any provocation, followed with hounds, and maltreated in every possible way. It is the same old story of cruelty

only there is more of it in Texas than any southern State that I have visited. I could cite many cases of cruelty that came under my own observation if it were necessary to do so.

The planters generally seemed discouraged, and insisted that the system of free labor would never answer; that the negroes were idle and worthless, and showed no disposition to work, and were wandering about the country utterly demoralized, and were plundering and stealing indiscriminately from the citizens. It was also generally reported by the white people that the freedmen failed wholly to fulfil their contracts, and that when they were needed most to save the cotton crop they would stop their work and leave them, and without any cause whatever.

After a careful investigation, I don't find these charges against the freedmen to be wholly true. The entire crop raised in Texas—cotton, corn, sugar, and what was gathered and saved by the first of December—most assuredly no white man in Texas had anything to do with gathering the crops except, perhaps, to look on and give orders. Who did the work? The freedmen, I am well convinced, had something to do with it, and yet there is a fierce murmur of complaint against them everywhere that they are lazy and insolent, and that there is no hope for a better condition of affairs unless they can be permitted to resort to the overseer, whip and hounds.

Two-thirds of the freedmen in the section of country which I travelled over have never received one cent of wages since they were declared free. A few of them were promised something at the end of the year, but instances of prompt payment of wages are very rare. Not one in ten would have received any compensation for labor performed during the year 1865, had it not been for the vigorous measures resorted to by Colonel DeGrass, provost marshal general of the district of Houston, who sends into the interior, frequently two hundred miles, and arrests the parties who have been guilty of cruelty to the freed people; and where they have violated their contracts with them, compels them to make fair and equitable settlements. Colonel DeGrass has a small command of cavalry under his control, and he keeps it in motion constantly through the country searching for parties who have murdered or maltreated the freedmen. I cannot speak too highly of the course pursued by the colonel. He displays the same earnestness of purpose, and fearlessness in the discharge of his duty, that he ever did in the old army of the Tennessee; and although his life has been threatened by the chivalric citizens of the country, yet he is not deterred by their threats from discharging his duty, as he understands it. He is a true friend of the black people, and will not see them ill used. I know that some of the lessons which he has taught the citizens in the vicinity of Houston will not soon be forgotten.

I saw freedmen east of the Trinity river who did not know that they were free until I told them There had been vague rumors circulated among them that they were to be free on Christmas day, and that on New Years there was to be a grand division of the property; that one-half was to be given to the black people. The report circulated so extensively among the freedmen with regard to a division of the property on or about the holidays, and which was believed by many of them, was taught them by the citizens during the war. Public speakers in different portions of the State declared and insisted that the only object the Yankees had in continuing the war was to free the negroes, and that if the southern people were beaten, all the lands and property would be taken from them and given to the blacks, and that the poor white and rich people alike would be enslaved. It is not strange that the freedmen, hearing this matter talked of publicly for four years by men of influence and standing, should finally believe there was some truth in it. Nearly all the freedmen I met preferred to wait till after New Years before making contracts for the year 1866.

In the vicinity of Mount Jordan and Jasper, on the Neches river, and San Augustine, and in all that section of country situated and being between the Neches and Sabine rivers, and as far north as Henderson, I was credibly informed and firmly believe that the freedmen are still held in a state of slavery, and are being treated with the most intense cruelty by their former masters; and I am well satisfied that the freedmen will be kept in ignorance of their true status, and will be forced to work without wages in these isolated districts, until troops can be sent to occupy, for a time at least, this portion of the State, and until a few wholesome lessons have been administered to the natives. One campaign of an army through the eastern part of the State, such as was made by General Sherman in South Carolina, would greatly improve the temper and generosity of the people.

The most intense hatred is shown by many of the citizens of the country towards northern men, officers and soldiers of our army, and the United States government. Very many of the ex-confederate officers and soldiers wear their old uniforms, with buttons, insignia of rank, and nearly every man we met in travelling was armed with a knife, seven-shooter, and double-barrelled shot-gun. At hotels, and various places where we halted for the night, the gallant cavaliers who claim that they whipped the Yankees in the last battle of the war, and that they are able to do it every day in the year, would collect in groups and talk, in a tone particularly intended for our ears, of the deeds they had performed, and the number of Yankees they had slain, and that if an opportunity ever occurred they were ready and anxious to fight against the United States.

After leaving Huntsville our escort was reduced to twelve men, and a disposition was shown upon one occasion to attack the party; but the Spencer carbines carried by the men rather deterred them from so doing. We were not molested. We were treated, however, on

the road and in the villages at which we stopped with the most marked discourtesy and contempt. I cannot account for the bitter feeling that seems to exist against soldiers belonging to our army and the government, unless it may be for the reason that they know less about the war, and have seen less of our troops than any other people, and therefore cannot appreciate the power and strength of the government. In other southern States I have been treated with greater courtesy and kindness by officers and soldiers of the confederate army than by any other class of people.

In my judgment, there is but little trouble in getting the freedmen to work if the citizens will treat them with some degree of fairness and honesty, and pay them reasonable wages when they work well, and fulfil their own promises and agreements. They have as yet offered no inducements for the freed people to labor.

I am not surprised that they have refused to make contracts for the present year. They have universally been treated with bad faith, and very few have received any compensation for work performed up to the close of the year 1865.

I cannot blame them for hesitating about making contracts which were to bind them for a year, and with no guarantee that they were to be treated better than when they were slaves. They have received, thus far, for their work, as a class, curses, blows, poor clothing, and poorer food. There are exceptions. I learned the names of a few planters who had done well by the freedmen, and had paid ten dollars per month in specie for first-class field labor, and the other hands in proportion; but seven out of every ten who have paid wages to the freed people, in the vicinity of Houston, have done so over the point of the bayonet in the office of the provost marshal general, rather than go to jail.

General Gregory assured them that their employers would be forced to pay them every farthing that was justly due; and I have learned that, during the month of December many contracts were entered into for the year 1866.

The crop raised and gathered in Texas during the past year is immense, and provisions ought to be very abundant. There is certainly sufficient to feed all classes, white and black, rich and poor, if it could be properly distributed among them. The great difficulty is, the corn and wheat is all in the hands of the wealthy planters, and the poor white people, who did not own land, cannot obtain it for love or money.

The planters hold on to their corn, expecting there will be a scarcity in the spring, and that it will then command exorbitant prices; and, further, they fear to sell it to their poor neighbors, thinking, if they get a few bushels ahead, they might possibly hire some of the freedmen. Frequently the poor white people came to us and entreated us to interfere and compel the rich people to sell them corn enough so that their wives and children would not starve. I heard several of them say that they had been in the confederate service through the war, and now that they had lived to get home, the wealthy men, who had been instrumental in sending them to the field, would not assist them when in distress, nor could they purchase corn for one dollar per bushel in specie to keep their families from perishing.

If the freedmen fail in obtaining employment the present year, and if the planters refuse to sell their corn to the poor white people at reasonable rates, there will necessarily be great suffering in many portions of the State.

According to the best statistics I have been able to obtain, there were in the State, at the beginning of the war, about two hundred and seventy-five thousand (275,000) slaves. During the war, and prior to its close, about one hundred and twenty-five thousand (125,000) were sent there from other southern States to keep them out of the way of the United States forces, and for safe-keeping; making a total of about four hundred thousand (400,000) at the time of the surrender of the confederate armies. The great mass of freedmen were owned and still remain on the rich plantations situated on the Sabine, Neches, Trinity, Brazos, and Colorado rivers, and within a distance of 350 or 400 miles from the Gulf coast. There are few freedmen north of Waco, on the Brazos river, or north of Austin, on the Colorado; a few are to be found as high up as Gonzales and Signim, on the Guadalupe, but not west of that river. Western and northwestern Texas is a wild, uncultivated, barren region, and is occupied and held, and has been for years, by the Indians. The Comanches committed depredations in November within fifteen or twenty miles of Waco.

Of the 125,000 freedmen sent to Texas for safe-keeping during the war, from Louisiana, Mississippi, and other States, nearly all of them are anxious to return to their old homes, or at all events to get out of Texas. Thousands of this number have already returned, and there is a constant stream pouring through the interior of the State in an easterly direction, heading towards Louisiana.

The route usually taken by these people is the old San Antonio road, leading from Bastor, on the Colorado, through Caldwell, Madison, Crocket, and from thence running a little north of east to Millan, on the Sabine river, near the Louisiana line. This road is famous as being the first and best route leading across Texas, and all the refugees get on to this road as soon as possible.

I found General Gregory stationed at Galveston, and am satisfied that he is doing everything in his power to regulate the system of labor throughout the State. He has labored with the most untiring industry since he has been in Texas to settle difficulties between whites and freedmen satisfactorily and justly, and has passed a great deal of his time in travelling through the country, correcting abuses, and explaining to the freedmen their true

status, and what was expected of them by the government. He understands your views and policy well, and will carry out your wishes to the best of his ability and against all opposition. I do not think it possible for any man to hold General Gregory's position in Texas, do justice to the freedmen, and be popular with the people. The general has been particularly unfortunate in not being able to obtain officers to assist him in the work. He is almost entirely alone, having only six or seven subordinates, who are all stationed at the larger cities. In order to correct abuses, and regulate the labor system thoroughly throughout the country, General Gregory should have fifty good officers to assist; and if these could be placed on duty at the principal villages in the interior, for 350 miles north of the coast, and a small force of troops sent with each assistant to enforce law and order, it would be but a short time before a decided improvement would be observed. It is the opinion of every stanch Union man with whom I conversed, and of nearly every officer on duty in the State, that if the United States troops were removed from Texas no northern man, nor any person who had ever expressed any love for northern institutions or for the government of the United States, could remain with safety, and the condition of the freed people would be worse, beyond comparison, than it was before the war, and when they were held in bondage.

I have the honor, general, to remain, very respectfully, your obedient servant,

WM. E. STRONG, *Inspector General*

Major General O. O. HOWARD,
*Commissioner Bureau Refugees, Freedmen, &c.*

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WASHINGTON, *February* 7, 1866.

Major General David S. Stanley sworn and examined.

By Mr. WILLIAMS:

Question. State your position in the army, and what opportunities you have had for learning the condition of things in the State of Texas.

Answer. I was major general of volunteers and major in the regular army. I commanded the fourth corps in the army of the Cumberland, and took that corps of 10,000 men to Texas about the first of July last. We landed at Indianola, and the troops were stationed there, at San Antonio, and other points between the Brazos and Neuces rivers. I commanded the district in Texas included between those rivers. From July until about the first of December, when I left Texas, I had troops stationed over the greater part of the settled portion of that country. My opportunities for learning the condition of things were from personal observation and from reports of subordinates to me.

Question. State in a narrative form what you found to be the condition of things in that State when you arrived there, and what they are at this time in respect to the circumstances of the people, and their views and feelings towards the general government.

Answer. When I arrived in Texas, very soon after the breaking up of the rebel army, I found matters very unsettled. The negroes had learned of the disposition that was to be made of them by the government; that is, that they were free. In the immediate vicinity of the troops there was no effort upon the part of the masters to restrain them; but at points somewhat remote—and that is a country of big distances—at points forty or fifty miles away from the troops, the former owners tried to constrain the negroes to remain on the plantations. They threatened them, and sometimes used violence; killing them in some instances. I remember four or five instances where negroes were killed for trying to leave their masters. Of course we endeavored in every case to arrest the murderers, and we arrested, if possible, any person who was even guilty of whipping negroes; but this was difficult to do; they generally succeeded in eluding our pursuit. There was a widespread feeling at that time in Texas that as that State had not been surrendered by Lee, and, as they said, not conquered by the United States, slavery was still worth holding on to. And even where slaves left the plantations, their masters were very careful to trace them up, believing they would be in some way compensated for them if they were not restored. It was the almost universal feeling in Texas that the government was bound to pay for the negroes. A large proportion of returned rebel officers, especially those who had been east, were disposed to accept the condition of affairs as they found them, and submit to the government of the United States without any opposition or grumbling; but those who had remained at home—the greater portion of the rebel army in Texas—were insolent and overbearing where they dared to be, and were not afraid of military punishment, cursing the government and the Yankees; and they are so yet. It is necessary, however, to discriminate between the Americans and the Germans in that country. The Germans, who form a very large proportion of the inhabitants of western Texas, are a loyal people—highly so. They are even radical; they go beyond the Americans in Union sentiment vastly. I think the only Union men I knew in Texas, men of any influence, would be comprised in ten persons. My belief—and I think it is well founded—is, that the people there will submit to the United States government in a sulky way. I do not think there need be any fear of an outbreak or resistance to the government, but that if we become involved in a foreign war almost the entire American population of

Texas would go over to our enemies if they thought they had any chance of succeeding. And that is not only my opinion, but I heard the same opinion expressed by Union men of ability there, such men as Judge Paschal, for instance, of San Antonio, who knows the people better than I do.

Question. Did you go among these Germans to whom you refer?

Answer. Yes, sir; I was intimate with them; I knew them well. They were the only people, with the exception of the few Union men I have mentioned and one pardoned rebel at San Antonio, who met us very kindly, with whom we were on any social relations at all. The Germans there were, as a class, very cultivated and refined people, superior to any Germans I have met in this country.

Question. You spoke of meeting ten Union men; did you mean ten Americans?

Answer. Yes, sir. I do not wish to be understood that that is the precise number. The great body of the Americans, however, did not care to have any friendship for or affiliation with us as officers. The women were universally rebels, contemptuous, and disposed to be insolent to American officers whenever they could.

Question. What are the feelings of the negroes there as to the federal government?

Answer. The negroes have confidence in any man they know to be from the north. Anything a northern man tells them, if they know him to be a northern man, they believe. I found no difficulty in inducing the negroes at any time to do anything I told them was right, and that they had better do it. The negroes at first were disposed not to work, and they were all opposed to working for their former owners. They could not comprehend that there was any liberty or freedom in that. There was a good deal of confusion among the different plantations on that account, the negroes leaving their former owners and going to other places; but that matter had greatly improved before I left. They were generally hiring out, and I found in every case that came within my knowledge that when the employer would pay the negro a liberal price—that is, a price he could afford to pay in that country—there was no difficulty.

Question. State whether, in your judgment, the feeling towards the general government has grown better or worse in Texas since the fall of the rebellion.

Answer. That is a question it is a little difficult to answer. In that country, especially on the frontier, there was a very large population of lawless, violent men. When we went to Texas these men expected to be punished. They expected to be lodged in jail or run out of the country. The course pursued was one of leniency, and my impression is that that lenient course had a bad effect on that country; that these fellows, finding there was no punishment in store for them, became more insolent, more disposed to resist the government, and to oppress and outrage people of Union proclivities. The sentiment was diversified according to the district or place. Settlements in that State are widely separated, generally confined to the streams, and you will find, for instance, at San Antonio, at Victoria, and in the neighborhood of the coast generally, people disposed to have peace, and disposed to do anything to aid the government—that is, the solid, thinking men—while in other places, such as Seguin, Columbus, Gonzales, and such points, you will find them bitterly hostile to the government, evincing great disinclination to submit to the results of the war. I witnessed that myself. I saw it take shape and form in insolence and disgraceful conduct towards officers who were passing through the country. I had hard work on one occasion in keeping my staff officers, when they came through Gonzales, from shooting some of these fellows. They wore rebel uniforms, except that they had taken off their stars, and were very insolent and disreputable at the tavern where we stopped.

Question. Suppose these people are left to themselves, what sort of men will they probably elevate to positions of place and power in the offices of the State?

Answer. I hope that in western Texas the German vote will be sufficient to enable them to return Union men. It is a question whether they will have a majority or not. In the other portions of the State they would send men who were leaders in secession; there is no doubt of that. I consider Texas in a worse condition than any other State, for the reason that they never were whipped there. Our military and naval operations there just touched the coast, and did not affect the interior at all. The business men, generally rascals, made money there during the war. There is more solid money, I think, in circulation in Texas than in any other State. Even until we left San Antonio, when we went to market, we always took greenbacks and converted them into silver, which was the only circulating medium of the country, and I presume is to-day. There has nothing happened to that people to make them tired of war, except the killing of some of their relatives.

Question. What course would these people be likely to take, if left to themselves, with the colored people of that country?

Answer. They would hold them in a bondage more galling than they were ever held before, and they would be in a worse condition. I have no hesitation in making that statement.

Question. Can you tell what views the people have there as to the education of the blacks, or as to their purchasing or holding real property, or anything of that kind?

Answer. No, sir; I cannot. There had no schools started when I left Texas. They were about starting a colored school at San Antonio. I heard no conversation about it, but any proposition about educating the colored people is received by a great portion of the residents there with a sneer. I never heard the question mooted about their holding property, and

cannot tell whether they would be opposed to it or not. The talk was this: that Texas, that portion of it, is a stock-raising country, and I heard leading men there say in conversation that the negro was a doomed race; that he was a vagabond naturally; would not work unless compelled to; that in Texas he could live without work, because the herds covered the whole country; that they would go to killing cattle, and the consequence would be that they would be killed by the owners of the cattle. The greater portion of the people there do not believe that the negro will do anything if he can live or exist at all without.

Question. Is there any disposition there upon the part of the rebels, or would there be if there were no restraint, to disturb these German people?

Answer. They would not dare to do it, and have not done it in any thickly settled portions of the State. On the frontier the Germans were under a good deal of apprehension from these men who had been rebel soldiers. I had three or four murderers in jail when I left, and was making arrangements for a commission to try them. They were arrested for murdering prisoners, and came properly before the military courts. They were the only ones I claimed jurisdiction over.

Question. What is the condition of the courts in that State, so far as you know; are they organized and in operation?

Answer. No, sir; not in western Texas. The courts were being held only in a small portion of the country there. I cannot speak for eastern Texas. I do not know as to that portion of the State. The governor had appointed what he, no doubt, thought to be the best men, and in cases where he knew them they were Union men. The judge at San Antonio is a good Union man, and the chief justice is a good Union man, but there are some judges of districts who are rebels. The governor said that he was going to correct that as fast as he could. The judge of the district of Victoria is a man who held that the government was bound to pay for the negroes. He did a good deal of harm by spreading that sentiment, and arguing before the people that when the legislature of Texas got the State under their control the negroes would be brought into the traces again. I refer to Judge White.

Question. Have the negroes there any adequate conception of the condition of things in the country, or are they very ignorant?

Answer. They are very ignorant. The belief which existed among them in some of the other States, that all the lands and property were to be divided among them, was at one time almost universal among the negroes of Texas. I do not know how they got the idea, but have no doubt that our own soldiers put them up to it sometimes out of mischief. Soldiers are very apt to do such things, and I have no doubt the negro soldiers particularly gave them the idea. A negro community is very much like a system of telegraph wires; what one knows the whole State knows in a very short time.

Question. Were they learning otherwise when you left?

Answer. The agents of the Freedmen's Bureau, and the military officers at various points, were instructed to address the negroes and tell them they could look for no such thing, and I think they were becoming convinced of it. I think they know better now, though they are very ignorant.

Question. Suppose they were allowed to vote at this time; would the men who have been their masters control their votes or not?

Answer. I think they would in all cases. I think the negro is so ignorant and so easily influenced that the man who would pay him a dollar a month more wages would have the direction of his vote They cannot read, and they have no means of getting information except such as the more intelligent part of community impart to them; except in this wild, indefinite way—where a negro will spread a report of something he had heard, perhaps at Indianola or San Antonio, a great deal more apt to be absurd and unreasonable than true.

Question. Could northern men go into Texas elsewhere than in the towns, acquire property, and do business in safety, without protection from the government at this time?

Answer. He could in some portions of Texas. I have referred already to the fact that the people in some towns are more bitter, and in others more moderate. I could select places where he would be safe. There are other places where this bitter feeling exists where he would be unsafe.

Question. What degree of intelligence did you find among the white people of that country; are they well informed as to matters and things pertaining to the affairs of the country, or otherwise?

Answer. They are not well informed. They had no good means of being informed up to the time I left. There were only three or four main post routes established through the State, and they very rarely get hold of a newspaper published outside of Texas. There are newspapers published in the State, but I think I can safely say that four newspapers out of something like a hundred are the only ones that may be regarded as loyal. One of them, "Fluke's Bulletin," published at Galveston, is a paper of large circulation and a good deal of influence.

Question. What do you think, as to the necessity or not, of keeping a military force in that State?

Answer. I believe it will be a necessity for the next five years. I do not think there is a necessity for a large force, but for police purposes; more to watch the people and have them understand that they are watched, than for any other reason. I believe the establishment of posts through the entire settled portion of Texas will be necessary for five years at least,

and I do not know how much longer. The best Union man—as I consider him—in the State, told me that if the troops were to be withdrawn from San Antonio, or if there was any intention to withdraw them, he wanted to know it, for he would leave with them. He thought he could not live there without military protection, and I believe he is right. He is an old inhabitant too.

Question. What are the material circumstances of the people? Are they pretty well off generally, or poor and impoverished?

Answer. The people generally are in very comfortable circumstances. A man can get rich there by owning a few cows. It is the finest stock-raising country in the world. The people are lazy; they do not work much, for there is no necessity for it; cultivation is confined entirely to the alluvial bottoms. Stock-raising is the principal business of that country. Property has greatly depreciated by the altered condition of affairs. It is hard to say what prices property is worth now; it has not begun to re-establish itself at all. Some people anxious to get away would sell for almost anything; others would believe their property was worth as much as it was before the war. Bottom lands, unimproved before the war, brought from $7 to $10 an acre, and improved lands as high as $30.

Question. Were there many persons emigrating into that State when you were there?

Answer. No, sir; I know of none except some few northern men—single men who were working their way down there, raising cotton or trying to get into business—and some soldiers who were mustered out and remained behind. There was nothing that you would call an emigration at all.

Question. What, in your opinion, is the best course for the government to take in reference to that State—to recognize it at once, and receive its representatives into Congress, or to hold it in its present condition and continue to exercise military control over it?

Answer. I would recognize the State; because I believe we could control these people and pin them down to the undoubted policy of the government as easily as a State as we can as a Territory. At the same time I think it would encourage the people to cultivate loyalty. They no doubt feel a kind of despair at their condition now. I would establish the Freedmen's Bureau under a proper and matured system, to watch the interests of the blacks. I would consider that necessary. I would establish military posts over the State for the purpose of protecting that bureau, for a general police of the country, and to show that the United States is ready and willing to use its military force there if there is any necessity for it; I do not consider a large force necessary. Before the war Texas always had between three and four thousand troops stationed within the State, and I think five thousand would be enough now if they were properly distributed. Troops distributed on the main lines of communication could get information of any evidences of disloyalty or abuse of negroes throughout the State. You hear of it a long ways. Such information would come to me, for instance, from 150 miles off. I do not see any advantage in holding these people in a territorial condition; I think we can handle them as well, as a State.

Question. Is there any probability in your mind, if the question were left to the people, that they would extend to the blacks the right of suffrage, at any time, or in any form?

Answer. No, sir; they will not in any form whatever. Even those who are the most influential men, who work with the Union party, and who were refugees from the State during the war, are opposed to negro suffrage.

Question. That feeling, so far as you know, is universal, is it?

Answer. It is universal. I have not seen a southern man who is in favor of negro suffrage at this time. I have met liberal men in Texas who thought the negro ought to be educated, and were willing to put him into a state of progress under a system that in twenty-five or thirty years would fit him to exercise the right of suffrage.

Question. What are the views of those Germans to whom you have referred about political matters, and the proper course to be pursued towards the negroes?

Answer. In conversation with the more intelligent Germans there, they have expressed themselves in favor of educating the negro; and as soon as he is capable of comprehending the issues of the day, they are in favor of his voting. I do not think from my intercourse with Germans who were educated men, men who were refugees from their own country, and some of them formerly holding high positions in their own country, that they were in favor of immediately extending suffrage to the negro; but they are much in advance of the American population on that question. There is a Mexican population in that country who have a vote, and they are no more fit for it than the negroes. They do not know anything, and there are a great many of them, too. Mr. Hamilton, the governor, is not the most acceptable man, even to the Union population. He is a man of talent, almost a genius; but he is a man of bad habits—drinks too much whiskey, and is considered unreasonable in many things. I think Hancock would have made a more acceptable governor. He fled from the State also during the war. I am disposed to think that time will work great changes in the condition of the people of Texas. I think there will be a large emigration set in to northern Texas. They have now nearly six hundred thousand white population, and probably not more than two hundred and fifty thousand negroes; so that the chances of improvement in that State are about as good as in any that I know of.

Question. What is the number of German voters, should you think, in that State?

Answer. Really, I cannot say. The German population is pretty much all west of the

Brazos river, and is comprised, I think, within one congressional district. They constitute about half the population of western Texas, but I do not know their number. There has been a scheme mooted there, long ago, to divide the State into western and eastern Texas, under which the free-State party, the liberal men and the Germans, would control the western State.

Question. State what you know as to returned rebels having arms.

Answer. I can say, I think within good and safe bounds, that every one of them has either a six-shooter or a musket. They keep the muskets hid, but every man down there travelling through the country has a six-shooter. They never turned in their arms, they concealed them.

Question. Did you learn anything about secret societies existing there?

Answer. I do not think they have any. They would be afraid to have anything of that sort, for fear the fact would come to our knowledge, and some of the military authorities would jerk them up. I heard of one rebel general—I do not now remember his name; I never heard of him during the war—who was over there arguing the importance of keeping up what he called their war organization. I intended to have got the authorities after him, but he is not in Texas now; he went back to Alabama. I heard the same kind of talk from a common rebel soldier, but quite an intelligent man. I do not believe they have any secret organization of that kind. I never heard of any

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WASHINGTON, *February* 19, 1866.

Lieutenant Wilson Miller sworn and examined.

By Mr. WILLIAMS:

Question. State if you have recently been in Texas; and if so, in what capacity.

Answer. Since June last I have been first lieutenant of the United States colored troops doing duty in the southwestern part of Texas, headquarters at Corpus Christi.

Question. State to what extent you have travelled in the State, and what opportunity you have had of making observations as to the condition of things there.

Answer. I have been over the principal part of that section of country embraced between the Nueces and Rio Grande, not including that immediately on the Rio Grande. I have been through the district lying thirty or forty miles back of Indianola and extending westward to the Nueces; that comprises all the State I am familiar with from personal observation.

Question. State what, from your observation, are the feelings and disposition of the people there towards the government of the United States.

Answer. I find the people of Texas divided into three classes on that question. The first class are those who have been always, under all circumstances, friendly to the government, who have mostly been refugees during the war, but have since returned. Of the remaining portion, there are those who have been more or less active rebels throughout, the wealthy and intelligent class; and those who are not large property-holders, who are generally without property, a class that I find in no other State, who would come generally under a vagabond law, without any visible means of support—not all blacklegs, but principally non-property-holders, or property-holders to a less extent. I find the feeling manifested by these two classes entirely different. The most intelligent, and, as a general thing, the most wealthy men in that portion of the State, whether they have been in the rebel service or not, are more favorably disposed towards the government of the United States than the other class. They appear more willing to accept the questions raised by the war as settled questions, and in favor of measures calculated to adapt that country as rapidly as possible to the new order of things. I do not know but I am speaking a little too rapidly in saying that this is the temper of the class, because I have naturally from choice been brought in contact more with people holding these opinions. The object I had in travelling over that section of country was principally to come in contact with that class of men, in view of future operations in the State. But I believe it is generally true that there is among them less bitterness, less hostility, and less looking forward to a future time when a second trial may be had, than I found among the other class. I found some men, and I have now in mind one, who was the largest slaveholder in western Texas that I knew of, and who I know to be a cordial and hearty Unionist to day; I am not certain but he has always been. He lost a son in the rebel army; but he cordially supports the abolition of slavery and every measure that may be taken for the elevation of the negroes in Texas. He goes further than any other citizen I have met there. But I have found the intelligent, educated men in western Texas rather disposed to take that view more or less strongly. They are, however, but a small proportion of the population of that country. Most of the population of western Texas is confined to the towns. Those known as the white population include only those who are properly natives of the United States, or immigrants into the State. Mexicans are not classed there, in the common parlance of the country, as white men. Some of this larger class of white men to which I have referred engage in raising horses, cattle, &c.; but the majority of them live I do not know

how. A large proportion of them are adventurers, some gamblers, and others without ostensible means of support. Nearly all these men I have met have been at some time in the rebel army. Their numbers have been greatly increasing since I first went to Texas, as they have returned from different parts of the country where they have been in service. When our troops first went to western Texas we found the feeling generally to be that of acceptance of the fortunes of war. The question had been tried by battle, had resulted adversely, and the general disposition was to submit to the result. Since then I have noticed a gradual change in the manifestation of feeling, which has been growing more and more independent; and at the time I left, this class of people were becoming more and more outspoken in their bitterness against the United States government, and more hostile towards the officers and soldiers of the army in their intercourse with them. It appeared to be only restrained, in towns, from breaking out into acts of violence towards our officers by the superiority of our numbers. Occasional difficulties have occurred between some of our officers and the officers and men late of the rebel army who would give utterance to their feelings of hostility towards the United States government; but it was always met with such prompt chastisement on the part of officers present that it was hazardous to renew it. Knocking down a rebel officer in presence of his friends is very likely to exert a salutary influence for some time. There appeared to be a general feeling among that class of men that in a few years, sooner or later, and probably very soon, they would have an opportunity to try this question of rebellion again; that the late war did not settle it; that so far as it was disastrous to the confederacy was due not so much to the superiority of our armies as to mismanagement on the part of confederate rulers, military and civil, both at the beginning and during the war. One error, very commonly ascribed by the politicians and leaders among them, was the withdrawal of the rebel members from the Congress of the United States. It was always regarded as a fatal step at the commencement of the rebellion that they were withdrawn six months too soon.

Question. What, in your opinion, has changed the feeling there as you have stated?

Answer. In my opinion the conduct of the government, of the administration, the facility with which pardons were reported to be granted, the general disposition of the administration to be lenient, and the impression which I have frequently heard spoken of by these people, that they had strong friends in the north, and in the government. The fact that they had strong party friends in the north appeared to be the principal ground of encouragement they had for supposing the rebellion to be overlooked, and that they could once more get the political power in the hands of the south.

Question. State whether or not, in your opinion, it would be safe there for refugees, or for loyal men, black or white, if the United States troops were withdrawn from the State.

Answer. Up the Nueces river, on both sides, there is quite a large population out of the towns, of small planters and cattle-growers, principally from Old England and New England, who have settled there within six or seven years. As a general thing they have been all actively Union men—so much so that the heads or principal male members of families, except those over age, have been compelled during the last two or three years of the war to be exiles from their homes. I have been among these people considerably, particularly during the last three or four weeks of my stay in Texas, and their opinion was, in speaking of the withdrawal of our troops, as they were gradually being withdrawn from that part of the State, that if they left altogether, or were reduced to so small a number as not to afford a salutary protection to them, they would not be able to remain. Their lives might not be in danger, but the insecurity of property would be such that it would not be worth while to stay there. They could not plant crops even around their own houses with safety. The sparseness of the population where there were no roads, furnished greater facilities for men to escape after committing outrages than any country I know of. Their apprehension of danger appeared to me greater than was necessary, and I was surprised to find such apprehension existing. After passing through what I had in safety, especially in the absence of a very large number of desperate characters from San Antonio and other points, who were there during the war, I should have supposed they would have felt a greater sense of security than they seemed to. About Lavacca and Victoria the population is much more dense than it is west of the Nueces, and there is a larger proportion of the American element there, though the population is not so dense there as it is further east, back of Galveston, and on the Brazos.

Question. What is the condition, and what are the prospects, of the freedmen in that State, so far as you know?

Answer. In the extreme west, particularly about San Antonio, Victoria, and Indianola, there is a demand for more labor than the freedmen there at present can furnish. I cannot speak of that, however, so much from my own observation, as the planting season was not on when I was there, but I was told that during the planting season there was employment for all the freedmen there, and more too. The demand for labor there in that part of the State is so great, that I do not think the freedmen there need anticipate any harsh usage. The demand is especially pressing for those who can be used as herdsmen; for cattle-growing is the main business there. The fact is that most of the freedmen, who could as well as not, have left that part of the country. They have gone further, east where there are larger plantations, or somewhere, I do not know where. There are not near so many there as I expected

to see, and not near so many as I was told were in that country when our troops first occupied it. In this connexion I may mention that there have been numerous outrages, of which, of course, I can only speak from the reports of others. I am told there have been frequent attempts to compel the negroes to work, even in the presence of our troops, up to the time of the organization of the Freedmen's Bureau, in that region last fall, and it was owing, I suppose, to that cause, in part, that the negroes left and went to New Orleans, and other parts of Texas; at any rate they availed themselves of every opportunity to get away. Many complaints were made that even from officers of colored troops they did not receive adequate protection, and I am satisfied there was some reason for their complaints.

Question. What opinion, if any, did you hear expressed by white people there as to the willingness of the negroes to work without physical compulsion?

Answer. Most of those I have talked with upon the subject in that part of Texas, which is out of the large planting region, express the opinion that the able-bodied negroes would work without compulsion better than they would with it; but it was often coupled with the statement that there was a large number of negroes who would not work, or do enough to support themselves, and who would become a public charge. It was the general opinion that those who had families depending on them would not be as well off as in the past, and that the decrepid and helpless would not be taken care of by the negroes.

Question. What is the feeling toward the negroes among the third and ignorant class of whites you have referred to?

Answer. I have very often heard the expression used—not only by that class, but by some of the better class who have been slaveholders—similar to a remark made by Captain Fullerton (who had owned eighteen or twenty slaves himself) the last day I was there, that there appeared to be a general hostility among rebels, in and out of the army, against the negroes, not only from the old prejudice against the negro as an inferior creature, but an active hostility growing out of this war. They appeared to hold the negro accountable for their defeat. It is a very common expression, used to insult Union officers, that the United States never could have succeeded if they had not taken their negroes to fight them with

Question. What is your opinion as to the necessity of the Freedmen's Bureau in that State?

Answer. There are two or three grounds why I consider the Freedmen's Bureau an absolute necessity there, and they are generally applicable everywhere, as much in the south as there. I think it is necessary for the purpose of furnishing labor to those sections where labor is required, and of furnishing the laborers who seek it with employment. It is necessary, also, as a protection to the freedmen against imposition on the part of their employers, whether southern men or northern men. I think there is as much, and perhaps more, disposition in some neighborhoods on the part of northern adventurers who have leased or purchased plantations to take advantage of the negro, than from any other quarter. Without some such institution as the Freedmen's Bureau, to protect the freedman in his rights, his chance for justice with either party would be very small. As a protection against outrages from loyal whites, it is more or less a necessity according to the state of public sentiment in the particular neighborhood. There is a class of lawless men there who have nothing to lose, who are generally the instrument of committing outrages. Without the presence of the Freedmen's Bureau, and an armed force to back it, I do not think the life of a freedman coming in the way of one of the disbanded rebel soldiers, of the class I refer to, would be worth a cent.

Question. How long have you had command of colored troops, and what is your opinion as to their inclination or capacity to observe law, perform labor, and exercise the rights of citizenship?

Answer. In 1863 I was not in command, but was with colored troops in Louisiana Since early in the summer of 1864 I have been constantly connected with colored troops in the army of the Potomac, the army of the James, or in the southwest. I have generally found, so far as my observation goes, that the negro soldier is as much disposed, if not more than the generality of white folks, to regard discipline, and to obey civil or military regulations. He is less disposed, according to my observation, to lawlessness. As to their general intelligence and ability to acquire information, I may be considered a little extreme; but according to my observations, in and out of the army, in the extreme southern States, when you come below what is called the educated and intelligent class of whites, the most intelligent class you will find next is the negro. I have found, upon all questions, that the negro knows more of what is going on out of his sight than the poor white class in the southern States. I have found among the negroes, whether in or out of the army, that there has always been a disposition and a capacity to learn and improve themselves. In all our regiments whose internal arrangements I have known anything about, the most acceptable present you could make to a negro soldier would be a spelling-book. Last winter I was instrumental in furnishing a large portion of the regiment with which I was connected with school-books of various kinds. I have generally found the disposition to learn stronger among the freed negroes than among those born free. I have found negroes away out in the wildest part of Louisiana, who had never, probably, seen a white man they dared talk to in any confidential manner, and who had never seen a United States officer until they saw me, but who had

been living there on the plantations, and yet who seemed to understand perfectly the political history of the country for the last five or six years, and who understood all about the war, so that I have expressed my surprise to them how they could get so much information; but the negroes told me they generally learned all these things about as quick as the white people got it.

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WASHINGTON, *February* 20, 1866.

Lieutenant Colonel H. S. Hall sworn and examined.

By Mr. WASHBURNE:

Question. What official position have you been lately occupying?

Answer. I lately occupied the position of lieutenant colonel of the 43d United States colored troops. I have been, for the last three months, sub-assistant commissioner for freedmen in the northeastern district of Texas. I lost my arm in the mine before Petersburg.

Question. Where have you been stationed?

Answer. Marshall, Harrison county.

Question. What have been your opportunities for learning the present condition and feeling of the people of Texas?

Answer. I have been thrown in contact with a great many of the most wealthy and influential planters, as well as professional men, of fifteen or twenty different counties in northeastern Texas, and have been intimately associated with them in matters of business.

Question. What did you find the state of feeling to be with the parties with whom you have come in contact, in regard to the restoration of the Union?

Answer. There seems to be a very general desire—an earnest wish—to be immediately admitted into the Union, which takes the shape of a demand of an absolute right. But there is no real love expressed for the government; on the contrary, there is an expression of hatred for the people of the north, and of Yankees generally, while the idea seems to be that they should at once obtain possession of the political privileges and powers which they once had. They seem to have the idea that they are entitled to all the rights under the Constitution which they ever had.

Question. What is the expression of their feeling toward the government, and toward those who control the government?

Answer. Their expressions are used more particularly in a party sense. They express a great deal of bitterness against the party which they term "the radicals" in Congress. Generally they are in favor of what they term the President's policy; but they denounce most bitterly the policy of the party which they term the radical party.

Question. What do they say about the Freedmen's Bureau?

Answer. They consider that an unmitigated nuisance. They think it can be much better dispensed with than not.

Question. What shape does their opposition to the Freedmen's Bureau take?

Answer. They give it no definite form, any more than expressions in words, generally.

Question. Has there ever been any interference with the operations of the Freedmen's Bureau? If so, to what extent?

Answer. There never has been any direct opposition to any of the officers or the men employed by the government in that bureau, in that part of Texas. There never have been any acts opposed to the operations of the bureau. In most instances they come forward and make contracts under the regulations adopted by the bureau, simply because they are under military jurisdiction, and are compelled to.

Question. What would be the state of the country in which you have been, should the military force be withdrawn, and the officers of the Freedmen's Bureau be also withdrawn?

Answer. Judging from the state of the country in counties where there is no military force, I can say there would be neither safety of person nor of property for men who had been loyal during the war; and there would be no protection whatever for the negro.

Question. What would be the condition of the negro under the circumstances, as compared with his former condition as a slave?

Answer. He would be, in many instances, forced to labor without any compensation, under some system of compulsion, nearly the same as formerly. He would be liable to worse treatment than ever before—to assaults in many instances, and even to murder. Frequent instances of murder have occurred in those counties where there has been no military force.

Question. Can you particularize some of those instances?

Answer. One case I can cite was that of a negro woman named Lucy Grimes. She was taken into the woods in the month of December last, by two men, and there stripped and beaten until she died. These men—named Anderson and Simpson—were well known in the county. On the case being presented to the chief justice of the county, who was appointed by Governor Hamilton, he stated that he could not issue a warrant for their arrest on the evidence of a negro, as there was no other evidence but that of the son of the murdered woman, and that he could do nothing whatever in the case. I made an effort to arrest the

murderers, but they could not be found. They were secured and concealed by parties in the neighborhood.

Question. Do you state these matters from your own personal knowledge?

Answer. From my own personal knowledge. The case was brought before me. A complaint was made to me of the murder, in the first place.

Question. What were the circumstances attending or leading to the murder of this woman?

Answer. A child of this negro woman had taken some money which was lying about some part of the house occupied by Mrs. Grimes, for whom she was working. The child had taken it out of the house and was playing with it. Mrs. Grimes accused the child of stealing the money, and required the mother to whip it; the mother declined doing so. Then Mrs. Grimes went and had an interview with these two men—Anderson and Simpson. Next morning they came and took away the negro woman, Lucy, saying that they designed taking her to Marshall to present the case to me; instead of which, they took her to a piece of woods two miles from the house, and there stripped her and beat her. She lived till next morning. The son found her and reported the case to me, and I immediately sent out a surgeon with some cavalry. The body was found, and the facts were reported to me by the surgeon. No trace of the murderers could be found.

Question. State the condition in which the body was, and all the circumstances, as you learned them from the surgeon.

Answer. The body was found entirely naked, with the exception of a shirt. The back was very much beaten and bruised, apparently with some sort of whip or strap. Across the head and face there were several severe bruises, evidently made with a club; and, finally, there was a break in the skull, which the surgeon stated undoubtedly caused the death of the woman, made by a club.

Question. What were the antecedents of the murderers?

Answer. They were discharged rebel soldiers. Anderson was the son of a gentleman who was considered quite respectable in Harrison county. Simpson was a desperado, not a resident of that part of the country, but of Georgia or Alabama.

Question. Was the mistress of this woman examined by you?

Answer. She was not.

Question. What part did she take in the matter, so far as you could learn?

Answer. I could not learn of her taking any part, except conferring with Simpson and Anderson, requesting them to have this negro punished in some way, simply because she refused to whip the child.

Question. How old was the child?

Answer. Ten or twelve years.

Question. Who came to see you about it?

Answer. A grown man; a negro man 21 or 22 years of age; a son of the woman who was killed. He came to report the murder of his mother.

Question. You say the chief justice of the county court refused to issue a warrant?

Answer. Yes; the chief justice, who is now collector of internal revenue for that district, refused to issue a warrant because there was no testimony in the case but negro testimony.

Question. What is the name of that chief justice?

Answer. D. B. Bonnefoy.

Question. What are his antecedents?

Answer. He has been considered an out-and-out Union man during the entire war.

Question. Do you think that his real motive for refusing to issue a warrant was his want of legal authority?

Answer. I believe it was, because he was firmly of the opinion that he had not the legal authority to do so.

Question. You think he acted honestly?

Answer. Yes, sir; I think he acted honestly.

Question. That is the law of Texas; is it recognized as being in existence yet?

Answer. Yes, sir: while that is the case, they at the same time punish negroes under the same statute as they punish white men at present. They send them to the penitentiary and punish them in the same manner.

Question. Do you know of any other instances in which outrages have been committed on colored people? If so, state them.

Answer. During the month of November a young man named Webster fired upon a negro woman who was in his employment for some language which he considered impudent. The ball struck her in the back of the head, resulting in a serious wound, but not causing death. For that offence he was arrested by the military authorities and tried, and fined $100. That was before I arrived at that post. The post was then commanded by Brevet Brigadier General Sheetz, of the eighth Illinois regiment of infantry.

Question. Is that the usual penalty imposed by military officers down there for shooting colored people?

Answer. That was the usual punishment in that part of the State. It had been for the reason that there were no other means of punishment in the hands of the military autho ities. That portion of Texas has been considered as belonging to General Canby's department. I

have never made any written communication to his headquarters, but I asked General A. J. Smith what I should do in case I succeeded in arresting men who committed murder, where there was no testimony but negro testimony. His reply was that General Canby would not permit any citizen to be punished by military commission. That, of course, left the military authorities there perfectly powerless to punish adequately any offences upon negroes. Another case of outrage was reported to me as having occurred at Novara county. There is a family of Ingrahams there, very wealthy and influential. An unknown negro came along and asked for work. A son of Hugh Ingraham, and son-in-law, said they would give him work. They armed themselves with revolvers, took the negro a short distance from the house, in a piece of woods, and there tied him and flogged him to death.

Question. How do you know these facts?

Answer. This case was reported to me by a citizen of that county. His name I am not able to give; but it is on the records of the office.

Question. Did you take such testimony in the case as satisfied you of the truth of the statement that you now make?

Answer. Yes, sir; I applied to the commander of the post for a force to send out to arrest those parties. For two or three weeks I was unable to obtain it; the force there not being adequate. The gentleman who reported these facts further stated that he had designed to remove his family to Arkansas; that he had engaged a number of negroes in the neighborhood of Ingraham's, and started them for a plantation in Arkansas; that his family had been stopped and taken back to his house, the house surrounded by citizens of that part of the country, and threats made that if he made his appearance there again they would take his life. I never was able to get a force of troops to send there, and am not able to give the result. The place is ninety-five miles distant from where I am stationed.

Question. Outside of the influence of the military, what was the condition of things?

Answer. Exceedingly disordered; no security for person or property, for white or black. I received a letter from Judge Simpson, chief justice of Upshur county, in reply to a communication of mine requesting him to collect the wages of some negroes who complained to me of being defrauded of their wages. He replied that he was unable to act in the matter without a military force, and that it was impossible for him to arrest anybody or hold anybody accountable for acts committed against the negroes. That letter I forwarded to Galveston to the assistant commissioner. I also received a letter from Chief Justice Priest, of Cherokee county, asking that an officer be sent there with a military force. There is a similar state of affairs in Panola county. In the month of December last four discharged United States soldiers, returning to their homes at the north, from San Antonio, were followed by a party of desperadoes and murdered in cold blood. The facts were reported to the military authorities at Shreveport, and a force of cavalry was sent out to apprehend the murderers. They passed through Panola county on their track, and reached the town of Henderson, in Rush county. The advance guard of four or five men entered the town, when the citizens gathered together, some with brickbats and some with revolvers, threatening them, and saying they could whip any number of Yankees that could be sent there. Their numbers continued increasing until the whole cavalry party, about twenty men, under the charge of an officer, came up, when they quietly slunk away. The officer who had charge of the party reported the facts to me on his return to Shreveport. He did not succeed in apprehending the murderers.

Question. What were the circumstances attending the murder of these soldiers?

Answer. As far as I was able to learn, it was a murder committed more for the purpose of robbery than for anything else.

Question. Disconnected with feelings of revenge?

Answer. I was not informed whether there was any feeling of revenge or spirit of bitterness against them because they had been soldiers.

Question. Of what had they been robbed?

Answer. Of very little except their horses. They were cavalry soldiers returning home with their horses.

Question. Do you know the names and regiments of the soldiers?

Answer. I am not able to give you that information.

Question. You are satisfied, from the evidence you had, that they were really murdered?

Answer. I am satisfied of the fact.

Question. Did you get any clue as to who the murderers were?

Answer. The name of the principal actor was reported to me, but I am not able to recollect it now. He had been a soldier in the rebel service, and had lost an arm.

Question. Do you know any other instances of violence committed there?

Answer. In the town of Jefferson, Marion county, Mr. R. H. Robinson, United States treasury agent, had seized some tithe-cotton; he was arrested by the civil authorities and indicted by the grand jury of the county, on a charge of swindling. The telegraphic communication between Jefferson and Shreveport was interrupted, and the despatch which he attempted to send to General Canby in New Orleans was not allowed to go. He was held in custody until he could report the facts to the commanding officer of the force at Marshall, who sent immediately an order to the chief justice, Judge Gray, to release him. Judge Gray refused to release him on the order of the commanding officer, who again sent another

order requiring the judge to release him immediately or he would have him arrested and tried before a military commission. Before the second order reached, a file of soldiers, with a captain, which had gone into the town for the purpose of protecting the office there, went to the court-room and released Mr. Robinson. This case was afterwards reported to General Canby, at New Orleans, and to Colonel Burbridge, the supervising special agent of the treasury. On the case being reported the action of Mr. Robinson was fully approved, and he was not only relieved from any charge in the matter, but he was sent back to his district at Jefferson.

Question. How long was he held in confinement?

Answer. About three days. On Christmas day two soldiers of the 46th Illinois, stationed there at that time, furnished with whiskey by the citizens of Marshall, and under their influence, murdered a negro by shooting him. The two soldiers were at once arrested by Major Clingman, who was commanding the post. Charges were preferred against them, and a request was forwarded to General Smith for a military commission. The civil authorities, through the chief justice, issued a warrant for their arrest, and a demand was made on the major to turn over the soldiers to the civil authorities. The major very properly refused to comply with the request. No further action has been taken in the matter, but this simply shows the spirit of the civil authorities there.

Question. Do you know any other instances of outrage except those you have mentioned?

Answer. I do not know any case of so serious a nature from my own personal knowledge; I have heard of cases frequently, but I am not prepared to make any statement about them.

Question. What do you know of the political sentiment of the State as developed by the action of the State convention of Texas?

Answer. In the county of Harrison, the candidates for the convention were Mr. Ware, a conservative man, though not known as a thorough Union man, and Colonel John Burke, who was said to have held the honorable position of spy in the rebel service. Burke announced, on his nomination, that he was opposed to the adoption of the constitutional amendment, opposed to the abolition of slavery, opposed to repudiating the rebel debt, opposed to declaring the ordinance of secession null and void, and opposed to renouncing the right of secession. He was elected by a majority of some eighteen in the county, over the conservative gentleman. In the county of Smith there were two conservative candidates against Judge Roberts, who had been president of the convention which passed the ordinance of secession, and an ex-colonel of the rebel army. Judge Roberts and the ex-colonel were elected over the conservatives. The same thing happened in Rusk county and in Panola county, so far as I was able to learn; I passed through the country from Marshall to Galveston, and that was generally the case along the route to Houston.

Question. Did you have conversation with their political men going to the convention?

Answer. Yes. I travelled in company with Judge Fraser, a member of the convention, and met many of his associates who had been elected members of the convention. In nine-tenths of the cases of those I met their election had been based on the action they had taken during the war. As a general rule they were elected because they had been secessionists, and out-and-out rebels, and had taken an active part against the government of the United States.

Question. What were their sentiments as expressed to you, in relation to the position which they had been occupying during the rebellion?

Answer. The only regret I heard expressed for any action during the last five years was, that they did not succeed. They were anxious now to be admitted into the Union, hoping to unite the agricultural interests of the northwest with those of the South in order to obtain the political power which they had staked on the issue of war, and lost.

Question. Did any of them yield up their favorite doctrine of the right of secession?

Answer. The expression was, that the question had been decided against them by the war—not that they were convinced.

Question. What is your judgment, from all you saw and could learn when you were in Texas, as to the practicability and propriety of admitting the State back into the Union with all its rights?

Answer. In my opinion it would be unsafe to admit them back as long as they continue to select such men as they do to represent them.

Question. How long is it since you left Texas?

Answer. I left Marshall the 21st of January, and came down through the country to Galveston, where I left on the 2d of February.

Question. Can you state any other matter or thing in reference to this general subject which would be of interest to the committee?

Answer. I will relate an incident to illustrate the spirit of the people there. About the Christmas and New Year's holidays there was a general cry that there would be a negro insurrection. Governor Hamilton authorized the chief justices to arm patrols for the purpose of suppressing anything of the kind. In all instances, where I had any knowledge of these patrols, they were composed of the most reckless and desperate men. Under pretence of the authority given them, they passed about through the settlements where negroes were living, disarmed them—took everything in the shape of arms from them—and frequently robbed them of money, household furniture, and anything that they could make of any use to them.

selves. Complaints of this kind were very often brought to my notice by the negroes from counties too far away for me to reach.

Question. These patrols were acting under the authority of the provisional governor?

Answer. Yes, sir.

Question. Were any of them prosecuted for it?

Answer. Not to my knowledge.

Question. Is there any way of punishing these men, except by our own military authority? Have the negroes any rights whatever under the existing laws there, as administered at this time?

Answer. None whatever. I am informed by General Gregory that in Galveston they allow negroes to testify in the courts, and to sue. There they give them some rights, but in northeastern Texas none at all. The only instance I know of his testimony being taken in the courts is in the town of Marshall. The mayor of that town came to me and asked me what he was to do in the case of negroes, as the laws did not allow him to take their testimony. I said to him: "If the laws do not authorize you I will hear the cases myself." He then said he would give them their choice; that if they chose to be tried by him, he would try them: otherwise he would refer the cases to me. Under that arrangement he tried several cases. But, to give you an opinion as to how impartially justice is administered: On Christmas day a citizen named Turner passed through the streets of Marshall, half-drunk, drew his revolver and struck three negroes over the head, cutting their heads, and injuring them seriously. For that offence the mayor of the town fined him ten dollars. Two negroes were found playing cards in a negro boarding-house, and for that offence they were fined $17 50 by the same mayor.

Question. Is he a conservative?

Answer. He has been a major in the rebel service, I believe. That is the only recommendation he has.

Question. Is there still a military garrison in Marshall?

Answer. When I left, which is a month ago, there were two companies of the 8th Illinois there—white soldiers.

Question. Who was in command there?

Answer. Captain Bishop.

Question. Have you passed through any portion of the State of Texas where we had not military control?

Answer. Strictly speaking we have no military control after we leave Marshall, till we reach Crockett, in Hunter county, 200 miles. There are no troops between those points.

Question. What did you learn of the situation of the colored people outside of military jurisdiction and control?

Answer. It varies in different localities; in some counties they are employed and paid wages, and treated fairly and honestly. In other localities, frequent complaints were made to me that the negroes were held in slavery and compelled to labor as usual. In Rusk and Cherokee counties these complaints were frequent—that the negroes were in the same condition as before the war, where they were unable to leave home. I know of many instances where I sent orders with negro men for the former owners to surrender the negroes' wives and children, and the owners refused to obey the orders. I had not sufficient force to compel obedience, so that they had to live in that condition.

Question. How large is the military force in northeastern Texas altogether?

Answer. There are two companies at Marshall. That is the only force.

Question. Is that a mounted force?

Answer. No, sir; a dismounted force.

Question. How much does that force amount to in keeping the peace in that portion of Texas?

Answer. It amounts to nothing whatever.

Question. What force, in your judgment, is necessary?

Answer. I think that one regiment of cavalry in that portion of the State, with small garrisons in different towns, would be amply sufficient. The influence would be felt far beyond the bounds actually occupied by the force, if they were mounted men, so that they could be used rapidly and expeditiously. But this little garrison amounts to nothing except to preserve order in the immediate town and neighborhood.

Question. What force is there in Galveston?

Answer. Only two regiments were on duty there when I was there.

Question. Is there any military force at Houston?

Answer. Yes, sir; I cannot give the number. There is a small garrison at Houston, and also a small garrison at Crockett.

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WASHINGTON, *January* 17, 1866.

J. W. Shaffer sworn and examined.

By Mr. WASHBURNE:

Question. State your age, residence, and occupation.

Answer. My age is thirty-nine; residence, Freeport, Illinois.

Question. What has been your business for the last four or five years?

Answer. I have been in the service. I started out early in 1861 with Pope, when he was first appointed, on his staff. I was with General Hunter subsequently, and went through the Missouri and Kansas campaign. When transferred to Hunter I went into the quartermaster's department; then I was transferred to the department of the south. On the 1st of May, 1862, I was ordered to Ship island. By the time I got there New Orleans had fallen. I served until January, 1863, in that department. I then had leave of absence, and was sick for a long time. In October, 1863, I was ordered to report to General Butler, whenhe was placed in command at Fortress Monroe. I acted as chief of staff to him during that campaign.

Question. State whether, during the war, while you were at New Orleans, you had a large acquaintance with men and things.

Answer. During the time I was in New Orleans I was chief quartermaster of that department, and was in contact with the people daily pretty largely, black and white. I observed the conduct of both classes very closely, and made up my mind as to the wants and feelings of the people.

Question. Have you, since the suppression of the rebellion, been in the State of Louisiana? How long and at what time have you been there? State fully in a narrative and concise form the principal results of your observations in regard to the existing state of things there.

Answer. Something over two months ago I left home and started to go to New Orleans by steamer from Cairo. In going down the river I learned something of the character of these people. I was a stranger on the boat, and had a great deal of conversation with southern people; stopped at Natchez quite a while, at Vicksburg quite a while, and spent some two weeks in New Orleans and vicinity. I then went over to Mobile, spent about a week, and came back to New Orleans, where I stopped about a week longer. I then went back to Mobile, came to Corinth by rail on through Jackson back to Cairo, and came here. My conviction is, that there are very few loyal men who were in the rebellion. The great mass are intensely disloyal. I think there is nothing on earth they hate so bad as this government and northern citizens. I met a great many I knew when I served in the department, and with whom I had dealings. I found them with an entirely different spirit from what they formerly held, much worse. I conversed with General Sheridan and other military commanders, and they were all of one opinion—that, in the event of a war with a foreign country, that whole population would be the allies of our enemies without any sort of doubt. While they might not, many of them, take up arms—though a great many would do that—the whole of them would lend their sympathy and support in every way possible against us. The worst men I met, I think, were those who were property-holders previous to the rebellion, and who are the leading minds of the south, who have returned with their pardons in their pockets and have resumed their old positions of leaders and educators of the public mind. They are bitter in the extreme; while, possibly, should they meet any public character—any officer, civil or military—going south who is known to be a public character in the north, they would present an entirely different front from what they would to a stranger or a man who acted as though he was in sympathy with them. For example: the legislature sat some fifteen days without having the flag displayed in any way at all, and then were only driven to it by some colored women of New Orleans who addressed a very polite note signed by Madam This and Miss That, proposing to present a flag Supposing them to be some northern ladies, as the least they could do they appointed a committee to receive it. In the mean time the matter leaked out, and they directed the whole proceedings to be expunged from the journal. By this time attention had been called to the fact to such an extent that they supposed they had better stick up a flag, which they did, but not where they could see it. The legislature sat at New Orleans, not at Baton Rouge. All the candidates for offices—for doorkeepers, clerks, &c.—for both houses, printed their tickets, "late of the confederate army," as a recommendation why they should be elected, and every man elected was from that class. One poor fellow, who had had both arms shot off, was a candidate for doorkeeper. He printed his tickets and then dressed himself up in full rebel uniform. He was arrested by the provost guard under an old standing order, taken to the provost marshal's office, and stripped of his buttons and insignia of rank. He went back in a day or two, and appeared again with the same trappings. He was rearrested, and Mr. Duncan F. Kenner made a motion requesting that this man might be remanded back, to be dealt with by the legislature, which was done.

By Mr. ROGERS:

Question. Are you giving these details from your own knowledge, or from hearsay?

Witness. Partially each. That which I state I did not personally know, I learned from most reliable authority.

Mr. ROGERS. Please designate in your answers what you testify from your own knowledge and what from hearsay.

Witness. My informant told me he went and saw this candidate for doorkeeper, who was an ignorant man, and asked him, "Why do you put yourself up here in defiance of the military, and at the risk of being punished?" Said he, "I came here and made application for this position. I consulted with Mr. Kenner, who is a leading man. Mr. Kenner told me how I must print my tickets, and told me I must put on that uniform. After I was arrested and the buttons were cut off, Mr. Kenner told me I would be kicked out unless I put it on

again." This Mr. Kenner was a rebel officer and a large property-holder in Louisiana; a man of a good deal of influence, engaged, as I am told, in running the blockade, in which he amassed a large fortune, got his pardon, and I think is a fair type of the southern people. Now, in reference to the condition of the country—I observed that very closely, feeling a strong interest in the subject. I conversed with commercial men, with planters in the interior and with planters on the river, and I made up my mind that seven hundred and fifty thousand bales would be the maximum cotton crop for the coming season raised in the south. I also made up my mind that had that country been entirely under the control of the government of the United States, could Union men and northern capitalists have been assured of protection in their persons and in their property until their crops were raised, there would have been a million and a half bales more raised; of that I have no doubt. I will illustrate: A Mr. Brewster, of my town, bought his mules, his ploughs and his whole paraphernalia for farming, and sent his son ahead to Vicksburg to lease plantations. The son went ahead, but found this feeling existing in that country, found the troops being withdrawn, and that just in proportion as the troops were withdrawn this malignant feeling increased. He got frightened. His father came on and got frightened. He went to New Orleans and I introduced him to southern men and northern men, and the result was that he telegraphed to his son to sell everything at whatever price it would bring and be prepared to leave. I was talking with a Mr. Weed, whom I knew there, and was among the first to lease plantations from the government. He has been farming there for nearly four years, and has worked about two thousand negroes on quite a number of plantations, both sugar and cotton. He made it profitable Three months ago he had made arrangements with friends in New York to invest a million or a million and a half of dollars in plantations: but he found, as the strong arm of the government began to be relaxed, that this spirit began to manifest itself, and came to the conclusion that if he invested this amount of capital in that way, he would be robbed before his cotton would be raised, and stopped. And my observation was that seven-eighths of the Union men both at Mobile and New Orleans are making arrangements to wind up their affairs in view of the turn things are taking. The southern men, many of them, will not hire the negroes. Many more cannot hire, because the negroes will not work for them on account of their reputation for brutality. A few who have always been kind to their negroes, still have them. I met a gentleman on the boat who had been a major in the rebel army, a man of some prominence. He told me he had plantations in Alabama and in Mississippi; that his negroes remained with him, and that he had no difficulty with them; that they acted more shrewdly and sensibly than their white neighbors; that he made a contract with them for three years, on condition that if they saved enough within that time to buy mules, ploughs, &c., at the end of the period he would cut his land up into small tracts and lease it to them. He said they all went to work cheerfully, but that right on the heels of that the legislature of Mississippi passed a law making it a criminal offence to lease or sell land to negroes. The consequence was that his negroes in Mississippi stampeded. He had just returned from Mississippi, and he told me that his negroes believed he had betrayed them; that he had taken this means to deprive them of their interest in their contract. In travelling through Mississippi, I met many small farmers who were disposed to hire negroes, but that in hiring at random some of the negroes would prove good for nothing. The laws of that State made it a finable offence of five dollars a day to hire a negro who had engaged to hire to anybody else. A man could not therefore afford to work a plantation at the risk of being fined five dollars a day each, for half the hands he had. Another class cannot hire because the negroes will not work for them. Northern men can always hire as many negroes as they want, but they are afraid to. The result will be that this surplus of labor that cannot find employment will become demoralized and vicious. They will resort to all sorts of expedients to live, and stealing will inevitably follow.

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WASHINGTON, *Monday, January* 22, 1866.

J. W. Shaffer's examination continued.

By Mr. WASHBURNE:

Question. What is the present status of Louisiana so far as regards the courts—the administration of justice? State, also, what you know of the recent action of the legislature of that State.

Answer. As I understand it now, in Louisiana all the State courts and all the entire civil organization of the State is in complete running order. The governor has appointed the sheriffs, justices of the peace, collectors, assessors, and all those various officers who are usually elected. They have had no elections for county or municipal officers yet. Those places are, however, all filled. The military has withdrawn all control over civil affairs, and only interpose in very extreme cases. The result is that there is being a fair opportunity to test the working of the civil courts. My convictions are—in fact I was well informed, and have no doubt of the truth of it—that all these offices, or nearly all of them, are filled by bitter enemies of our government. Their courts are especially so. I could possibly illustrate that. There was a case, while I was in New Orleans, of a northern gentleman, who sued a citizen

of Louisiana in a federal court to collect a bill. The defendant pleaded that the plaintiff was a citizen of Louisiana of right, and could not bring suit in that court. The question of citizenship has been tried heretofore in that court by a jury. Mr. Horner, who was the plaintiff's attorney, immediately asked for a jury, and proved conclusively that his client was a citizen of Ohio, and never had been a citizen of Louisiana. The defendant introduced no evidence except the attorney's assertion that this man was a citizen of Louisiana, and that he was playing the northern man to rob the south. The jury retired, and presently brought in a verdict that the plaintiff was a citizen of Louisiana. The federal judge, without waiting for a motion by the counsel, immediately set the whole proceeding aside, and stated that in future he would decide such questions himself. I had this from Mr. Horner, who was the attorney for the plaintiff in the case. I found the general prevailing opinion there, based upon a good many cases that had been tried, that no northern man could get justice in any of the State courts. I found a man there whom I had known very well in 1862, a man who had lived in the south twenty-five years. He was very outspoken in his sentiments. He said the other night he was walking in Canal street, when he was accosted by a couple of returned rebel soldiers and threatened. He hallooed for help. There were some federal soldiers and policemen near by, who came up and arrested them. They threatened to massacre him, and were taken to the lock-up. He appeared the next morning against them in the recorder's court. He told me that when the case was called up the two men stated that they had been good confederate soldiers, &c., and the recorder dismissed them immediately. He told me that he remained in court that morning to see how justice was administered in other cases, and that in every instance where it was a rebel soldier who had been committing an offence he was dismissed without punishment, but that every case of a negro was punished severely.

(Mr. ROGERS objected to mere hearsay statements being given as evidence, and witness was cautioned to confine himself as nearly as possible to his own observations and conversations.)

Witness. I was stating what I thought was the condition of the courts in Louisiana, and was giving these facts to show the real cause of danger to loyal men and northern men who were attempting to live among these people. The interference of the military now being confined to very narrow limits, not being permitted to intervene except in extreme cases, has permitted these people by their action to drive out a large number of northern men who had settled there, and to prevent great numbers from coming there to settle. I think those who had come there to remain would have risked staying, but for the impression that this relaxation of the government power was to continue until the protection of the government should be withdrawn altogether, leaving the State entirely under the control of its own officers and people. I found among the people there a deep-seated determination to repudiate the national debt. Of this I can speak from my own observation, and from conversation with a great many people in the south. I recollect making use of this argument to several, and their answers were substantially the same. I said that the government was now united, and the honor of the whole country was at stake. Their reply almost invariably was, "You have caused us to repudiate our debt, we have lost our honor, we have been humiliated, and we cannot by any system of reasoning see by what right we should be compelled to tax ourselves, poor as we are, to pay the debt contracted to bring us into our present humiliated condition." When in Virginia, a week ago last Friday, I saw on the cars a Mr. Robinson, a bank president, as I understood. There was a gentleman living in Richmond sitting alongside, and I overheard a conversation between them in reference to confederate money. Mr. Robinson, the banker, said to this man he had better hold what confederate money he had, and remarked, "We are very much better off than they are in the north. We have no debts, or very few, to pay. They are burdened down with a very heavy national debt, and in a few years we will be in a condition to fund or pay some portion of the confederate debt." The other man said he understood the south was equally holden with the north for the payment of this debt. Mr. Robinson replied, "That may be so now, but when our States get into their proper position the government will find it very difficult to collect a few dollars from citizens of the south; they will find it more expensive than the tax is worth to send a file of soldiers to collect it in every instance."

(Mr. ROGERS objected to this kind of testimony as not legal or competent, as mere hearsay statements made by parties not under oath, as only cumbering the record, without accomplishing any of the purposes of the investigation.

The committee decided to allow the witness to proceed with his narrative.)

Witness. I would like to speak of another thing. There was previous to the war an organization at New Orleans known as the "Pilots' Association." When Admiral Farragut's expedition arrived at New Orleans, about half of the members of that association had belonged to the rebel fleet, the other half was there. Pilots were wanted very much; Admiral Farragut sent ashore and said he could not go up the river without a number of pilots. Then the whole pilot association was arrested and sent on board the fleet. Two or three of the whole number volunteered. Admiral Farragut would not risk any pilots who would not volunteer. There were several other pilots who had been expelled from the association during the time of the rebellion for their Union sentiments, who came up voluntarily and offered their services. These men worked faithfully as pilots up to the time of the suppression of the rebellion. The men composing this association have come back, and under the laws of Louisiana, have

reorganized. While in New Orleans I met a great many of the pilots and steamboat men whom I met during the war, and who told me they were expelled from the association, and that by a rule of the association and board of underwriters they could not be allowed, and they are not to-day allowed, to take any employment upon any vessel on the Mississippi or its tributaries.

By Mr. ROGERS:

Question. For what reason?

Answer. Because of their Union sentiments. I found some of them, and some of the best pilots we had, very poor. Here is a statement of John D. Walker, a man who aided us very much, and possibly more than any other pilot during the war. I found him there in a very destitute condition, and unable to get work; for these pilots and steamboat associations exclude men from employment not only as pilots, but even as stevedores on the wharves. And in this way these pilots who are Union men are cut off from all means of support by these returned rebels. I asked Mr. Walker to make out a statement on behalf of himself and this class of men, which he did, and which is as follows:

"NEW ORLEANS, LOUISIANA,
"*December* 16, 1865.

"COLONEL: This statement, made on my own behalf and in behalf of some forty pilots of the Mississippi, Red, and tributary rivers, is for the purpose of placing in your hands facts as to the treatment to which those citizens of the United States who have been loyal to the flag in the days of its peril are now subjected by those *Union* men whose loyalty dates only to the late destruction of their treasonable hopes by force of arms. You are at liberty, therefore, to make such use of the same as may subserve the interests of the true Unionists of New Orleans and the dignity of the government.

"When the secession of the State was agitated, and after its accomplishment, I was imprisoned for three months in New Orleans, for what was called disloyalty to the confederacy, but which was, in other words, unflinching and outspoken loyalty to the United States. I had been for many years a pilot and captain in the steamboat business from this port, and always rated as a first-class pilot.

"When Admiral Farragut and General Butler captured the city, I was among the first to enter the service of the government as a pilot and captain, serving, as you know, under yourself, and afterwards under Colonel Holabird, in the quartermaster's department, until after the capture of Port Hudson in July, 1863. In November, 1863, I entered the United States navy, as a first-class pilot, and was honorably discharged on the reduction of the navy in July, 1865.

"Since the close of the war, the board of underwriters here have appointed an inspector of pilots in harmony with the steamboat Pilot Association, which has been reorganized, and is the same rebel concern it was on the arrival of the fleet and army in 1862, when but one man would voluntarily work for the United States government, when ordered on board the fleet by General Butler.

"Some twenty pilots who have spent their time voluntarily in the confederacy, giving their best services to the overthrow of the republic, have been licensed, and about forty of us who have been in the service of the United States have, for no cause except personal hostility, been proscribed. We are all regularly licensed United States pilots, and have our certificates to that effect from the United States pilot inspector. In spite of this legal and only appropriate license, we are now thrown out of employment, thus; the reconstructed rebel Pilot Association marks us out, the reconstructed rebel inspector of the underwriters proscribes us, the *eminently loyal* board of underwriters refuse to insure on steamers under our pilotage, and we are thrown out of work.

"Although the flag we served during the war is re-established throughout the land, it is powerless to protect us from insult and oppression for our own services in its defence. Therefore, while I am aware that no power exists in the military arm of the government to right wrongs of so purely commercial a character, I take this method of making known to those who are engaged in the work of reconstructing the south, the *hue* of the pure patriotism of these men, who rap at the door of Congress with credentials of loyalty, while their hearts are in the grave of the 'stars and bars,' and their acts oppress those who have served that other flag to which they now owe safety and new-born prosperity.

"A list of the proscribed pilots accompanies this, and I beg your influence at Washington in exposing this fraud upon the clemency of the government and this injustice towards her loyal citizens.

"I am, colonel, very respectfully, &c.,

"JOHN D. WALKER.

"Colonel J. W. SHAFFER,
"*St. Charles Hotel, New Orleans.*"

I found another one of these pilots there dressed in confederate soldier's clothes. He said that after repeated efforts to get employment, and failing, this being at all times a sure guarantee that men would be employed if employment was to be had, he put on that

disguise, after which he succeeded in getting work. He was a man who had been with Admiral Farragut, and was on his old flag-ship in that fleet. As he expressed it, he was now a refugee in his own country. That rule of action holds good in every department in the south. While at Mobile I saw a great many men whom I knew at New Orleans and in the north who had taken stocks of goods to Mobile and gone into trade, but who were now making arrangements to wind up their business and leave. They had been served with resolutions passed at Mobile warning them that they would not be tolerated there longer than a reasonable time to close out their business. This was within the last thirty days. You will bear one thing in mind, that the sentiment in the south has changed very rapidly within the last three or four months.

By Mr. ROGERS:

Question. How has it changed?

Answer. It has become very much more rabid than it was at the close of the war. All the Union men and northern men I talked with in the south told me that immediately after the surrender of the southern armies their officers and men came back completely subdued, manifesting as good a spirit as it was possible for men to manifest, admitting that the sequel had shown that we were right and they were wrong. They said, "we do not know what disposition the government is going to make of us; we have no assurance except that we are ordered to go to our homes and remain there on parole; we must make a living; we are desirous, as fast as possible, to recuperate our broken fortunes; we are now ready to follow your advice in all things; tell us where we are to go, what we are to do, and what is to be required of us, and we will obey cheerfully." This spirit entirely captivated the northern men. There were a few southern men who understood southern character better than northern men did; but most of them, I think, thought it was a real, honest, heartfelt feeling. Soon these people were all pardoned, their property restored to them, and the government in great haste made arrangements to put them into power and give them the entire control of political affairs. They immediately began to show their malignant dispositions in their elections. The man who denounced the government the most bitterly, and who had done the most for the confederate government, was the most popular with their people. This constant talking, stump-speaking, and preaching renewed the old feeling against the north, and the more they discussed it the bitterer they got, until, as I said, you will find that the men they looked upon as friends when they first came back from the war, they have now turned upon like hyenas, and are giving them notice to leave the country.

By Mr. ROGERS:

Question. Who do you mean had notice to leave the country?

Answer. Union men.

Question. Did the authorities give them notice that they must leave the country?

Answer. No; the inhabitants gave them notice that they must leave the south.

Question. Do you know that of your own knowledge?

Answer. Only as these men have told me, and from letters I have received and seen. As I said, these three men at Mobile had such notice. The same spirit is manifested everywhere. In the first place, they will admit no social relationship to exist; that is all cut off. Northern men and Union men are also cut off from any commercial relationship from southern men. You will see it in every branch of trade. Northern men who, six months ago, were selling large quantities of goods, to-day are scarcely selling anything. You will see on the bill of fare of the St. James Hotel such dishes as "Stonewall Jackson soup," "confederate hash." Captain Plato, who served under me at one time, came there with his wife to stop. They took their seats at the table and sat there for about three-quarters of an hour, hailing every servant that passed, but no one paying the slightest attention to them.

Question. Were they white or colored servants?

Answer. I believe colored. He finally collared one of the waiters and told him he had got to be waited on. The servant replied that their orders were not to wait on any Yankee officer until everybody else was done. Plato being pretty plucky, managed after awhile to succeed in getting his dinner. He reported the matter to the military commander, who sent for the proprietor, and asked him what he meant by this course? Proprietor replied, substantially, as follows: "I rent this hotel; I pay for the lease. In Chicago or in St. Louis a hotel-keeper has the right to choose as to his guests, to say who or who shall not be admitted. I am catering for what I consider the most profitable trade. If, however, the military say this must not be done, I shall hereafter make no distinction." The committee can see what would be the condition of things if the military were altogether withdrawn. These people are determined to accomplish, if possible, an entire separation of interest of the two sections. They cannot divide the territory; they have failed in that, but they are determined to divide the people, socially, politically, commercially, and, if they had any standing in morals on earth, morally also.

Question. Do they associate with their negro population?

Answer. The same as they always did, I take it, only that I found very great bitterness among them, especially the private soldiers of the rebel army. They came home out of employment; a great many of them are carousing, and, in some districts of the country

(I have to tell this from hearsay) where the troops are being withdrawn, they do not hesitate at all to shoot a negro.

Question. That you hear?

Answer. That I hear, and I have it from several gentlemen from the Red river country above Shreveport.

Question. Do you think it possible they would allow, in any portion of the country, men to shoot down negroes as they please?

Answer. I think it is only allowed in the border portion in Texas, and in the poorest part of Louisiana; they would in that country, as I am told. I found this to be true in the south: on the rich alluvial lands, for instance, along the Mississippi river, there is a much better class of planters than you will find on the poorer high lands back where the soil is cheap. Mr. Parham, an old lawyer and citizen of Louisiana, told me that he had a plantation on the Mississippi river and another back in the country. During the war he remained at home passive, was recognized as an anti-war man, and all his advice was against radical measures on the part of the south, and he managed to get along very well; but he told me that now, with even his small show of Union sentiment, he would not be allowed to go back and work his plantation in the country without the protection of federal troops, although he was born and raised in that country. He said he would be frank enough to say to me that he did not intend to put in a crop on his river plantation, because he did not wantto live in a country where this sort of feeling existed against him, although he might be personally safe there; that he had made up his mind to sell if he could, and go to Illinois or some State where he could live in quiet. I think any Louisiana man will tell you that he is about as prominent a man as there is in the State.

Question. What is the status of the freedmen in the courts of Louisiana at the present time, as far as your knowledge extends?

Answer. So far, the military have not given up jurisdiction; but, under the Freedmen's Bureau, they continue to take cognizance of cases where the negro is interested.

Question. Then the negro gets his rights through the military courts?

Answer. Yes, in districts where there happen to be officers of the bureau; otherwise not; but the bureau cannot remedy the difficulty of the great surplus of labor in the south. There are vast numbers of negroes in the south for whom there is no employment, owing to the fact that they want certainty of protection in the future. Very few northern men will hazard the losing of their capital by going there now to work plantations. Some who are there state their intention to remain and fight it out; but the majority, rather than run the risk of losing the capital invested, have left or are making arrangements to leave. With a great portion of southern planters, who had the reputation of being severe, it is almost impossible to get a negro to hire to them. Then there are a great many others who will not hire on principle—who will not work plantations. There are other southern men who do hire, and who are working their plantations, so that there may be, as I said, perhaps seven or eight hundred thousand bales of cotton raised where there should be four millions; for there is labor in the south to raise four million bales of cotton. You will see, therefore, that there is a great surplus of labor in the south.

Question. How far do the laws of Louisiana, as you have known them, extend protection to freedmen?

Answer. The present legislature was in session when I was there, and was perfecting a code of laws which was not then complete. It was based upon the New York vagrant laws. They were at work at it, but it was very doubtful whether it would pass at all, as it had been submitted two or three times to officers of the Freedmen's Bureau, who had replied that unless it was modified very much they could not allow it to go into operation. Under the late code of Louisiana free negroes were allowed to testify in the courts, and that is one advantage the negroes of Louisiana have over those in the other southern States. From the organization of the State to the present time freedmen have been allowed to testify in the courts of Louisiana.

Question. How far are they protected in their rights of property?

Answer. The old laws of Louisiana protect colored men in their rights of property. I know a great many wealthy colored men in Louisiana.

By Mr. WILLIAMS:

Question. Did you discover, or have you the means of knowing, whether the negroes in Louisiana are, or are not, allowed to purchase and hold real estate?

Answer. The people there are very averse to that—more now than before the war; they are very decided on that point. I find this feeling: I think the colored men who were free before the war could get along pretty well in the cities, where there is more enlightenment and courts are of a higher character than in the country; but no man who had been a slave could have any rights at all; I am positive of that.

Question. What is your opinion as to the necessity of maintaining in Louisiana a military force sufficient to preserve peace and protect the rights of all persons?

Answer. I am very clearly of the opinion that it is a positive necessity to keep a sufficiently strong military force with power ample, on the part of commanders, to give complete protection to the persons and property of all settlers who may come there—sufficient to afford them

positive assurance that they may reside there protected and encouraged by the United States government, and that this protection should be extended particularly to those entertaining Union sentiments, or, at least, to that class first. I believe, if that course had been pursued, in eighteen months from the time of the surrender of the rebel armies the people of that State would have been all in peace or quiet, or nearly so. The emigration there would, alone, have been sufficient to accomplish this. I suppose there were never more than about three hundred thousand whites, all told, in the State of Louisiana; and the great profit to be made on the staples of that State was such as to have induced an immense immigration. Those of the committee who have been familiar with the growth of portions of the west, know that a very small time is required to bring one hundred thousand people into a State. I believe that number would have gone to Louisiana last fall if they had been encouraged by the government to do so; but a year has now been lost. I think there is no way to induce a proper condition of things there for the present, except to keep the power as much as possible out of the hands of these violent rebels and continue it in the hands of the military. They will submit perfectly to the military; that is the experience of every military man who has been in the State. They will remain quiet and peaceable as long as the general government is in power, and until you give them the power.

By Mr. ROGERS:

Question. You stated in your evidence that the people of the south, if I understood you, now have an intense hatred to the government of the United States. Is that general, or only manifested in particular instances?

Answer. I think among the real southern people it is almost universal.

Question. How did you gather your information in regard to that?

Answer. By association with them, and by travelling among them, and by talking with those with whom I am acquainted.

Question. Have you ever heard any man in high standing at the south, lately or since the war, say anything indicating his hostility to the federal government?

Answer. You can see it, or I did, in the legislature of Louisiana in all their actions.

Question. I refer to private conversations you have had.

Answer. I remember to have had such conversations.

Question. With whom?

Answer. I recollect one with a gentleman by the name of Newcombe, of Louisiana.

Question. Whereabouts in Louisiana did he reside?

Answer. At some place above New Orleans. He travelled with me a part of the way through Alabama.

Question. What was his position in society?

Answer. He was a merchant before the war. Since the rebellion broke out, he has been in the rebel army.

Question. What was his rank in the army?

Answer. I will not be sure of that; I heard him addressed as colonel, and I think he held that rank. He told me this: "Any man who tells you that our people down here are not fully determined on repudiation tells you what is not the public sentiment. I know they are, because I have talked with the people, mixed with them, and because I feel with them. We hate the government of the United States intensely. All the wrongs we have suffered have been inflicted by that government and by your people."

Question. Are you stating his actual language, or your own version of it?

Answer. His language as near as I can. He said, "We have simply submitted to superior force, and we hope the day may come yet when our little government will be vindicated."

Question. What other man of note can you name?

Answer. I gave you the name of one other when I was here before.

Question. Can you name any other man of high standing in the south whom you have heard express such opinions?

Answer. I do not know that I could name individuals of prominence with whom I have had conversations of that character. I could name a good many Union men of high character who tell me that southern people are determined on repudiation of the national debt. A gentleman told me that Governor Sharkey, who is now here in the city, had expressed the opinion to him that it was a great mistake in government organizing State governments so hastily; that he found the people much more bitter than he expected, and, in present condition, unfit to control.

Question. You say that you talked with General Sheridan and other military commanders in that country, and that they all expressed the opinion that in the event of a foreign war the people of the south would take side with the enemy. State what other military commanders you have conversed with who have expressed that opinion.

Answer. I talked a great deal with General Bayard, one of the commanders in our army. I conversed with General T. J. Woods, who is in command at Mobile. He is a major general in command of that department, and expressed the same opinion, as did all the officers under him. I also conversed with General Terry, and with General Turner, at Richmond, within the last week, and I have talked with General Gregg in New Orleans. These embrace all the military commanders of three or four States. Don't understand me to say that they would take up arms against us, but would aid in any other way.

Question Do they include all you can remember whom you have heard speak in this way?

Answer. All the prominent generals. I could mention many subordinate officers, all of whom concur in the opinion I have expressed. I did not talk with General Canby on that subject, but I understood from General Bayard that General Canby's opinions were the same.

Question. How long have you been in the south since the war?

Answer. My trip extended over about two and a half months.

Question. What States did you visit?

Answer. Louisiana, Alabama, Mississippi, and also Virginia.

Question. You speak of the proscription of northern men there by southern people since the war; do you know of any instances of proscription of your own knowledge?

Answer. There is no instance where a man has been actually driven out by force, because they still have some protection, but every Union man is proscribed.

Question. I ask you whether you know of your own knowledge of any instance where any class of persons or any official authority has given notice to any northern people in the south that they must leave?

Answer. There has been no action upon the part of any officials that I know of in the south.

Question. Are not these letters you speak of anonymous letters, without having the true names of persons signed to them?

Answer. That is generally true, but the whole tenor and condition of society and trade shows the condition of things I have stated to be true.

Question. Do you know of your own knowledge that southern people have refused to trade with people because they were northern men?

Answer. Only from what these men told me.

Question. How long were you in any one town in the south?

Answer. I think the longest was about four weeks at New Orleans.

Question. Did you notice anything yourself indicating this proscription of trade?

Answer. I was not in many stores.

Question. Is not business becoming somewhat stagnated at the south?

Answer. Business is dropping off in all the southern States.

Question. Does not that account for the fact that northern men sell fewer goods?

Answer. It would if southern merchants were not doing more than they; but that is the case. I recollect a gentleman in Mobile who has had a large saddlery establishment there since the war. At first he did a very fine business, because he had the only goods of that description to be found, and because the people manifested a very excellent spirit; but he told me that as southern men began to get into power, and southern merchants began to get their stocks of goods, people were told as they came in "This man is a Yankee; that man is a Yankee; you must not trade with them." The result is that their trade is almost entirely cut off, and it will be absolutely in a very short time, I have no doubt.

Question. Do you think it is an evidence of hatred on the part of southern people toward northern men, because in matters of trade they support their own friends and neighbors with whom they have always done business, in preference to strangers locating there?

Answer. I do, when taken in connexion with the fact that these northern people are allowed no social status there at all.

Question. How do you know that these respectable northern merchants and business men are not allowed any social status among the people of the south?

Answer. I associated and mixed with them all the time I was in the south, and I have relatives living there.

Question. Please name how they are deprived of association in the social circles of the south; what distinction is there made?

Answer. In the first place, in the southern States, northern men can hardly get seats in the churches, or at the hotel tables. This I know from my own observation. I had lady friends boarding at hotels in New Orleans, and whenever they were in the parlors of the hotel, and southern ladies were present, remarks would be made by the southern ladies to wound their feelings, if not directly to insult them. Friends of mine in New Orleans told me that since the rebellion their families could have no intercourse whatever with southern people, and that the same was true in respect to southerners holding Union sentiments. For instance, Mr. Neville, who was raised there, and who had good social position before the war, told me he was living there as a stranger; that he could have no intercourse with the southern people. There is no more doubt of that fact than that I sit here.

Question. You state that as your judgment?

Answer. I do, and if you will examine anybody who has been in that country he will tell you the same condition of things.

Question. Is this feeling you speak of applied to northern people generally, without regard to their political sentiments?

Answer. I think it is.

Question. To northern people universally?

Answer. I think it is. I do not think a northern man who went down there, as a great many do, for the purpose of convincing the southern people that he had always been their friend, would fare any better.

Question. When they talk about Yankees, who do they mean?

Answer. All men from the north.

Question. Did not you find the former slave population lazy and indolent, as a general thing?

Answer. I do not think that is true as a rule: a great many of them are.

Question. Are not a majority of them so?

Answer. I will answer that in this way: I believe a very large majority, perhaps three-fourths of those who were formerly slaves, would go to work for the sake of earning something and making a living, if they could be employed by men who they believe would treat them fairly. I take it that God never made a man who worked simply because he liked to work. All northern men who have worked negroes in the south concur in the opinion that they are most excellent laborers.

Question. Are not a large majority of that population, whatever may be the cause, in idleness?

Answer. It is barely possible that a majority of them are substantially out of employment. Many of them get little jobs from time to time, enough to make a living, but I think that on the first of January one-half of the negroes, perhaps, were without permanent employment; that would be my judgment, since which time many have found employment.

Question. What portion of these men are supported by the Freedmen's Bureau?

Answer. I only know that from hearsay. I should not think it amounted to five per cent., possibly not to two per cent.

Question. You mean two persons out of a hundred?

Answer. Yes.

Question. In what States?

Answer. In the States of Virginia and Louisiana, and a part of Alabama. I have seen a published statement by the agents of the bureau that there were more poor whites than blacks supported by the bureau; I have seen that published in the form of an official report.

Question. What class of persons there are usually employed for servants about hotels, stores, and other places of business, colored or white?

Answer. In the St. Charles hotel they are white; in the majority of hotels, stores, &c. they are black.

Question. Who are employed as house servants generally?

Answer. Colored women generally, almost universally. There are a great many blacks who formerly lived in the country now congregated in town.

By Mr. WASHBURNE:

Question. You have testified in reference to a large number of freedmen being in idleness; what, in your judgment, is the remedy for that evil?

Answer. The certain assurance of protection to men of capital who will work the plantations and employ these men, as I am confident nearly all are willing and anxious to get employment.

Question. Is it on account of any indisposition to work that they are idle, or on account of their want of confidence in employers?

Answer. I think in many cases the latter, and for reason that employment is not offered.

Question. Do you think these negroes refuse to work where they have confidence in their white employers?

Answer. No; I have given you instances in the former part of my testimony, in the experience of people to the contrary. For instance, Wade Hampton, of South Carolina, who has been a very rabid man, found no difficulty. I passed him on his way from South Carolina, with his negroes who had been removed during the war. He had always been kind to his men, and they remained with him and were now going to work for him. He had made contracts with them and was as happy as a lark. He said to a friend of his, who told me, that if all southern men would do the same there would be no difficulty in getting them to work.

Question. Do you know of any other matter or thing on the subject about which you have testified of interest to this investigation?

Answer. I believe I have gone pretty much over the ground.

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WASHINGTON, *Tuesday, January* 30, 1866.

D. E. Haynes sworn and cross-examined.

By Mr. WILLIAMS:

Question. State your age and residence.

Answer. I am forty-seven years of age; my residence, if I have one, is Rapides parish, Louisiana; I lived there when the rebels burned me out.

Question. State how long you have resided in Louisiana.

Answer. I came there an expatriated refugee from Texas, in May, 1863; I lived in that parish before I went to Texas.

Question. How long did you live in Texas?

Answer. About three years and a half.

Question. Where were you at the beginning of the war?

Answer. I was in Texas.

Question. How long since you left Louisiana?

Answer. I left Louisiana on the 6th of December direct for Washington; I think I arrived here on the 15th.

Question. State as briefly as you can what you know about the present disposition and temper of the people of Louisiana towards the federal government?

Answer. I was acting as military sheriff of Madison parish from the 20th of August, 1864, till the last of July, 1865; sent there by Governor Hahn, or rather by Governor Wells, acting as governor. At the close of the war and cessation of hostilities west of the Mississippi, nearly all of the rebels there had abandoned that parish and retreated west. As they returned I conversed with some of them, men who I knew had been in the rebel army, but who now returned as refugees, and had taken the oath of allegiance; I found them hostile to the United States and to the Union army. The best word that they could speak for a northern man was to call him a d——d Yankee.

Question. How do their feelings at present, in that respect, compare with those they manifested at the close of hostilities?

Answer. At the time I left Alexandria, about the 8th or 10th, perhaps, of November, their own acts towards myself would be an index of their feelings on that subject. Some time before that they beat me violently, and I have no doubt would have murdered me, but for the interference of friends. During the war I received a gun-shot wound which broke my right arm, the bullet lodging in my breast, and since the injuries at Alexandria my right shoulder has become entirely disabled.

Question. State what was the occasion of the treatment which you received at Alexandria.

Answer. The occasion was that I had been in the Union army; they could not assign any other reason for it.

Question. Do you know what their treatment has been of other men who have been Union men or were in the Union army?

Answer. The same. When I returned to Alexandria, or to my home, thirty miles northwest of Alexandria, I was met by a friend of mine, a Union man, who told me that an old neighbor of mine, then returned from the rebel army, had informed him that if old Captain Haynes ever returned there it would not be well for him. I stopped at night with an old lady, a neighbor of mine. I was convalescent at the time from an attack of typhoid malaria. The morning following, feeling very unwell, about 10 o'clock I fell asleep. When I woke up the old lady told me that two men came to the fence and asked her if old Captain Haynes was staying there. She replied that he was, and they told her that if she harbored Captain Haynes she should share the same fate with him. They mentioned several rebels whom I knew, who had declared that I could not stay in the country, and others, who were my friends, told me it would be dangerous for me to stay in that country. I then went to Alexandria, and while there endeavored to employ a lawyer, whom I knew to be a good Union man, by the name of Barlow. He would not take the case; said he was going north at the time court was to be held, and referred me to a Captain White, whose status as a Union man or rebel I did not then know. Barlow did not go north, and I found that the reason why he would not take the case was that he would lose caste in that community by allowing himself to be employed by a Union man. My intention was to prosecute these rebels, two of whom had shot me, and others had committed a violent assault and battery upon my person, and still others had robbed my wife.

Question. State the details of the assault and battery of which you speak.

Answer. I had gone to a saloon with a friend of mine to take a drink of whiskey, and as I was coming out I was set upon by three or four; one of them struck me with his hand on my throat and knocked me off my feet. Being convalescent from sickness, I had hardly the strength of a three-years-old boy, and I have no doubt they would have killed me if friends had not interfered.

Question. State under what circumstances you were shot.

Answer. During the war, in 1863, having been captured by the rebels, I escaped, and while on my way home was halted by two guerillas, not in the regular confederate service, and not obeying their orders, I was shot by them on the public road.

Question. State whether, in your opinion, it is now safe for Union men in Louisiana without the military protection of the government.

Answer. It is not safe.

Question. What reason do you give for that opinion?

Answer. I give the treatment which I received myself, and the language which I heard expressed by many southern rebels previous to my leaving Louisiana about the d—d Yankees, and a wish to kill them all off at once. In regard to the feelings they entertain toward Union men, I will say that all those I consulted told me it was no use to sue for damages; that no Union man could get damages. Captain White, who was himself a rebel officer, told me he would not undertake my case under any circumstances. I asked them if the moral turpitude of the secessionists had got so low that they would perjure themselves rather than

do justice to a Union man. I went in November last, by direction of the chief quartermaster of that department, seventy miles northwest of Alexandria, and talked with the people in the country through which I travelled. The young men had all been in the rebel army. They told me of a speech which had been made a short time previous at the county seat of that parish, in which it was stated that their policy was to kill all the colored soldiers as soon as they were discharged from the Union army for taking up arms against their masters. I have heard several expressions of that kind. While acting as military postmaster for the army opposite Alexandria I had occasion to go to every boat for the mails, and I have heard rebels there publicly declaiming their hostility to the United States on board the boats, while Union officers would stand by and not interfere.

Question. Do you know whether the returned rebels have arms or not?

Answer. Yes; I saw many of them coming back after Dick Taylor's surrender with their side-arms and ammunition. They never surrendered regularly in bodies. There was merely a written surrender, and having access to the magazines, they took out all the powder they wanted, and took their arms home with them. That is what I understood, and I have no doubt about it at all.

Question. What course do you think these rebels would take, if the military protection was withdrawn, towards the colored Union soldiers?

Answer It would not be safe for them at all; they would have to be colonized. It was not even safe for a Union white man to express himself when I was there. I would not go in the packet running between Alexandria and the falls just above, at the time the legislature was convened by Governor Wells, at the time the rebels were coming down. About a week before that a quartermaster had paid his passage up, and finding that threats were made against his life, because of the opinion he had expressed in conversation that the confederacy was played out, he forfeited his passage money rather than trust himself on the boat. While on the way down from Shreveport there was a rebel officer, a lieutenant, on the boat, who, before he knew I had been connected with the Union army, said that every d——d fellow who had been ought to be killed. I was very cautious about having it known, while I was on the boat, that I had been in the Union army.

Question. Were you there when any election took place?

Answer. I was away on the service of the quartermaster's department. In the conversation I had with some rebels who did not know me, they expressed their choice for the rebel Governor Allen, but they did not know whether the President would pardon him, and preferred to vote for Governor Wells, who was known as a Union man, because the State would be more likely to be admitted into the Union. The same expressions were made use of publicly in New Orleans.

Question. State what is the condition of the State government of Louisiana now; whether it is under the control of Union men and Union influence, or under the influence of rebels.

Answer. I learned after I came to New Orleans, on inquiring the political status of the legislature, that there was one Union man, and all the rest were rebels. I know it was the general recommendation for a man to get office that he belonged to some organization in the rebel army. In Alexandria there was an article published in the Democrat, with respect to the rebel Governor Allen, showing why rebels should not vote for him, which I have here.

Question. State whether or not the patronage or favor of the administration of Governor Wells is for or against the rebels?

Answer. From my own observation, while I was acting as sheriff of Madison parish, rebels were appointed to all the offices in that parish. The man who was appointed over me was at that time in the confederacy. The governor was born and raised in the parish of Rapides, and knew almost every man in that country. He appointed as sheriff of that parish John R. Williams, in the rebel service as a captain of cavalry at the time the army surrendered. He was a man of a great deal of wealth and influence, and Governor Wells knew him as well as he knew his own brother. He appointed as constable in Rapides parish a man by the name of G. W. Smith, commonly called "Big George Smith," who was a lieutenant of guerillas, and with the company which killed seven men there in September, 1863. On the 2d day of December, according to Governor Wells's organ in New Orleans, the Southern Star, he appointed six or seven captains of militia for Rapides parish, all of whom I knew, and only one of whom was a Union man. One of them was a fellow by the name of Jake Gunter, who came into Alexandria in 1864 and joined the Louisiana Scouts, under Captain Strother. When Alexandria was evacuated, he took the oath of allegiance to the confederacy, and was with the party which captured Dudley, one of the Louisiana Scouts, and killed him at the same time they killed Captain Strother.

Question. Are these returned rebels there taking steps towards forming military organizations?

Answer. Under Governor Wells's proclamation, declaring the civil status of Louisiana, militia organizations were authorized to be formed; but from what I found out previous to my coming here, and from what I have seen in the newspapers since, they are officered entirely by rebels.

Question. State whether, in the localities where these appointments are made, there were Union men who could have been appointed had Governor Wells been so disposed?

Answer. Yes, to my knowledge, for I lived in the edge of Rapides parish, and raised a

company of Union soldiers there. Governor Wells knew these Louisiana Scouts, and could have appointed them if he had been disposed. While I was in Alexandria or Pineville, under the protection of the federal garrison there, I conversed with three or four of these scouts, and I know that not one of them was appointed. As I said, one of these men appointed was a Union man. I know that, for he gave me $100 in gold to publish my correspondence, and the finger of scorn is pointed at him there for being a Union man. I endeavored to obtain entrance into the grand jury room while they were in session in October, 1865, in order to give evidence against parties who had shot me, burned my house, and made an aggravated assault and battery upon me, but was repeatedly told I could not then enter; and while standing there a man who had been a member of the rebel legislature at Shreveport, under Governor Allen, came out and cursed me, calling me "a d—d old thief and robber;" and others, who I supposed to be jurors from the manner in which they went into the room without interruption, repeated the same language. Threats were made against my life, and I apprehended that I should be assassinated. I went across the river to Pineville and reported the case to the commander, but he would not interfere.

Question. What is the feeling there of returned rebels as to the free blacks? What rights and privileges are they disposed to allow them?

Answer. If there was no interference from a superior power they would be in a worse condition than they were when in a state of slavery. A bill was passed the senate of that State, I think on the 5th of December, which, if carried into execution, would place the negro in a much worse position than before he obtained his freedom; and ordinances which, if passed police juries in respect to police regulations in the different parishes, would render the negro less free than he ever had been before. They throw upon him the responsibility of supporting himself, and at the same time oppress him worse than he ever has been. My conviction is, from facts which have come into my possession and from conversations I have had, that if the army is withdrawn from that section of country the Union men will have to abandon it or be sacrificed by the rebels.

Question. What is the feeling there among these rebels as to allowing colored people to acquire and hold lands, and also as to schools?

Answer. One universal opinion is that they shall not be allowed to acquire or hold land. I have heard that expressed from the first. They say that unless negroes work for them they shall not work at all. I did not hear any expressions as to the education of the blacks; but from its connexion with their general conduct in other respects I should say they do not want the blacks to know anything. Their great policy is to keep the negro in ignorance. I believe that previous to the rebellion it was a penitentiary offence there to teach a negro to read and write.

Question. How did the blacks act there during the rebellion, and how have they since, as to the cause of the Union?

Answer. During the war I was captured three times, and while escaping and being hunted through that country I always found I could trust the blacks, and during the entire war there was no disturbance made or crimes committed upon the part of the negroes. They exhibited an amount of forbearance that I did not anticipate at all. Even while the Union armies were passing through they seldom committed depredations upon the whites. I have heard since of some marauders, such as there will be among the whites; but as a general thing I never heard of any act of barbarity committed against their old masters or anybody. The most they would do would be to steal a horse and ride to the Yankees. There were three regiments of colored soldiers at Alexandria while I stayed there, for two months, and even the rebels themselves acknowledged that they were very orderly; that more depredations were committed by the whites than the blacks.

Question. State what position you occupied during the war, and how long you were in the United States service.

Answer. I was captain of the Louisiana Scouts, then attached to the 2d Louisiana cavalry. We enlisted during the military operations in Louisiana and Texas. Through the malice of Major Williamson, who was piqued because I reported a remark made by him that he did not care a d—n who beat, the north or the south, he, with another officer, procured my honorable discharge from the service, as being too old. I made a statement of this to Secretary Stanton, and he ordered the whole battalion to be disbanded. My actual service after I obtained my commission was two months and eight days.

Question. Did you raise a company?

Answer. I did, and mustered into service one hundred and eighteen men, rank and file.

Question. White men?

Answer. Yes, sir, white Union men, and these men have now come back as refugees into the State in a destitute condition. They never received any bounty. Governor Wells promised them three hundred dollars bounty; but they have never got any.

WASHINGTON, *January* 30, 1866.

Rev. Joseph E. Roy sworn and examined.

By Mr. WASHBURNE:

Question. Please state your name, residence and occupation.

Answer. Joseph E. Roy, clergyman; Chicago, Illinois.

Question. Have you recently visited the States lately in rebellion; if so, what States have you visited?

Answer. I have spent the last three months, October, November and December, in visiting the south, embracing Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, South Carolina, North Carolina, Virginia, and touching at Helena, on the Arkansas side.

Question. How long time were you in Louisiana?

Answer. Twelve days in the city of New Orleans, besides my passage down the Mississippi river.

Question. At what time were you in the city of New Orleans?

Answer. The last of November.

Question. What was the occasion of your visiting those southern States in rebellion?

Answer. I am agent of the American Home Missionary Society, and was deputed by them as special representative to explore the south in the interest of evangelical religion, and especially of that society, with a view to planting congregational churches where they should be wanted among the loyal people there, and the newcomers from the north. I was travelling with that in mind, but was all the while looking out for the relations politically, so that I might have them enter into the problem of missions.

Question. What was the condition in which you found things, so far as regarded the political situation of affairs, in the State of Louisiana? Please proceed in the narrative form as succinctly as you can, confining yourself to the State of Louisiana.

Answer. The legislature came into session while I was there. I dropped in several times. I found them adjourning from day to day, not for lack of a quorum, but because a large majority of the country members were remaining behind. I found them delaying to bring up a resolution introduced by Mr. Brown to drape the speaker's chair with the colors of the United States. His resolution went on the table for several days. He tried to bring it up, but could not. What the result was, I have not heard.

I was knowing, also, to the fact that loyal ladies of New Orleans sent in notice to the legislature that they would pay for and furnish them with a beautiful flag of our country. They accepted the offer, but when they found that they were colored ladies, they declined accepting it.

To show the spirit of the men, one of the members of the legislature passed around the Lincoln colored school, close by the legislative hall. I was standing there with Rev. Mr. Alvord, of Boston. The children were out at play. The member came around and said, "What is that?" "A school." "Is it a nigger school?" "Yes, sir." "Taught by females?" "Yes, sir, so it seems." "Well," said he, "I have seen the end of all absurdities." He was one of the legislators of that State.

While I was there, the superintendent of education under the bureau for the State told me that four schools among the colored people had been broken up at Franklin, in the State, by citizens, when the troops were withdrawn. At Terrebonne, one colored school-house had been torn down and another burned after the withdrawal of the troops.

On the steamer, the captain of the vessel, speaking of General Butler, who had been in charge of that department, called the general the greatest thief in the world. We reminded him that the government might be obliged to send him back there to straighten them up if they did not behave. That seemed to bring him to. It was not a desirable thing to be secured.

The legislature did not get into working order before I left, and I was there twelve days; so that I know nothing of their official action on what I have spoken. I was present at the session of four or five other legislatures.

Question. What seemed to be the general spirit of the people of New Orleans and the State of Louisiana, so far as you gathered it from their acts and conversation?

Answer. Well, sir, of course the people are not all alike. I found some true Union men of the old style—men who represent the Union men of the south, as I found them generally—that is, men whose love of country caused them the loss of patronage and of social relations. I found such men there that I could name, truly loyal, devoted to the government, and very despondent. Mr. B. F. Flanders, supervising agent of the United States treasury, elected last year to the United States Senate, with whom I had a very pleasant acquaintance, as he went into our church society, told me that if the troops were withdrawn, he believed the Union men could not stay in the city twenty-four hours. Mr. Waples, the United States prosecuting attorney, also Mr. Walton, the city treasurer, old Union men, expressed similar views. These gentlemen and the old Union people that I met universally seemed to have a despondent view, thinking that the government was losing what it had gained by the war. At first I thought that their judgment was warped; for I went to the south with the purpose to see, if possible, the hopeful side. But finding the old Union people unanimously of this opinion, I was con-

strained to believe that their judgment was not merely the effect of prejudice, but there must be some force in it, because they were everywhere of that opinion. Wherever we met such men they would remark that if this course goes on we shall go under; Union men will be driven out. They were looking hopefully to the action of the Executive and of Congress to protect the rights of Union men. That was one class of men—the Union men.

Other men whom I met there were disposed to be loyal; to submit to the government because they must, and do as well as they could, still retaining the spirit apparently of the old times of secession. In many cases there was a bitterness of spirit, an unrelenting spirit of opposition to the Union men that were coming in from the north, and especially to the old Union men of the south. They have a greater grudge against the old Union men than against the new-comers, and there was there, as almost everywhere I went, a disposition to ostracise Union men socially and commercially, and to show favor generally to the men who had been in the rebel army, and men whose devotion to the rebel cause had been unsuspected. This ostracism the Union men complained of.

Question. What was the idea of the Union men as regards what was necessary to be done by Congress and the President in this state of things?

Answer. Their idea was that the government should retain the troops in the south for the protection of the loyal men there, and should retain and re-empower the Freedmen's Bureau, feeling that if the troops were withdrawn, the northern men would be driven out, and the negroes would be greatly persecuted.

Question. What was the status of the colored people, so far as you were able to judge from your own observation, in the State of Louisiana? How were they regarded and treated? State in relation to their employment or want of employment; the refusal of the people to employ them at fair wages, and whether they were willing to work if employed.

Answer. Of course, just having been set free, they were disposed in some measure to enjoy that freedom; to go to the cities and see for themselves; to leave their old masters for a time. But I found them ready to make contracts where they felt sure that the contractor would keep his bargain. Many of them had been disappointed in the contracts they had made with their masters, who had turned them off at the end of the year. One editor (not in Louisiana, but in Richmond) told me he thought that one-half of the planters had broken their contracts with the negroes. At the several offices of the Freedmen's Bureau I learned of many cases of the failure of the planters to keep their contracts with the negroes after they had got their cotton in the bale, often turning them off in the face of winter with their families to support, and with nothing to support them. But the negroes were perfectly willing to make contracts with men who had been kind to them—the Yankees, as they called them—the soldiers, and gave satisfaction to all such persons. I found many cases—I could mention the particulars—where kind planters, northern men, had employed them greatly to the satisfaction of both employer and the negro, where they had both made money and both been satisfied. They are disposed to labor and abide by their contract with men in whom they can confide. But I found them very suspicious of their old masters—several cases of that kind. The negroes would want to know whether a northerner who had rented a plantation had anything to do with the old master; if he had, they would not work for him; and if the northerner controls the plantation, then the negroes will work hard and work satisfactorily, being glad of the opportunity to work for wages.

A great many cruelties are practiced on the colored people. The southern people seem to have transferred their spite at the government to the colored people who have not injured them. They charge the negroes with being exceedingly ungrateful, whereas, in my judgment, the white people are exceedingly ungrateful towards the negroes because they did not rise during the rebellion and massacre their defenceless people at home. But in many cases southerners testified to me that the negroes had behaved well during the war. They remained at home, and sustained not only their families at home, but raised the produce for the support of the rebel army.

I could go on and state in regard to cruelties inflicted upon the negro, if I am not confined to the State of Louisiana.

Question. Go on and state generally.

Answer. At Jackson, Mississippi, General Chetlain, a federal officer, told me that within forty miles of that city, going out on an official trip, he found seven negroes killed. He was commander of that department. He also said that in two months within his district of nine counties there had been an average of one black man killed every day.

Colonel Thomas, assistant commissioner of the Freedman's Bureau for the State of Mississippi, told me that there had been a daily average of two or three black men killed in that State by the citizens.

Dr. Silverton, a man who had papers from federal officers testifying to his good character and standing, and who was then on his way to Savannah on some business for the government, said that he saw a master beat his old servant seventy years of age, who had made a crop for him, using a board, and causing a resonance so loud as to be heard a great way off.

Chaplain Buckley, superintendent of education under the bureau in the State of Alabama, at Montgomery, told me that his brother had rented a plantation and went out to hire the negroes, but could not get access to them. The planter kept constantly in his presence. On returning his servant told him the reason. The planter had just knocked down and left

senseless one of the servants, who remained insensible for two days. The planter had threatened to shoot any negro who should inform Mr. Buckley of that fact.

At Mobile, in the office of the Freedmen's Bureau, November 29, Lieutenant Colonel Yerrington, assistant superintendent of the bureau, showed me his official record of injuries committed upon black men on the Sabbath previous in that vicinity.

Dr. Hall, of Mobile, struck Delia, his servant, several times with a whip, and then to screen himself complained of her for larceny in a civil court and had her imprisoned thirty days at hard labor.

James O'Neil, at Stark's landing, near Mobile, crossing the bay, cut with an axe the head of a man, Joe Hanserd, colored, in the presence of the crew and passengers.

James Sweeney, in Mobile, tried to cut the throat of John Hazel, colored. Failing in this, he cut him over the forehead, and stabbed him in the eye.

Colonel Marshall, a rebel officer, resident of Mobile, owned a negro woman. She called upon his wife for pay for three days' service. He charged her with insulting his wife, because she said that Mrs. Marshall told her to call that morning and get her pay. She did so, supposing she was not wanted longer; Mrs. Marshall then said she wished her to remain. She told her she did not suppose she wanted her longer and did not wish to remain. For that Colonel Marshall struck her on the side of the head, so that a large contusion occurred. She started to run; he followed her and struck her on the forehead, so that a large swelling was on her forehead; he kicked her, pursued after her and kicked her again. He was brought up before the Freedmen's Bureau, and thence sent under guard to a justice and was about to be bound over to court. He offered to settle it by paying $50, which was allowed.

This list of cruelties, except the last, occurred on one Sabbath.

Question. You say that Colonel Marshall compromised it with the bureau?

Answer. No, sir; with the civil court. They turned over this case, as was the rule in Alabama, to the civil court; and this officer compromised with him by letting her receive fifty dollars instead of having him bound over to court.

Mr. McDonald, of Mobile, shot, with a shot-gun, Henry Bowlings, colored. Bowlings was going through an alley; McDonald scolded him for it. Bowlings said, "This is a highway;" whereupon McDonald shot at him.

George W. Davis, of Mobile, on the same day, tried to kill the boy Starr, colored, with stones and bricks, having his head pounded, as Colonel Yerrington said, to a jelly.

Henry Davis beat the colored boys, S. Gould, N. Gould, and Jesse Ripley, on the way to church.

Mr. Sibley, of Mobile county, with Stark and Watkins, shot and killed the colored man Bufford and another negro, and wounded Captain Puffer, colored—(he had got the soubriquet captain; whether it was real or not I do not know)—because they said that they would not submit to be tied up.

Colonel Yerrington also told me that there had been thirty-eight murders of black men in that bureau district, of six counties, in three months.

He also told me, Colonel Robinson, superintendent, himself confirming, that a squad of negroes had come to the river, in Choctaw county, to find the federal forces. Bill Odam came up. As they saw him come up, they all fled to the woods except a woman and her children. As he came up to her, he said, "Where are you going? Down the river, ain't you?" "Yes, sir," she replied. "I will show you the way through hell," said he. So he drew his bowie-knife and cut her throat; also the throat of her boy, nine years old; also the throat of her girl, seven years of age; threw their bodies into the river, and the live baby after them.

Question. Where did you get this information?

Answer. Colonel Yerrington, assistant superintendent of the bureau, showed it to me on the official record.

Question. Was it derived from an official investigation, or mere hearsay?

Answer. I cannot say that there had been an official investigation; I do not know; there might have been; he just gave it to me as an officer.

Question. Did he have these facts recorded as you have stated them, or did he just detail them to you in conversation?

Answer. Most of them were recorded, as I took them from his record; some were detailed in conversation, but I have no doubt he had record of all of them.

Question. Did he believe the facts to be as stated by you?

Answer. He did, most positively.

Question. Was he in a situation to ascertain them?

Answer. I judged that he was, because he was in the way of receiving reports from the sub-officials all over the district, and he desired me to make the facts known.

Question. Did you hear anything in relation to negroes being kidnapped along the coast?

Answer. I did not; only in the papers. In this connexion I would mention one or two other things furnished to me by the same authority.

On the Tombigbee river, a woman and her children were nailed into a hen-coop and thrown into the river.

At Clayburn, on the Alabama river, six or seven negroes had been killed at different times. He also told me—and it was confirmed to me by Captain W. A. Pollion, superintendent of a sub-district—that three negroes were lodging in a corn-crib. Planter Dudley came up in

the early dawn; and, as the boys fled, he shot one, and then another. A second planter shot at the third man, but did not hit him. That third negro testified before this officer, Captain Poillon, that planter Dudley shot the two negroes. The case was then referred to the civil court—to the justice of the peace—and they were cleared. The military authorities were at that time searching to recapture them.

Four miles from Claiborne, Alabama, a father and mother, a girl of seventeen, a boy, and a baby, the child of the murderer, were all killed by Mr. Sallie, who was a farmer, as he was taking them back from their effort to escape to the Yankees. Four companies of colored troops had been stationed at Bladen's springs. Having been abused by white citizens, the citizens promised to do better if the troops should be removed. The troops were removed. Lieutenant Slick, who had been in charge of the troops, was left behind, sick; a meeting of the citizens was held, who sent word to Lieutenant Slick that he must leave within five days. He did so. At the same meeting it was resolved that all white and black persons who had befriended colored troops should leave within five days. Five white families did leave, and many blacks. The same day two negroes were murdered by white men in that neighborhood. At Atlanta, in the three days previous to my passing through, six black men and two white men had been killed; the citizens having requested the removal of the military patrol during these days.

Officers of the bureau gave me this information. Two citizens of Atlanta took out a negro, giving him three hundred lashes. The bureau fined each man one hundred dollars. Seventeen miles out from Atlanta some planters were claiming their negroes as slaves and defying the bureau; shot the negroes as they went away. One man coming from the neighborhood was shot through the lungs.

General Tillson, assistant commissioner for the bureau in Georgia, told me he was after twenty men who had turned off their negroes without paying them, after a summer's work.

### THE MILITIA.

General Tillson said that in northern Alabama the militia were driving out the negroes. At Skipworth landing, on the Mississippi river, Colonel Bissell, furnishing wood for government boats, said that the militia in that neighborhood had been worrying the negroes very much; taking from them the cotton raised during the war.

### FEELING OF THE WHITES TOWARDS THE NEGROES.

Here are some facts. The engineer of our train, in North Carolina, said, in my hearing, to a friend, "When our State gets into the Union again some of these negroes will get shot." A passenger on the cars, a planter, said in my hearing, "If the negroes were left to me I would send them all down to hell." Another passenger, a Mr. Williams, of Savannah, who had owned ninety slaves, said in my presence, "I would give my last dollar to put them out of the way," with a spirit indicating a bad purpose. A doctor, from Texas, who had owned three hundred and fifty slaves, was on the cars when a friend came on board. The doctor says, "What news?" Friend replies, "One or two negroes have been shot." "That is right," said the doctor, with a spirit of approbation. I heard very many persons remark, with great satisfaction, that the negroes would become extinct in a few years. Another passenger, boasting that he had watched nights with his slaves, would not now lie awake three minutes for any of them. Many masters are not confided in by the negroes, because, although they feed and clothe them well, are unkind in their treatment; for instance, the postmaster at Charleston, Mr Trott, told me of a large planter in that State who claimed to be kind to his negroes, and yet they left him. Another planter replied, "The reason is, when you owned them it was 'do this, you damned nigger;' 'do this, you skillet head.'" General Abbott told me that he sent out thirty negroes to work for a planter, but they soon left; he then sent another squad, but they left, and yet the planter was said to be a kind master. The general then went himself, and found an ex-rebel soldier, an old officer, acting as overseer to these negroes, and heard him command a negro, "Do this, or I will smash your head." The Reverend and Captain Horace James, late superintendent of freedmen at Newbern, told me that, having rented a plantation, he offered to hire the negroes on it; but finding them hesitating, he inquired the reason; they said, "they feared the old master was to have something to do with the plantation." As soon as he told them that he alone was to control the plantation, they were perfectly willing, and glad to make contracts with him. Indeed, I found the negroes willing, everywhere to make contracts with northern men, Union soldiers and planters who had treated them kindly. At Mobile, three African churches—two Methodist and one Presbyterian—had been burned just before I passed through.

### THREATS AGAINST UNION MEN.

David Turpie, 17 miles back of Helena, a quiet man, being a loyalist, left during the war, having just come back to his farm. Six of his neighbors agreed among themselves to kill him if he did not leave. A female friend informed him of this, and he did leave. The postmaster, Chester, at Helena, told me this fact. He knew the man, and had just seen him that day, and testified to his inoffensive spirit. In several other cases I heard the southern people threatening that, when the Yankee troops were gone, they would clean out these northern men.

### INTERFERING WITH SCHOOLS.

Rev. Mr. Litts, at Natchez, superintendent of freedmen's schools, told me that he had just taken two lady teachers into the country to start them in schools, and that they were both driven back by the citizens. G. G. Adam, esq., at Vicksburg, said that Mrs. Ringler, who was teaching a colored school in the African church at Jackson, Mississippi, had been warned by the white trustees, and advised by Governor Sharkey, to give up her school. At last she was driven out by a civil warrant. A doctor at Mobile, who had just been pardoned, was trying to oust the freedmen's schools from the medical college. As General O. O. Howard came along, calling upon the doctor, he was abusively treated, the doctor saying that he had no business there. Captain Pease, superintendent of education for the bureau in Louisiana, told me that four colored schools in Franklin had been broken up after the withdrawal of the military forces. Also at Terrebonne one school-house for colored children was burnt, and another one torn down after the troops had been withdrawn.

### FUTURE RESISTANCE.

The Rev. Mr. Rutherford, of Vicksburg, said to us, "We submit now because we can't help it, but we hold our principles in abeyance and watch for our chance." Judge Lumpkin, of Georgia, told my informant, the Rev. Mr. Goodell, of New Britain, Connecticut, that by and by they meant to join the west and leave New England out in the cold. Colonel Seibles, a lawyer of South Carolina, who had been with General Lee four years, told me that they still looked to the west for a Union against New England; that they had been disappointed in the conduct of the northwest; that he did not believe in a republican government. Governor Brownlow told us that the rebels intended to get a peaceable separation now, leaving New England out.

### LOYALTY OF THE PEOPLE.

Besides the original loyal men at the south and northerners, there are some who not only submit to the government, but try to have the spirit of loyalty; but in the mass of the people, as I met them, there was scarcely any national spirit—a lip loyalty, but not one of the heart. Their purpose is, as it seemed to me, as they can no longer constrain labor by the lash, to compel it by legislation to make the negroes servants of society instead of servants of individuals. They desire the removal of the troops and of the bureau, so that they may enact such legislation as will furnish an equivalent for the late system. A Methodist minister at Montgomery, who had been a member of the secession convention, and there made a speech for which he was complimented, told the Rev. Mr. Goodell that he had just re-examined the whole subject of slavery, having read the principal works on both sides, and had decided that slavery was right; that the death of the confederacy was as a trial of their faith, not as a condemnation of slavery, which, in his judgment, was to remain the same in spirit, though not in form, with some advantages, viz: that they would not now be obliged to care for the children, the aged, and decrepit; and alluding to the amendment of the Constitution that slavery should not prevail, except for crime, he said "We must now make a code that will subject many crimes to the penalty of involuntary servitude, and so reduce the negroes under such penalty again to practical slavery." Mr. B. F. Flanders, treasury agent at New Orleans, told me that the night before at the Varieties theatre the "Bonnie Blue Flag," when sung, was cheered; the Star Spangled Banner, when sung, was hissed. Dixie was then sung and again cheered, and this in the presence of General Hurlburt. Also that, at another theatre, General Sheridan being present, a man below spoke, and said he wished he could get hold of the general and put him out of the way. I was at Augusta on the day when General Grant passed through on his recent tour of inspection. In the forenoon he had scarcely any calls from the citizens. In the afternoon, riding through the streets, something of notice having been given, the negroes were enthusiastic along his way, but citizens showed little or no attention. Alighting from his carriage, as I was informed by a federal officer, a general, his aid remarked to him, "General, there is *some* loyalty in Augusta." "Yes," was his reply, appreciating the loyalty of the colored people, "among our smoked Yankee friends." Rev. Dr. Wilson, of Augusta, told me that he found it hard to get his people to submit. At the national thanksgiving in his large church, where I was present, there were only fifty-three persons, several of these being soldiers and northern men, and this the only public service among the white people on that day.

### SPIRIT OF THE PEOPLE.

Reverend Doctor Ross, in the confederate Presbyterian assembly, said: "One great anxiety I feel at the present time is, that I hear so many in the church say, we do not submit to this dispensation of Providence; others say, we submit only because it is of God and right; we cannot help it; that, sir, is no submission."

At Savannah, a photographer told me that elite ladies, looking over his pictures, and buying pictures of Booth and his accomplices, would frequently express their gladness at the death of Mr. Lincoln, wishing that all Yankees might thus be swept away.

Doctor Presley, a member of the South Carolina legislature, told me that he thought it providential that President Lincoln was taken away; he would have been so severe upon the south. At Jackson, Mississippi, while I was there, General Howard being present on his tour of inspection, and the legislature being in session, Governors Sharkey and Humphreys called upon him and expressed desire that he should make an address to the legislature. Being there as a representative of the President and government, he was quite willing to do so, but if by an intended slight the legislature made no such request, and one of the papers of the next morning, referring to the general's presence, spoke of the bureau as a nuisance and an inquisition. In the legislature of Montgomery, as we were present, a bill was up to prevent negroes from squatting on any lands if they were not employed; and a member of the legislature said to us when we inquired the object of it: "We mean to keep them down; we do not mean to allow them to get up." And the spirit of the six legislatures which I visited seemed to be that of oppression towards the negro.

### FREEDMEN'S BUREAU.

My business led me into acquaintance with the assistant commissioners and the superintendents of the bureau, to the number of twenty-five at least, in the several States which I visited. I was greatly pleased with the character and ability of the men—men who seemed intent on doing justice to the blacks and to the whites. The necessity of the bureau for the protection of the blacks, and indeed of the whites, is to me beyond question. I found the commissioners and other superintendents everywhere seeking to promote the physical comfort of the negroes, and to secure their protection from violence, to encourage their elevation by education, to inspire them with ambition, and to lead them to industry. The negroes everywhere look to it with confidence, and expressed many times fear that it would be removed; all loyal citizens share in the same conviction; many citizens, who were not distinguished for their loyalty, also said that the bureau was a necessity for the protection of white people. General Fisk, superintendent commissioner for Kentucky and Tennessee, told me on Saturday last that in Kentucky, while Senator Davis was berating the bureau as a nuisance, he was receiving information from the neighborhood of the senator to this effect, that a black soldier, a neighbor of the senator, who had been just mustered out of the service in Texas, had returned to get his wife and child. Appealing for them, the master set upon him and beat him most cruelly, pummelling his head. The general saw the soldier. And also that ex-Governor Helm, of the Kentucky legislature, had said to him: "You will not need an agent in my district; everything is all right and quiet there;" but while he was present at Frankfort the general and the ex-governor both received information that one of his neighbors had been burned out because he employed negroes.

### CAPABILITIES AND CONDUCT OF THE NEGROES.

I found them more intelligent than I had expected to find them; indeed, capable, in my judgment, of exercising the elective franchise. Since the holidays they have been very ready to enter into contracts and to go to work with men who will treat them kindly and justly. I made many inquiries as to the prospect of insurrection among the negroes. They always denied it, and said they knew nothing of any such thought or plan. They even laughed at the idea. I found them almost universally exercising a charitable spirit towards their former masters; scarcely ever a menacing or vindictive spirit, but willing to forgive and forget the past, if now they could only have justice and kindness. I found them everywhere aspiring for education and the possession of land; proud that they were American citizens, and proud of the heroism of the black soldiers. In my judgment it would be extremely disastrous to the welfare of the country, of the citizens, black and white, to withdraw the troops from the south. The northerners and Union men would be driven out, the negroes would be persecuted and killed. Moreover, if the troops were withdrawn this would prevent emigration to the south, which is the great need of that country. Many people desire to go there if they can be protected in person and property, but will not go if the troops are withdrawn. This I found to be the sentiment of all the Union men and of the negroes. It is also my judgment that the bureau ought to be continued and re-empowered for the work to which it has been assigned. It is also my conviction that the southern people ought still to be kept on probation, deprived of the society of the federal family, until they shall show a better spirit. They will have more of respect for the government if a firm discipline is administered, even by judicious military control, than if treated with inconsiderate leniency. The mass of the people do not seem to appreciate or even to comprehend the clemency of the government. They should be taught respect for the civil authority of the government as well as for its military power.

### THE FEELING OF THE PEOPLE AT THE PRESENT TIME COMPARED WITH THAT AT THE COLLAPSE OF THE REBELLION.

I was told by citizens and by travellers who went through the south immediately after the collapse that then the people were awe-struck, feeling that they had forfeited all their rights, and were ready to submit to almost anything that could be prescribed by a wise govern-

ment, even soliciting the good offices of known Union men, hoping thereby to secure favor, and inquiring earnestly of northerners happening there what the government intended to do with them, apparently submissive to the government. But now nearly all that is gone. Instead of willingness to accept prescribed conditions, many claim their constitutional rights, and are imperious for their original position in the government, the spirit being that of bitterness towards the government and towards the north. I heard but one man in all the south, in the constant communication I had with the people, who said that we ought to deal with the negroes as we would be done by. I heard from not one individual, in the whole trip, who expressed or manifested in any way any sense of wrong-doing in connexion with the rebellion—no conviction of crime in the matter. It was to them rather a misfortune. Yet in my judgment the people have behaved as well as we could have expected under the circumstances, with their property swept away, with their government overthrown, and with their civil status denied. I made the whole trip without any experience of rudeness, and was personally well treated.

I may say, in respect to the composition of the present legislatures at the south, that, except in Tennessee, in every case where I visited, they represented and appeared to be under the control of men who were disloyal in spirit.

AS TO NEGROES ACQUIRING PROPERTY.

A few persons whom I met would admit that they had the right to acquire property, and that they ought to be protected in it; but the great mass of the people were opposed to their having a chance to gain possession of real estate. Only one of the legislatures had made provision for negroes owning real estate—that of Georgia. A rebel colonel told me that he would rather his property were sunk in the middle of perdition than to lease it to negroes, much less to sell it to them; and many others expressed similar sentiments.

If the troops and the bureau were withdrawn the schools for freedmen would most certainly be broken up. It was the general belief by the freedmen themselves, by teachers, and Union men, that this would be the case.

SUCCESS OF FREE LABOR

Wherever planters have shown a disposition to be fair and just the negroes have been willing to work for them, and work faithfully, and such planters have, in every case I have heard of, done well for themselves and for the negroes. A planter near Lexington, Kentucky, seeing that slavery was dead, told his men that he would give them fifteen dollars a month if they would stay with him and work. They did so; he had made a good crop and was entirely satisfied. Major Isbel, of General Forrest's staff, told me that his father told his men that he would give them twelve dollars a month. They remained with him; he had made good crops and was entirely satisfied. He had sixty-three men on his place, near Huntsville, Alabama. Judge Fisher, of Mississippi, the unsuccessful candidate for the governorship, an old whig and Union man, told his slaves that he would take them into partnership—so Colonel Thomas told me. They consented, and he gave them a portion of the crop, one-half, and he said he had never made so much money in any one season as this. At Helena, two or three companies from the north had rented large plantations and sublet them to the negroes in parcels of twenty and forty acres each. The proprietors told me they were successful, and satisfied with the working of the negroes, and the avails of their summer services. Jerome Pillow, a colored man, had in this way cleared this season seven thousand dollars. Hal. Burton, on thirty-two acres, had cleared six thousand dollars. Twenty colored men had in this way cleared from one thousand to two thousand dollars each this year. A lawyer at Helena told me that in Phillips county, in which Helena is, he knew of fifty colored men who had cleared fifty thousand dollars this year. One old colored woman, with her hoe, had made five hundred dollars in cotton. Messrs. Stevens & Curtis, eight miles from New Orleans, whose plantation I visited, had purchased the land and worked eighty negroes, giving them twenty dollars a month, were perfectly satisfied with the working of the negroes and their conduct; had done well on the plantation. Mr. J. E. Meister, a Prussian, whom I met in Charleston, had purchased in South Carolina forty thousand acres of pine lands, and had hired three hundred negroes, and intended to hire many more. He gave his coopers fifty dollars a month, and his common hands from fifteen to thirty dollars, and was perfectly satisfied with the results of free labor. He scouted the idea that the negroes would not work and could not be relied upon. He said he had more applications than he could accept for employment. I also met several other planters from the north and some from the south, who by kind treatment, fairness, and justice, had received from the negroes satisfactory labor and conduct.

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WASHINGTON, *February* 7 1866.

Brigadier General Charles C. Doolittle sworn and examined.

By Mr. WILLIAMS:

Question. State your position in the United States service, and what opportunities you have had of learning the condition of things in the State of Louisiana.

Answer. Brigadier general United States volunteers; I was stationed in the northeastern part of Louisiana, on the Washita river, commanding district of northeast Louisiana. I was brought in contact with the people there during the three months I remained.

Question. State what you found the disposition and temper of the people to be as to the authority of the government of the United States.

Answer. Among the better class of citizens, while I do not think there was a very hearty loyalty, perhaps, there was a disposition to conduct themselves in support of the government. The greater number, perhaps, regretted the war; more, perhaps, from the fact that their property was destroyed and so much suffering entailed on them, than because of the undertaking itself. A great many were sorry they had not succeeded, but were willing to accept the condition of things, make the best of it, and do everything they could now to support the government; and there are others who have just as much bitterness as ever towards the northern people. In some of the parishes of that portion of Louisiana I was in the residents are exceedingly bitter towards northern people. That was not the universal sentiment, however, even there. Delegations called on me—I recollect one from the worst parish in my district—who seemed disposed to do everything in their power to treat the negro properly, and support the government. But my opinion about Louisiana, or that portion of it, is, that there is not much hearty loyalty among the people. I think, when they come to see that their own interests will be advanced by supporting the government, they will do it, and after awhile, perhaps, become attached to the government of the United States. The worst class of men down there are those who were not in the army. The confederate soldiers have had enough of war, and are now disposed to do right, and can be more fully trusted.

Question. Were there many northern people in your district?

Answer. There were some, and some who had intended to settle there, but not a large number. That portion of the State embraces a very fine cotton country, and there is a good deal of wealth there. There are a good many Union men there, who have been Union men all through. I think there has been a change in the sentiments of the people, from what I could learn in talking with prominent men, and from what I saw myself, from the time of the surrender until I left. Soon after the close of the war they would have been glad to have accepted anything, but they are now getting rather more bold. The better class of men I think could be fully trusted; but there are many who seem disposed, if they had an opportunity, to make trouble. I should not think it safe to withdraw the troops entirely from the State. I believe as long as there is a shadow of the United States authority there the people will keep within bounds pretty well. I think, perhaps, that after a year or so they may change in their feelings, and find their interests are being advanced under the new system of labor when it gets well established.

Question. What is the condition of the black people there, as far as you can judge?

Answer. Some of them were at work; but the larger portion of them were indisposed to do so at the time I was there. The idea was very prevalent among them that about the holidays the government was going to apportion the lands, or do something for them. We labored to disabuse their minds of that; but they were indisposed to make contracts. Some plantations were being worked; but the negroes, as a general rule, were not disposed to be steadily at work. This idea that they were going to cultivate land of their own, or to do something for themselves, made them indisposed to labor very steadily, and the camps attracted a good many of them. So long as the soldiers were in contact with them, especially the black soldiers, I think it had a tendency to demoralize them. If a black soldier had anything to spare in the way of food he would share it with some of them. My idea in regard to troops at the south when I was there was that, if any were kept, they ought to be white. The black troops, in many respects, are better than the white at this stage, and that one fact, that their contact with the laboring class had a bad effect upon them, would be the only motive I would have for replacing them with white troops; otherwise they are better for this duty. I think, with that idea driven out of the heads of the black people, they will be disposed to do well. Some planters hold to the idea, and I suppose they will not think otherwise, that the negro will not work, and they are not disposed to make a fair trial, while others are ready to contract with them and go on with the work of their plantations. General Rusk, of Arkansas, was in my neighborhood while I was there with all his negroes with him. He took them to Texas, but they came back with him on to his plantation, and he had leased another plantation. Some others who had gone off to Texas were returning about the time I left with their negroes, and they were going to work; but, as a general thing, I do not think the cotton crop will be very large in that section of Louisiana.

Question. What wages do they pay these blacks there?

Answer. In some cases they pay them nothing but their board and clothing for the first year. Some of them pay $5, and others pay $10 a month.

Question. In what condition would the Union men be there if the troops were withdrawn?

Answer. I think in some sections of Louisiana, and in some of the parishes of my district, they would be persecuted, perhaps not openly, but they would be annoyed. In the parish of Washita, for instance, there is a class of men who seem better disposed. That part of Louisiana was strongly Union, with the exception of a few parishes, and gave a strong Union vote, but they were almost all of them engaged in the rebellion. They went into it finally

Question. What do the people say there as to the education of the negroes, or their holding property?

Answer. There are varieties of opinion about that. Some are in favor of it. The thinking people are in favor of it, but the more ignorant class are not. There were some trials of negroes in court while I was there, and they were treated very fairly, indeed.

Question. Were you there at any election?

Answer. Yes; I was there at the last election.

Question. Were there tickets in the field known as Union or secession tickets?

Answer. No; there was not that distinction made. The candidates made the ticket. The only merit claimed for the candidate who was run against Mr. Ray was, for instance, that he had been an officer in the rebel army. But Mr. Ray was elected by a very large majority.

Question. To what office was Mr. Ray elected?

Answer. Member of Congress. Among the members of the legislature there were some few Union men elected from that section; others were officers of the confederate army. I have talked with them, and they seem to manifest right views; you could not really ask anything more of them. And I think the legislature of Louisiana has passed some very good laws in regard to the freedmen. I do not know what they may have done lately. About the time I left a bill was passed, which I did not see, but which some officers told me was very just towards the freedmen.

Question. What position did Mr. Ray occupy during the rebellion?

Answer. He was a Union man all through. I think he had something to do with supporting poor children. He had nothing to do with the confederacy at all, though almost all men in the south, whether Union or not, had something to do with it some way. They must have something to do with it, or they could not stay there. Mr. Ray was a man very much respected everywhere, and soon after the surrender the people very generally united upon him as a man to represent them in Congress. He himself was a little afraid that they might elect this other man; for, after the lenient policy adopted by the President, they began to think that they might perhaps all have a chance. Still, I can say in respect to that section there, that the people are about as loyal as we could reasonably expect. It is difficult for men to change their views so soon after so long a struggle. There has been very little disturbance through that country. Some men who had been neither on one side nor the other during the war, but had been robbing both sides, were making a little trouble just before I left, and I sent a detachment after the robbers; but, as a general rule, a person can travel through that country without any difficulty or danger of being disturbed.

Question. Did the people appear to be anxious to be restored to the Union?

Answer. Yes, sir, they are very anxious, and they begin to think they are entitled to a good deal. They want to be represented. There are some there who, if they could not send the men they wanted, would rather not be represented, and who voted and advised others to vote for a man who could not take the oath; though a good many of them may have been induced to do that under the impression that it would be modified in some way, so that men of that class could be admitted. I was of the opinion that the people in that section would get along very well without the military. There was not very much for them to do while I was there. The citizens were determined to preserve order, and determined to put down all kinds of riotous conduct or attempts to disturb the community. I was at Baton Rouge for about ten days, and found that the people in the country west of there were very bitter.

Question. What do they say or what do they expect to do when restored to the Union; have you any idea?

Answer. No, sir; I have never heard any of them make any special expressions upon that subject. The great mass of the people were anxious to get their business re-established and their plantations in operation, and they were looking to their financial more than to their political status. I suppose the same class of men who before the war were politicians there will now be seeking after power, and that the people, who are very easily led, will follow these men. I have no idea that another rebellion or war could be gotten up. I do not think they could be induced to fight again; but they might follow these leaders in measures antagonistic to the government, simply because they are in the habit of following them. They are ignorant, and that is one great trouble with the mass of the southern people now. They believe everything told them by these men.

Question. Are the men who are now leaders down there the same who were before the rebellion?

Answer. Some of them are.

Question. What is your opinion as to whether it is best or not to restore the State immediately to the Union, or hold it in its present condition, with a military force in the State?

Answer. A few months ago I should have been in favor of restoring them, but I am not now. I have not been in favor at any time of withdrawing the military, even if they were restored, until they have become so thoroughly settled in their condition that there could be no necessity for its further continuance. Even with a representation in Congress I should be in favor of continuing the military in the State until they had become accustomed to the new system of labor, and until all the disturbing elements left at the close of the war should have become quieted.

WASHINGTON, *March 10, 1866.*

Major General George A. Custer sworn and examined.

By Mr. WILLIAMS:

Question. State whether you have been in any part of the States lately in rebellion. If so, in what part and in what capacity?

Answer. I have been in Texas and western Louisiana, in command of cavalry. I was lately in command of all the cavalry in the former State, and previous to that in command of a division of cavalry in western Louisiana. I also commanded the central district of Texas.

Question. When did you go to Texas and when did you leave there?

Answer. I went to Texas in the early part of September last from western Louisiana. I went to western Louisiana in June. I left Texas about the middle of February.

Question. State if you have been in different parts of Texas, and what opportunities you have had to ascertain the views and feelings of the people of that State.

Answer. I have been over a considerable portion of the State, the eastern, southeastern, and central portions. And, in addition to this, I have, in my official capacity as commander of cavalry, sent detachments of troops to many of the points not visited by myself. In sending out these detachments of cavalry I have instructed the commanding officers to ascertain the condition of affairs as regards the sentiments and disposition of the people towards the general government, and to report to me on their return. In this way I have had facilities for ascertaining the true condition of the people, their present disposition and sentiments, to a greater extent than almost any other officer in the service.

Question. State from your own personal knowledge, and from such information as you have received from subordinate officers, what are the present temper and disposition of the people of Texas in regard to the power and authority of the United States.

Answer. I do not regard the disposition of the majority of the people towards the general government as at all friendly. To use their own words, they "accept the situation," but I think their motives are entirely selfish; and they acknowledge that it is from a desire to obtain the benefits of the government, rather than to give the government any support. The feeling of the people there towards the government is far more hostile and antagonistic than it was three or six months ago. They affirm, as a reason for this, that they are kept in the condition they are now in, and are denied the exercise of their former power. They are particularly dissatisfied with the action of the government in not permitting them to reoccupy those places in Congress which they voluntarily relinquished five years ago, and to uphold which course they have been fighting during the past five years.

Question. What proportion of the people, where you have been, are now, or have been during the war, faithful to the Union?

Answer. In Texas it would hardly be possible to find a man who has been strictly faithful to the Union, and remained in the State, during the war. They forced all who were truly Union men to leave the State. Those who did not were murdered. The people of the north have no conception of the number of murders that have been committed in that State during and since the war. A great many of the Union men who were compelled to leave the State have returned since the return of the United States troops to the State. There are men in the State who claim to be loyal and yet have remained, during the war, unmolested; but, upon investigation, it will be found that their loyalty is not unimpeachable, and that they have, to a certain degree, sympathized and acted with the rebels to a greater or less extent.

Question. What would be the condition of the loyal men in Texas now, in case the military protection now afforded were withdrawn from the State?

Answer. I would not consider it safe for a loyal man to remain in Texas, at least in that portion I have visited, after the troops were withdrawn. I have within my possession letters from prominent Union men in the State, saying that if the troops were to be withdrawn they wished to be informed of, it for the purpose of making arrangements to leave when the troops did; that it would be unsafe and unwise for them to remain after the troops were withdrawn. Even now there is no friendly feeling, and very little intercourse, between the loyal and disloyal portion of the inhabitants. The feeling of hostility towards loyal men is carried to such an extent that a loyal man engaged in business receives no patronage except from loyal men.

Question. What do the disloyal people desire upon that subject; are they willing to have the troops remain, or anxious to have them withdrawn?

Answer. They are very anxious to have them withdraw. They say there is no longer any necessity for them, if any necessity ever existed, and that it is an imposition upon the people for the government to keep them there. And this assertion, that there was no necessity for the troops, has been made ever since I first entered the State.

Question. State, as fully as you are able, what were the condition, sentiments, and disposition of the people of Texas towards the general government at the time you went into the State, and what they are now. And if any change has occurred, give your opinion as to the reason of that change.

Answer. When I entered the State last summer I found the condition of the people, as regards their sentiments and intentions towards the general government, to be as satisfactory as any loyal man could wish, so far as it was observable. They made use of no expressions hostile to the government, or against government officials, or against the policy of the government. On the contrary, they regarded the result of the war as final—no appeal to be made from it—and were willing to conform to any conditions the general government might see fit to impose. And I am confident that, especially their leaders, those who had borne a prominent part in the rebellion, were in the expectation of being dealt with in accordance with the extreme provisions of law. Those of them possessing much property believed their property would be confiscated, and they also thought that at least the leaders would be tried and executed for treason. So long as the policy of the government towards the southern States seemed undeveloped or unknown, the most submissive feeling was everywhere prevalent. Those who had been engaged in rebellion, particularly those who had borne a prominent part, realized, without being told, that they had forfeited every right, even to that of life. They regarded the course of the government as magnanimous in the extreme, and far more generous than they had reason to expect. After it was seen what policy was to be pursued towards the leaders, and towards the southern States generally, they assumed a more defiant position, assailed the government, assailed the measures of the government, denounced the system of provisional governments which had been established in the south, were opposed to the location of troops their midst, and were opposed to the location of agents of the Freedmen's Bureau. And this feeling continued to grow and manifest itself more strongly, day by day. I think their opposition to the government and disloyalty is as openly visible and as plainly manifest now as it was in 1861. I am speaking of the majority. Of course, there are exceptions. There are men who have borne a prominent part in the war, but who fairly accept the situation in good faith, and do not do so from any selfish motive, but from a sincere desire and purpose to sustain the government. If necessary, I could name honorable exceptions, of men who have, since the surrender of the rebel armies, labored energetically in support of the government and of government measures, notwithstanding the fact that during the war they were foremost as its opposers. This class adhere strictly to the terms and conditions of their oath of allegiance, and as conscientious men regard their oath as binding to the fullest degree. The majority, or at least a large proportion, of those who have taken the oath of allegiance to the general government, do not hesitate to assert that they do not regard it as binding, but maintain, for some unknown reason, that the oath has been forced upon them, and was taken only with a view of obtaining protection under it.

Question. State your opinion as to whether or not the lenient policy which has been pursued towards the rebels has been beneficial to that country, or otherwise.

Answer. In my opinion it has been very detrimental, not only to that portion of the country, but to the entire country, and more immediately to the interests of the Union and Union men in the south. It has certainly produced one result not intended nor contemplated. It has led the people of the south to forget the enormity of the crime they committed by engaging in rebellion, and they are now endeavoring to school themselves to the belief that they are the party aggrieved, and the general government the aggressor. To such an extent have they succeeded in thus educating themselves, that I have no doubt, had they the power, they would arraign the government for suppressing the rebellion.

Question. Is there as much freedom among the Union men now in the expression of their views there as there was at the time you went there? And if not, what is the reason for it?

Answer. In many parts of Texas Union men dare not express their sentiments as regards loyalty to the general government. Their lives would be endangered by so doing. Union men are being murdered there to this day; at least murders were occurring constantly before I left, and I think were on the increase.

Question. Do you know of any cases in which Union men were murdered, and the reasons why they were murdered?

Answer. Except that it did not fall under my own personal observation, I have as positive information as a man can have of what he does not actually witness. I have within my reach written documents from prominent Union men in the State informing me of the murders of Union men for no other reason than that they were Union men, and had fought in defence of their country. I know one instance of a man who was murdered about two weeks prior to my departure from the State, within twenty miles of Austin, the capital of the State. During the war a Texas regiment of cavalry of Union soldiers was organized, composed for the most part of refugees. They were not, I think, organized in the State, but in New Orleans, during General Butler's command there. Since the close of the war this regiment has been mustered out, and the men long returned to their homes. I have learned, officially and otherwise, of the murder of several of these men. I was informed by Governor Hamilton of the murder of six of them in one county. Three days before I came away I received the flag I have in my hand, sent to me by a Union lady from Texas. The large flag from which this was made was raised over the house of her husband. A committee of citizens waited on him and told him to take it down. He refused, and they shot him, intending to kill him. He escaped, however, with his life, but suffered the loss of an eye. The name of this loyal man is F. W. Sumner, of whom mention has been made in some of our northern papers. I believe this transpired about three weeks before I left the State. The circumstances, as I have related them, were reported to me officially by an officer of my command, whom I had

sent to that part of the State with a detachment of cavalry. Several similar instances have been reported to me. In one case a man raised a Union flag over his house; was ordered by a committee of citizens to take it down; he refused, and was killed. In Fannin county, Texas, I learn from written reports of Union citizens, some of whom participated in the meeting, and also from the official report of the officer who was sent there to restore order, that the Union citizens met for the purpose of listening to Union addresses from loyal men. They formed a procession and marched down one of the streets with a flag at the head of the procession. The disloyal portion of the inhabitants collected together, and, being armed, dispersed the meeting, took possession of the flag, dragged it through the streets, tore it in pieces, and gave notice that no Union sentiments could be proclaimed there. A party of cavalry was sent there for the purpose of arresting the leaders, but they escaped. The facts, however, are as I have stated. I have the written report of the officer in command, also a written statement of some of the Union citizens who participated in the meeting. I reported the facts to Governor Hamilton at the time.

Question. Were you there when the election in that State took place?

Answer. I was.

Question. What feeling was there prevalent at the time of the election as between those who were Union men and those who were rebels as candidates for office?

Answer. The two parties, loyal and disloyal, had each their candidates. In Travis county, where the Union party have usually been stronger than in almost any other county in the State, except the German settlements, the disloyal party elected their candidates by a vote of about three to one. Some of the most prominent Union men in the State were candidates for the convention in this county; but they were defeated by a large majority. Candidates generally before the convention seemed to base their claims upon the extent to which they had opposed the government during the war, and the extent to which they at that time opposed measures that had been adopted by the government in reference to the southern States. A large number of members came to the convention before having taken the amnesty oath, or having received special pardons. The secretary of the convention took his seat wearing the uniform he had worn in the rebel service.

Question. To what convention do you refer?

Answer. I refer to the convention which was called by Governor Hamilton for the purpose of reorganizing the State.

Question. Have you any knowledge of an organization in that State, secret or otherwise, for the purpose of opposing or thwarting the action of the government of the United States?

Answer. It was reported to me frequently that such organizations did exist, and I have no doubt in my own mind that they have existed in the northern part of the State. I was so thoroughly convinced of the fact that I sent a considerable force into that section of the State to disperse them. The fact that such organizations did exist was confirmed by the statements, written and oral, of loyal men, and by the reports of officers sent there on duty.

Question. What feeling do they evince in Texas towards officers and soldiers of the United States?

Answer. Where the soldiers are in sufficient numbers to control the section of country in which they are located the people are very respectful to them and to their officers, because they are unable to adopt any other course; but officers or soldiers travelling in small parties through the State are insulted wherever they meet any considerable number of citizens. In leaving the State it was necessary that I should travel one hundred and twenty-five or one hundred and fifty miles overland before reaching railroad communication, and wherever a number of the citizens were met, either at hotels or on the cars or steamboats, their conversation was generally of the most insulting character, being abusive of the federal government and of its measures, and strongly opposed to the army. Such conversations are generally not directed to the persons for whose ears they are intended. By this course they aim to prevent loyal men from remaining in their midst.

Question. What do the people desire there as to the recognition of the State by the federal government? Do they expect or desire the reception of their senators and representatives into Congress?

Answer. The division of opinion is very clearly marked upon that question. The entire disloyal portion of the inhabitants are very anxious that the State should be immediately restored to its former rights and privileges in the Union; that it should be represented in Congress and in the other branches of the government; while the loyal portion of the inhabitants are equally anxious that the general government should continue to maintain its present control over the State. In this they say is their only safety, in which opinion I most heartily concur.

Question. Do the disloyal people expect that when the State is restored and its representatives received into Congress the troops will immediately be withdrawn from the State, and they be left to take care of themselves?

Answer. They think both these events will occur together; that the troops are only being kept there while the State is under a provisional government. They are convinced that the present governor, who thoroughly appreciates the condition and wants of his State, is strongly opposed to the removal of the troops. They are equally well satisfied that if permitted to elect or choose a governor, one will be selected who will favor and urge the withdrawal of the federal troops.

Question. What, in your judgment, would have been the effect as to the development of Union feeling and strength in that State if there had been, up to this time, a military government preserved there adequate for the protection of the Union people in the expression and advocacy of their Union views and feelings?

Answer. I think that, while at present the Union men are entirely without influence and are forced to remain silent, in that case they would have been the predominant or ruling party, because, there as everywhere, there is a large portion of the inhabitants who try to attach themselves to those who are in power, or to those who have most authority. As it is now, the Union men have little or no voice in controlling the local affairs of the State. I think that a great many men who, at the close of the war, were anxious to be known as Union men, and to act with the Union party, have been deterred from so doing by the influence and strength of the disloyal portion of the inhabitants. Had military rule prevailed, I am confident that the strength of the loyal party would have steadily increased, while the opposing party would have undergone a corresponding decrease, until, in course of time, treason would become unpopular, and traitors would not be chosen as office-holders. There is no disguising the fact that loyalty at the south has become a byword and a reproach to those who have the courage to profess it.

Question. Can you give any opinion, from what you have seen and heard in Texas, as to what the people there would do if they were to obtain the power or ascendency in that country, and could have entirely their own way?

Answer. I think, in the first place, none but those who had been most prominent as leaders in the rebellion would be appointed or elected to office; this no one will deny. If they were allowed to legislate upon the question they would be opposed to paying their share of the national debt unless the rebel debt was incorporated with it. Indemnification would be claimed and insisted upon for all losses sustained by rebel property-holders during the war; while a system of laws regulating labor would be passed which would virtually place the freedmen under the entire control of their former owners. Had they the power, neither northern men nor freedmen would be permitted to acquire property in the south.

Question. Suppose the general government were to be involved in a foreign war with Great Britain or France, what course, in your opinion, would these rebels take; would they fight for the flag, be neutral, or join the enemy?

Answer. That question frequently comes up in conversation in the south, and there is a division of opinion. I could scarcely decide which way a majority would go, whether it would be for or against the flag. I think, though, that the most sensible, and certainly all those inclined at all to be loyal, would fight for the flag. The original secessionists would undoubtedly fight against it.

Question. Suppose an opportunity was offered to a majority of the people in Texas to secede without war, do you suppose they would prefer to stay in the Union or go out?

Answer. I think they would prefer to go out.

Question. State what you know as to the operations or necessity of the Freedmen's Bureau, or some other agency of a similar nature in that State.

Answer. I have paid considerable attention to the action of the Freedmen's Bureau in various parts of the State; at least such parts as were embraced within the limits of my command, and I am firmly of the opinion that unless the present bureau or some substitute is maintained for an indefinite period, great wrongs and an immense amount of oppression would be entailed upon the freedmen. As it exists there at present, the bureau is totally unable to do all that might be done or that is required to be done.

Question. What feelings do these people, or a majority of them, evince at this time towards the freedmen?

Answer. There is a very strong feeling of hostility towards the freedmen as a general thing. There are exceptions, of course; but the great mass of the people there seem to look upon the freedman as being connected with, or as being the cause of, their present condition, and they do not hesitate to improve every opportunity to inflict injuries upon him in order, seemingly, to punish him for this. This feeling exists to a certain extent, and is often manifested in their courts. I might illustrate it by stating what I know to be true, that since the establishment of the provisional government in Texas the grand juries throughout the State have found upwards of five hundred indictments for murder against disloyal men, and yet in not a single case has there been a conviction, while in one judicial district, embracing seven counties, adjoining Travis county, the judge, in making to the governor his report of the last session of court held by him, stated that fourteen negroes had been tried within his jurisdiction for various slight offences; that the fourteen had all been convicted and sentenced to various terms in the State prison. And to show you the manner in which justice is meted out in their course towards the freedmen, one was tried and convicted of stealing one bushel of sweet potatoes, and sentenced to the penitentiary for two years. Another for stealing an equally small amount was sentenced for the same period. Then, to show you their hostility further, it is of weekly, if not of daily, occurrence that freedmen are murdered. Their bodies are found in different parts of the country, and sometimes it is not known who the perpetrators are; but when that is known no action is taken against them. I believe a white man has never been hung for murder in Texas, although it is the law.

Cases have occurred of white men meeting freedmen they never saw before, and murdering them merely from this feeling of hostility to them as a class.

Question. What are the views and feelings of the freedmen in Texas, as well as you could ascertain them, towards the government?

Answer. They are loyal without a single exception, so far as my experience goes. They were always our friends, both in time of war and since active hostilities have ceased.

Question. Have they any apprehension or understanding of the condition of things in the country?

Answer. They have, to a certain extent. They realize, as all Union men in the State do, that their only safety and protection lies in the general government; and they realize, too, that if the troops are withdrawn, they will be still more exposed than they are now.

Question. What would be the condition of the colored population in Texas, if the people were left to do with them just as they pleased?

Answer. I think a system of laws would be passed, which, while it would not give to former owners the right to transfer freedmen without their consent to another owner, they would still have as much control over their labor as they had before slavery was abolished. And I think, too, they would inaugurate a system of oppression that would be equally as bad as slavery itself.

Question. What do those who have been rebels say as to the education of the freedmen, and the extension to them of the right of becoming property-holders in the State?

Answer. They are opposed to allowing them to possess land; they are fearful that by so doing they will eventually lose control over them. They rather look upon the idea of educating them as an absurdity; and while you will find exceptional cases of southern men doing all they can to advance the freedmen intellectually, you will, in a majority of cases, find them opposed to the principle of schools for freedmen.

Question. What is the prevailing opinion there as to whether the negro will or will not work without physical compulsion?

Answer. The expressed opinion is, that he will not work without physical compulsion. I hardly think a majority of them are sincere when they say this, because they have demonstrated to a great extent that the freedmen will work as well, if not better, in some cases, by giving him an interest in the proceeds of his labor, than by the former method. There are many cases where it is impossible to make them labor; but it is not to be wondered at when we consider what a great change has taken place in their condition. I frequently visited quite a number of plantations in Texas, and saw the freedmen at work in the cotton-fields. As a general thing, they did well; and, in many instances, picked more cotton than they had done in former years, because the owners of the cotton paid them so much per hundred weight. I believe three or four hundred pounds is a very good day's work for a hand in picking cotton; but I have known hands paid fifty cents per hundred weight, gathering six hundred in a day. One reason or difficulty in the arrangements for labor in many cases, as I am informed, occurs from the disinclination of the planter to contract with those whom he formerly owned. He does not like the idea of relinquishing his former claim, and the difficulty in these cases is not because the freedmen are unwilling to contract, but the unwillingness is on the part of the planter. In many cases, however, the freedmen are unwilling. To confirm the opinion that the fault lies to a certain extent with the contractor or former owner, northern men, who have engaged in business in the south since the surrender of the rebel armies, have had little or no difficulty with the labor question. As a general thing the freedmen are anxious to acquire the title to land, and cultivate it for their own interest.

Question. Have these freedmen any knowledge of the political questions and discussions of the day?

Answer. They manifest a great interest in the discussions that are going on, and are very anxious as to what the result will be, particularly as regards themselves.

Question. Do the freedmen have anything to say in reference to, or do they expect to exercise the right of suffrage at any time?

Answer. They are very quiet as regards that question. They do not seem as anxious about that as they are whether the general government will continue the control as it does now, or whether the affairs of the State will be placed entirely in the hands of the State authorities? They seem to be very anxious, indeed, to acquire education, and those who are working under contract and have not an opportunity to attend schools have purchased books and are acquiring such information as they can under the tuition of those who are more advanced. And in this manner many have made remarkable progress.

Question. Suppose the federal government were to withdraw all interference in the affairs of the State, into whose hands would the political power of that country go?

Answer. It would be at once transferred into the hands of the most prominent rebels. Of the truth of this I do not entertain a doubt.

Question. Do you think that any out-spoken Union man could be elected to Congress in Texas?

Answer. I do not think that any man but one who had borne a prominent part in the war, or one who had distinguished himself in his opposition to the federal government, could be elected—certainly no loyal man could. Some months ago they were willing to make a sacrifice of their opinions, for the time being, if by so doing—by sending a man who would

be accepted—they could regain their former place in the Union; but they do not seem to think now that even that is necessary, and in case of an election I think they would select a man of their choice, and that man would be disloyal.

Question. How long were you in the State of Louisiana?

Answer. I went to Louisiana about the middle of June, and left the first of September.

Question. State what you found to be the condition of things in that State.

Answer. The condition of affairs at that time in Louisiana was more encouraging than the present condition is in Texas, for the reason I have stated, that at that time they were uncertain what policy the government would pursue towards them. They seemed to feel that they deserved punishment, and to expect it. The only question was, which of them would be punished; and they were conducting themselves remarkably well at that time. But that feeling was undergoing a gradual change before I left the State. In our march from Alexandria, on the Red river, through western Louisiana and eastern Texas, I found that the feeling towards the government was by no means friendly. At that time there were very few Union men there, and they were not allowed to remain at their homes. They had been generally driven away during the war and had not returned. The freedmen were not permitted to contract. In many cases their former owners would not contract with them, nor would they allow them to leave the plantation to contract with other planters. I think as many as a dozen instances were brought to my notice where freedmen had been fired upon and wounded in their attempts to leave their former owners to contract with other planters, and at the same time they could not contract with their former owners. I marched through a portion of the country which, up to that time, had not been occupied by our troops. And as my command marched along, at every encampment the freedmen would flock to my headquarters in large numbers in order to ascertain and understand their precise condition, as to whether they had the right to contract with other parties, saying their former owners had told them they had no right to do so. The hostility of the citizens was so observable—it became so manifest that in several instances when we encamped they would fell trees across our road two or three miles in advance of us during the night in order to impede and delay our march.

Question. Suppose the colored population in Texas were allowed to vote; what would be the effect, in your judgment, upon the whites and upon the blacks? What course would they probably take? Would they co-operate and act together with Union men, or would they be controlled by their old masters?

Answer. I think the vast majority of them would co-operate with Union men. There might be exceptional cases in which the freedmen would be under the control of their employers to such an extent that the employer would control their votes; but, as a general thing, I believe the freedmen would consult their own interest in casting their votes, and, judging from their conduct during the past war, their votes would always be cast in favor of loyalty and union.

Question. Have they generally the necessary intelligence to distinguish between Union men and rebels, and between those who would be friendly to their interests and those who would oppose their interests?

Answer. As far as my experience goes they could discern more quickly who are their friends and who are their enemies than many of the white inhabitants or than our soldiers or officers could—probably because they have better opportunities for ascertaining. For the same reason we always relied on them during active operations in the field for information, and their information was always correct, or far more correct than that we derived from the whites who were disloyal.

Question. During the war did you find in your operations negroes who were unwilling to assist the federal government, or who attempted to mislead or do you any injury?

Answer. I have had many opportunities of judging of that, by having command of cavalry, and generally being in advance of the army, in search of information as to the strength, position, and intentions of the enemy. It was necessary to inquire of the inhabitants of the country through which we marched, and I cannot call to mind an instance of a negro misleading us or giving us false information. It was in fact very seldom that I inquired of any but negroes, because the whites could not be relied upon; being unfriendly, they would mislead us, if the opportunity offered; but the negroes were always friendly, and gave us all the information in their power. As far as knowledge of roads and people was concerned, they seemed to be more correct and better informed than the whites. I never found a negro who was not thoroughly loyal and friendly to the Union army. They were willing to do anything to aid them. At the battle of Trevilian Station, I was ordered with my command to move by a by-road and attack the enemy in the rear. No man in my command know the road, and no white man in that portion of the country would have been willing to give me the information. A negro guided me to the point I desired to reach. And this occurred in a large number of cases within my experience. I could not repeat the number of cases. I almost invariably had negro guides, and I never hesitated to place the most implicit confidence in them. They would sometimes ride or walk miles to give us information which they thought would be valuable to us, such as of the position of the enemy's forces, or of their trains, which we might desire to capture. They would count the guns and troops as they passed a certain point, and they would give us the number with remarkable accuracy.

Question. What, in your judgment, is the best policy for the government to pursue in reference to those parts of the south as to which you have testified?

Answer. I do not regard the people in that portion of the southern country in which I have been as in a proper condition, or as manifesting a proper state of feeling, to be restored to their former rights and privileges under the general government. And I do not think they have been sufficiently taught the enormity of the crime they have committed by rebelling against the government. I think the government ought to maintain control of those States that were in rebellion until it is thoroughly satisfied that a loyal sentiment prevails in at least a majority of the inhabitants—that certainly does not exist now; and when allowed representation, none but loyal men should be admitted as representatives. Five years ago the southern people voluntarily abandoned their rights and privileges as States in the Union, and with their rights and privileges they forfeited their share in the general government. Having waged a bloody and determined war for four years to carry out their designs against the government, and having failed up to the present time to manifest a penitent spirit for the great crime committed against the nation, or to give a proper and sufficient guarantee of future good conduct, I cannot but give it as my opinion, that a just regard for our national safety in time to come, our obligation to foster and encourage throughout the southern States a proper regard and affection for the national authority, as well as to give support to those who are and have been loyal, imperatively demand that the government should maintain its present control of the States lately in rebellion until satisfied that they may, without detriment, be intrusted with their former rights and privileges.

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WASHINGTON, *February* 22, 1866.

Thomas Conway sworn and examined.

By Mr WILLIAMS:

Question. State how long you have been in the State of Louisiana, what position you occupied there, and what opportunity you had to ascertain the condition of things in that State.

Answer. I occupied the position of assistant commissioner of Bureau of Refugees and Freedmen. I went to Louisiana soon after General Banks was placed in command there, and devoted my attention and time mainly to the organization of colored troops, or the corps d'Afrique, as we called them. Soon afterwards I was put in charge of affairs connected with the freedmen by order of General Banks, and along the western boundary, or that portion of Louisiana, which we held under our control at that time; and soon after that, in August, 1864, I was placed in entire charge of the freedmen in so much of the State as we then occupied; and, as we continued to drive the rebels back, not only in Louisiana, but in Alabama, my jurisdiction increased in accordance with the increase of territory acquired by our army. Last spring, by order of General Canby, I was made general superintendent of freedmen for all the State, comprising the military division of the west Mississippi, which included Texas, Louisiana, Alabama, Mississippi, and West Florida. I entered immediately upon the discharge of the arduous duties imposed upon me. I went over to Alabama and spent three or four weeks there, riding from one plantation to another, and entered a portion of Mississippi. The northwestern portion of Mississippi was at that time mainly under the control of General Thomas. The southern portion I had charge of, and operated so far as my facilities admitted at the time.

Question. When did you leave that portion of the country?

Answer. I was relieved in October last, by order of General Howard, and upon the *ex parte* representations of rebels in Louisiana, and arrived in New York about the middle of November, after having served in the State nearly three years.

Question. State, if you please, what you know as to the views and feelings of the white people in that region of country—those who have heretofore been rebels—as to the authority of the general government, and also as to whether any change in their views and feelings are manifest since hostilities ceased; if so, what that change is, and what has been the occasion of it, in your opinion.

Answer. In the neighborhood of New Orleans, comprising about twenty parishes in Louisiana, which we have mostly controlled since the time of General Butler's arrival, there has been, to my knowledge, a considerable loyal element—not an element which became loyal since the occupation of the district by our troops, but men who were loyal previously. With those who sympathized with and participated in the rebellion, (and I think I know them all,) I was brought in contact, and with nearly every property-holder in the State. My communication with them, and my knowledge of their actions, convinced me that at heart they were not changed, but were opposed to us and opposed to our government—not willing to make their opposition physical, but secret and quiet. They do now, and always have thrown every possible obstacle in the way of our work—men, too, of whom I had expected better things. Some of the leading officers of the State down there—men who do much to form and control the opinions of the masses—instead of doing as they promised, and quietly submitting to the authority of the government,

engaged in issuing slave codes and in promulgating them to their subordinates, ordering them to carry them into execution, and this to the knowledge of State officials of a higher character, the governor and others. And the men who issued them were not punished except as the military authorities punish them. The governor inflicted no punishment on them while I was there, and I don't know that, up to this day, he has ever punished one of them. These codes were simply the old black code of the State, with the word "slave" expunged and "negro" substituted. The most odious features of slavery were preserved in them. They were issued in three or four localities in the State, not a hundred miles from New Orleans, months after the surrender of the confederate forces, and years after the issue of the emancipation proclamation. I have had delegations to frequently come and see me—delegations composed of men who, to my face, denied that the proclamation issued by President Lincoln was a valid instrument, declaring that the Supreme Court would pronounce it invalid. Consequently they have claimed that their negroes were slaves and would again be restored to them. In the city of New Orleans last summer, under the orders of the acting mayor of the city, Hugh Kennedy, the police of that city conducted themselves towards the freedmen, in respect to violence and ill usage, in every way equal to the old days of slavery; arresting them on the streets as vagrants, without any form of law whatever, and simply because they did not have in their pockets certificates of employment from their former owners or other white citizens. I have gone to the jails and released large numbers of them, men who were industrious and who had regular employment; yet because they had not the certificates of white men in their pockets they were locked up in jail to be sent out to plantations; locked up, too, without my knowledge, and done speedily and secretly before I had information of it. Some members of the seventy-fourth United States colored infantry, a regiment which was mustered out but one day, were arrested the next because they did not have these certificates of employment. This was done to these men after having served in the United States army three years. They were arrested by the police under the order of the acting mayor, Mr. Hugh Kennedy. The meetings of the colored people during a portion of the summer were broken up whenever they were continued after 9 o'clock at night. There was an order issued at all the station-houses in the city, that the police in their various beats should break up any meetings of colored people held after 9 o'clock, and in some places meetings were broken up and the worshippers all carried off to jail. This was done violently, and, on account of it, the city was almost reduced to a state of riot and revolution, the colored people having been unwilling to endure the persecution.

Question. They were religious meetings?

Answer. They were religious meetings; yes, sir. An order was subsequently issued by General Canby, called forth by that state of things. It was to the effect that religious meetings of colored people were to be treated with the same respect in every particular that the white churches enjoyed; that they were to be equally protected and respected in the enjoyment of their proper privileges. I came down the Alabama river on the same boat with Captain Semmes, of the pirate Alabama, and there were other rebel officers with him, on their way home from the surrender. Semmes and the other ex-officers with whom I conversed, stated that they acquiesced simply because they must or lose their lives; that they submitted to force, but still believed their purposes were right, and the means used for accomplishing their purposes were also right, and that they should always think so. They had their amnesty oaths with them, and the provisions of those oaths required different conduct of them. Most of them were on their way from Montgomery, Alabama, to New Orleans, and they indulged in language that was insulting to the government, and for which they would have been arrested and put into jail previous to the surrender, but their language was evasive enough to shield them from anything like arrest. I heard Commodore Semmes make the remark, in speaking of the Yankee forces to whom they had to surrender, that they were "the worst and the smartest men on the top of the earth," language that I noted down in my memorandum book at the time. In New Orleans I held nearly $100,000,000 worth of abandoned property, and the holding of that property brought all the former owners of it to my office almost daily, for months, seeking for its restoration. In their demands for it, and in their treatment of me while they were striving to have it returned, they evinced a spirit of defiance, of boldness, of impudence and hostility that was exceedingly mortifying to me, and led me to believe that they were not in the least subdued in spirit or in heart, but merely submitted to force, as they told me repeatedly. When they received their property back, it was mainly by having special pardons; they would sometimes come into my office, and in one or two instances which I now recall, men who were formerly judges of district courts shook their pardons over my head to defy me, at the same time telling me that they had the order of President Johnson to have their property restored, and that they did not care for anybody. I had to use force two or three times to get some of these men out of my office, and they were some of the wealthiest men in the State and the leaders of public opinion. The treatment received by the agents I sent out into the country, particularly those sent to establish freedmen's schools, especially in the Red river country, was obstructive and crippling to our efforts, and in some cases hostility and violence was used. At one time I sent agents to the Red river country; they were driven back to the boats, and told that if they attempted to establish freedmen's schools they would not only burn down the school-houses, but that they would kill the men employed to erect them, and kill the men who employed them. These parties came back and reported to me, declin-

ing to return to that country under any circumstances whatever. The only schools we succeeded in establishing in that country were at military posts, and I became convinced that we could not establish them in any other place with safety.

Question. State what, in your opinion, was the effect upon these people of the system of pardoning that was adopted by the government.

Answer. The effect was—as I know full well, from seeing it every day while I was there—after pardons began to be issued, it emboldened them, and encouraged them to exhibit a spirit of defiance toward officers of the government, and toward loyal men in that region. This went on to such a pitch that General Canby one day remarked to me that he did not think loyal men could long remain anywhere outside the military posts; that, in his judgment, in ninety days there would not be a loyal man anywhere in the State, except in close proximity to the military. General Sheridan, about the same time, came one day into my office, and in speaking of the hostility manifested by the rebels in the city towards myself, said: "Mr. Conway, these men want to drive us away from here, but by God we won't go." General T. W. Sherman, who commands the eastern district of Louisiana, formerly the defences of New Orleans, told me before I left that he had issued an order requiring all his subordinates to report from time to time the temper and spirit of the inhabitants, as to whether they appeared to evince any loyalty to the government, and he said to me that the reports he received justified him in believing that there was as much need of military authority to protect the loyal people as there ever was; that there was as much need of military power to keep the rebels in order and subjugation as there was before the surrender. In the streets of New Orleans, a few days before I was relieved, one of the police officers of the city, in front of the same block where my headquarters were, went up and down the street knocking in the head every negro man, woman, and child that he met, tumbling some of them into the gutter, and knocking others upon the sidewalks. The opposite side of the street was filled with men, most of whom wore gray coats, and many of whom I knew to have returned from the rebel army. This policeman was cheered by the crowd, numbering probably some two hundred persons, in front of some coffee-houses there. I pitched upon him, held him, and told him he was my prisoner. Immediately some of the guard I had at my headquarters came round the corner to assist me in forcing this man to the provost marshal's office. The crowd made a movement to get between the colored soldiers and myself, leaving the policeman with his club to make such demonstration as he could, and to get the better of me if possible. A colonel in command of one of the colored regiments, seeing the affair, rushed across the street, and seeing the crowd intending to keep the colored troops away, ordered them to stick their bayonets into any one that opposed them, and when they came up, the policeman continuing his obstinacy, he ordered a colored soldier to stick his bayonet into him if he did not move along, which the colored soldier did, and in that way he was taken off and locked up. There were in the crowd many leading merchants, who seemed to be delighted at what the policeman had done, and exceedingly mortified and maddened because we had succeeded in arresting him. The man, when I left there, was locked up in the jail connected with the Freedmen's Bureau, and has since been tried, I believe.

Question. He was not seriously injured by the stab?

Answer. No, sir. About that time, in some regions of the State, I received information from some of my subordinates, showing that the planters were continuing their system of flogging; that in some places the stocks were still in use and persons put into them; in other places shooting, whipping, and the use of dogs were in vogue. One justice of the peace, not far from the city of New Orleans, sentenced a man, for the crime of stealing a horse, to receive forty lashes on his bare back. I received the sentence in his own handwriting and sent it to General Canby.

Question. State whether, in your opinion, Union men, black or white, would be safe in their property or in their persons in the State of Louisiana, if the military power of the United States were withdrawn?

Answer. I think that Union men in that State would not be safe in their property or in their persons without the aid of the military. The negroes without military aid, or without the aid of the government, would not be able to secure their wages; no justice would be shown them, and they would be murdered. The plans and measures adopted by the planters of bringing in a system of charges, covering a great portion of what they should receive, and sometimes more than was earned, almost invariably result in their receiving no pay at all, and in the consequent dissatisfaction on the part of the freedmen. In almost every instance where the freedmen show any feeling or evince any sense of wrong, they are punished severely. In my judgment the withdrawal of the protection of the government from these people will be certainly followed by the grossest wrongs, violence and persecution, and the end would be anarchy in the southern country and extermination for the blacks—a matter anxiously looked for by the white population.

Question. State whether, in your travels through that region of country, you found many men who had lived there before the war who were Union men, and what was the proportion of men who were true to the government during the war to those who were rebels?

Answer. I do not think there were more than three per cent. of them Union men; I am quite sure that to-day, in Louisiana, there are not more than that proportion among the old residents who are sincerely loyal to the government. There are northern men there in large

numbers living near military posts, such as Baton Rouge, New Orleans, Shreveport, Port Hudson, &c., who have stated over and over again to me that they would retire from their places just so soon as the military were withdrawn, and whenever any proposition came, signed by large numbers of planters, a counter proposition for the retention of the military was in almost every instance received from the loyal people.

Question. State what are the feelings and views of the men of Louisiana in whose hands the State and county authorities are at this time.

Answer. I was in Governor Wells's headquarters frequently in New Orleans, and saw him give commissions as judges, district attorneys, mayors of towns, and other officers, to men who yet wore their confederate uniforms, and many of whom I knew had scarcely been back five days from the rebel army. I have known him eject men from their offices who were elected by the same votes which elected him, simply because they were not favorable to him; and he continued in this until every loyal man was out of office there. These offices were filled, in some cases, in the city of New Orleans especially, by men who had not been in the rebel army, but who were regarded in New Orleans as in favor of the rebellion—quietly and secretly, perhaps, but men who were not actively and openly loyal. I had occasion once or twice to complain of the sending of these officers into some places in the country, and that their conduct was not of a kind to encourage loyalty, or to protect the freedmen. He (the governor) acknowledged that he put these men into office at the recommendation of men in their districts, and that from these recommendations he felt sure they were good men, and said he should retain them. I frequently attended the sittings of courts in and out of New Orleans, and in the main, found that so far as justice to a freedman is concerned, it is a pretence and a mockery.

Question. What chances for an election, in your judgment, would a man in that State have to any office who had been a thorough-going Union man during the war?

Answer. He would have no chance at all. In the city of New Orleans the man would get quite a number of votes, but any attempt to elect such a man, even in the city of New Orleans, would be rendered null by the violence of the people, without the presence of the military authorities there. They would break up their polls and destroy their ballots; and I think on the day of election they would murder the parties engaged in promoting the cause of loyalty; but I think that with the aid of the military in the city of New Orleans, and for ten miles around the city, a Union man might receive quite a good vote, and with the aid of colored men, if allowed to vote, be sure of a majority. Outside of that I do not think a loyal man would dare go and vote for a candidate who had been always loyal.

Question. What, in your judgment, would have been the effect, if there had been a rigid military government preserved in Louisiana up to this time, upon the feelings of the people? Would it have increased or diminished loyalty in the State?

Answer. It would have increased it, because there are a great many people there who are controlled principally by those who hold office. There are poor people who work for the city and town authorities, who are the mere tools of those who employ them. After a loyal rule there of two or three years they showed a good deal of loyal inclination—as much as could be expected from people of such low character and capacity, but since the offices have been filled with disloyal persons they have accordingly become the dupes and tools of these officials. Just as soon as these offices were filled by persons of that stripe the conviction appeared to gain ground, that to have been in the rebel army previously, or to have done something in the rebel service, was a recommendation to a man. I know that when I left Louisiana loyal men were advised that it was best for them in the street not to make any noisy demonstrations of loyalty under my circumstances. I have seen, myself, in Canal street, such men as Thomas J. Durant, Mr. Flanders, and Governor Hahn passing up and down the streets, who would be the objects of sneers and curses by men wearing gray coats, and these men would give other evidences of their spite towards them, making life there, as it is to-day, very disagreeable to a loyal man. There are no physical or violent demonstrations, but the whole mass of the people look upon a man who has made any demonstrations of unconquerable devotion to the government as a fit subject for sneers and abuse. It is a system of torment and a life of torment bordering on hell itself. I myself, in walking the streets, after the news came that I had been relieved, was advised by my friends never to be out after sundown. I was contemplating a trip to the north by the Mississippi river, but I was told by hundreds of loyal men many times, that there were men who said that if I ever went up the river they would take my life, and I was compelled to take passage in one of the ocean steamers and come home by that route. Many of these wealthy men held me responsible for taking away their property or for seizing it, and consequently their bitterness towards me was hardly equalled by their bitterness towards General Butler. Many loyal men in Louisiana, to-day, even in the presence of our military forces, are living lives of continual torment from the vindictiveness and bad temper of these people. Whenever they meet them on the street or elsewhere, they annoy and insult them. In riding in the Star cars, (to which colored people are admitted,) when a negro enters, I have frequently heard them call him "Freedman's Bureau," and sneer at him, and curse him. In some cases they have allowed him to get on to one of these cars long enough to pay his fare, and then kick him out. In some instances while I was riding in these cars, in citizen's clothes, and I have attempted to interfere, I met with insults, and once I was kicked out of a car myself for attempting to shield a freed-

man in the enjoyment of his rights. I looked around for the provost guard or police to arrest the driver, but it was storming pretty severely. I failed to take the number of the car, and the matter rested in that way. I reported the affair to General Sherman, and to the officers of the railroad company, but nothing further came of it.

Question. What are the views and feelings of the people there in reference to allowing the freedmen to own lands or have schools?

Answer. The feeling there is unanimous that they shall not own an inch of land or have any schools. They are more hostile to the establishment of schools than they are to owning lands. They had broken up some of our schools at the time of my departure, and since then I have official reports from those who have charge of the schools that upon the withdrawal of the military from the parishes of St. Mary and Lafourche the freedmen's school-houses in those parishes were, before night, burnt or pulled down, the schools disbanded, and the teachers frightened away. This statement was made to me by the general superintendent of schools for freedmen in that State. It was my determination that these schools should be established and maintained that worked my removal from office. It was also my determination that, under the act of March 3, 1865, relative to the public lands, these freedmen, where they were able to purchase or lease lands and carry on farming operations, should enjoy the benefit of that act, which led these people to conspire for my removal. There was scarcely a newspaper in the State that did not charge me with inaugurating a system of insurrection and conspiracy on a gigantic scale; establishing armed negro colonies in their midst, and attempting, with the aid of the military force, to keep up negro schools, throwing upon me all the odium they attached to the system, instead of attributing it to the law of Congress which I was simply endeavoring to carry out, as directed by General Howard; and to so great an extent was the animosity of these people stirred up by these statements and appeals, that I felt I could not live there; that they would murder me in some way or other. Under this act of Congress, when ordered by General Howard to carry it into execution as far as practicable, I proceeded to make inquiries into the means in the possession of families of freedmen to ascertain how many of them were able to purchase or work the forty acres allowed in the law. It was my purpose to apportion these lands to them, as directed by General Howard, and it appeared that my conduct was condemned by the President and General Howard together. But that purpose, as I have said, resulted in every possible persecution and misrepresentation; and the governor of the State, instead of sustaining me, sent extracts from the rebel papers to the President, charging me with doing what in reality was done by act of Congress, or what was ordered by my superiors in office. General Howard did not sustain strict compliance with his own directions, but left me to bear the odium growing, in the first place, from his conduct.

Question. At whose instance and by whose authority were you relieved?

Answer. The planters of Louisiana, excepting those who are loyal, and the governor of the State, acting as their agent, secured my removal by *ex parte* representations made to the President, who sent them to General Howard, and I was relieved by his order. The chief commissioner wrote me about the time I was relieved, approving my conduct. He told me on my arrival here that the planters of Louisiana made such demands, and that such demonstrations were made by Governor Wells, that the President two or three times sent the papers over to him, and he found he must remove me or break with the President. The President received these papers without calling for any information from me, and to this day has not called upon me for any statement as to the truthfulness of the charges made against me. I know, from one of the governor's secretaries, that a number of planters had stated that if it cost millions of dollars I must be gotten out of my office, and the next morning the governor wrote a violent letter to the President, which was the mainspring in my removal. Just about that time I received a communication from General Howard, in which, referring to my reports of the outrages committed by these rebel planters, he said to me, "Do not allow slavery to get the upper hand of you in any particular." I was under the impression from this order that the determination of the government was to maintain, at all hazards, the freedom of the negro, and to do so in such manner as to let the rebels know that his freedom was on the same scale as that of the white man; and I was laboring in accordance with these orders. I knew that I was a friend of freedom, but this order caused me to think I was not radical enough to suit the President or General Howard. But, suddenly, the very power which gave my instructions censured me, and removed me for acting in strict obedience to them. This was the first experience of this kind that I had. Prior to this I had found that obedience to orders and faithful discharge of duty would secure the pleasure and not the censure of my superiors.

Question. What, in your judgment, would be the effect of the withdrawal of the Freedmen's Bureau or some organization or system like that from Louisiana?

Answer. I should expect in Louisiana, as in the whole southern country, that the withdrawal of the Freedmen's Bureau would be followed by a condition of anarchy and bloodshed, and I say that much in the light of as large an experience upon the subject as any man in the country. I have been in the army since the 19th of April, 1861; I have been over the whole country, almost from Baltimore to the Gulf. I was one of the first who held any official position in regard to the freedmen, and I am pained at the conviction I have in my own mind that if the Freedmen's Bureau is withdrawn the result will be fearful in the ex-

treme. What it has already done and is now doing in shielding these people, only incites the bitterness of their foes. They will be murdered by wholesale, and they in their turn will defend themselves. It will not be persecution merely; it will be slaughter; and I doubt whether the world has ever known the like. These southern rebels, when the power is once in their hands, will stop with nothing short of extermination. Governor Wells himself told me that he expected in ten years to see the whole colored race exterminated, and that conviction is shared very largely among the white people of the south. It has been threatened by leading men there that they would exterminate the freedmen. They have said so in my hearing. In reply I said that they could not drive the freedmen out of the nation, because, in the first place, they would not go; and for another reason, that they had no authority to drive them out; and for a third reason, that they were wanted in the south as laborers. To that they replied, that, if necessary, they would get their laborers from Europe; that white laborers would be more agreeable to them; that the negro must be gotten rid of in some way, and that, too, as speedily as possible. I have heard it so many times, and from so many different quarters, that I believe it is a fixed determination, and that they are looking anxiously to the extermination of the whole negro race from the country. There is an agent here now, with letters from the governor of Louisiana to parties in New York, with a view of entering at once upon negotiations to secure laborers from various parts of Europe. There are other parties endeavoring to get coolies into the south, and in various places there are immense efforts made to obtain white labor to supplant that of the negro. It is a part of the immense and desperate programme which they have adopted and expect to carry out within ten years. It is the same determination to which I referred in my report. I said the negro race would be exterminated unless protected by the strong arm of the government; no weak arm will do. The very strongest arm of the government is needed to shield them. The wicked work has already commenced, and it could be shown that the policy pursued by the government is construed by the rebels as not being opposed to it.

Question. What action do you think these people would take in case of a foreign war? Do you think they would be true to the flag of our government, or not?

Answer. I do not think they would aid the flag. I think that instead of aiding the government, the leaders of opinion in the south, so far as I know them, would welcome a foreign war and assist our enemies. I am convinced that they believe the ultimate separation of the south is to be accomplished; that it is destined in the nature of things; first, by the formation of the country, and by the superior character claimed for the southern people; and, second, they think something must occur by which it will be accomplished. I think that this feeling would control them, and that if they believe it could be accomplished by means of a foreign war they would welcome that; if by pestilence, they would welcome that; if by wicked devices, by which to bring about internal convulsions among our own people, they would welcome that; anything to gain the desired end.

Question. What is their opinion as to the willingness of the negro to work, or his capacity to take care of himself without physical compulsion?

Answer. I think they have an almost universal conviction that he is not able to take care of himself; that he must have a master in some shape or other. My own opinion and knowledge is that he is able to take care of himself, and that there are fewer paupers among the negroes in Louisiana than among the whites; and this has been the case during all my experience there. When we issued ten thousand rations to white people, we were issuing five hundred to the freedmen in charge of the bureau.

Question. Are the people there disposed to resort to personal violence or chastisement to compel the negroes to work now?

Answer. They are so disposed in nearly every instance. A resort to violence is the first thought that I have seen exhibited when freedmen did not act exactly to suit the employer. The planters frequently came to me with requests (in fact, it was almost daily) to be allowed to correct the laborers on their own plantations. It is the universal conviction, and the universal purpose with them, too, to do that so far as they are allowed to do it; and, so far as they can, they will do it. The only constraint put upon them in regard to it is through the agency of the Freedmen's Bureau. Without that, I am satisfied, they would very rapidly return to the old system of slavery. In some portions of the State of Louisiana, now, they have organized patrols of militiamen, who go up and down the roads the same as if they were scouting in time of war, to prevent the negroes from going from one place to another. I am satisfied, from the most reliable reports, that under the most strict rules of evidence it could be proved that in portions of the State these acts are being done the same as under the old system; that, except as regards buying and selling, the old system of slavery is being carried on in all its essential features, and that there is a deep-rooted determination, arising from the old habits of treating the negro, to continue the same treatment and the same restrictions that existed prior to the war. The Freedmen's Bureau was regarded by the planters in Louisiana, in the language of one of their leaders, as a "conservative machine." This arose from the conduct of General Fullerton, whom the President sent to relieve me.

Question. What is your opinion as to the extent of general knowledge among the freedmen; and what is their capacity for understanding their rights and the questions that are being agitated in the country?

Answer. I have taken a great deal of pains to secure, for my own satisfaction, accurate

information on that subject, and I have questioned the lowest and meanest of them as to their ideas of liberty and their duty as citizens; and I have never yet found any view expressed by them, or any evidence through their answers or conduct, which led me to think they were any lower or more ignorant than the lower order of the white people who live down there, or that they had any less accurate knowledge of government and duty toward it than the lower class of white people. I have seen very ignorant white people there who had all the privileges of citizenship. I have seen them go to the polls and vote, when they had no better idea of the questions at issue in the election, or the importance of the act they were performing, than the lowest negro I ever saw. The great majority of colored people understand very well, and have a very accurate idea of what their personal liberty is, and how far it is to be regulated in order to be a blessing to them, and a very good idea of their duty as citizens. They have one idea which underlies every other, and that is, that notwithstanding the treatment they receive at the hands of the government, and the want of complete protection and complete liberty the government has so far caused them to suffer, they believe that it will yet secure them full protection, full liberty, and a full enjoyment of all their rights as citizens and as men; and they are working very energetically in Louisiana for the attainment of that purpose. They have their societies and clubs, in which they canvass very carefully every act of the government in regard to them, and in regard to the rebels who live all around them. They read the newspapers pretty generally. I believe two-thirds of the negroes in Louisiana can read. They publish a newspaper there, read it, and sustain it. With the use of schools, and the diligence they manifest in learning, it will not be many years before as large, if not a larger, proportion of them will be able to read than of the whites. There is great eagerness and diligence in learning among them, which arises partly from the suddenness of the opportunity presented, and in part from a desire to ascertain precisely what the government is doing for them, and how they can best live as men and citizens ought to live. These reasons, I think, mainly explain the causes of the desire they manifest in this regard, and the result will, I think, be their nearly all becoming quite intelligent in a short time.

Question. What, in your opinion, would be the effect upon whites, blacks, and all concerned, of giving the negro the right to vote?

Answer. I do not think the effect would be to inaugurate a war of races there, for this reason: The negroes are so numerous, and they would be so intensely determined to enjoy what rights they have in that respect, that the whites would submit, seeing the impossibility of preventing it, and for the purpose of avoiding collisions and bloodshed in the country. The lives and safety of loyal white men require the protection and assistance that would grow from the negro's vote. I think the troops should be retained, and that small squads of them should be stationed all through the country, so as to shield the freedmen in the enjoyment of this right till the whites have become familiar with it. The militia forces should not be organized in the south during this generation. These things being done, my judgment is that there would be no trouble at all. On the contrary, it would, in a more speedy and thorough manner than any other, secure permanent peace and prosperity to the country. In the present condition of things there they cannot hope for peace or prosperity, because loyal men cannot remain without the protection of the government, and the negroes have no safety in the protection of their white foes. When the negroes come to see that their own life and liberty are to be sacrificed, they will struggle manfully against such a result, and they will importune the government, and call upon mankind to be their witness, until liberty and safety are insured them; they will persevere devotedly until their rights are accomplished. There are so many of them, and so many white people to help them, I don't see how the government can resist giving them every protection warranted by the Constitution. Certainly, so long as it is not accomplished a very large military force will have to be kept up: a large standing army will have to be maintained for years and years to protect the country against anarchy, violence, and bloodshed. I think, to-day, if there were a suitable military force, and an extension of suffrage so that the black man could vote in accordance with the same rules that control the votes of white men, it would be an end to the whole conflict. The negroes in Louisiana, and many loyal white men who are friendly to their claims for justice, will not rest till the ballot is in their hands; and a denial of this right will positively bring more trouble than if it were enjoyed by them. The best loyal men in New Orleans are the colored men, and they are most capable of being intrusted with the interests of the government there. There are among them men who are the graduates of colleges; the owners of property; men who are fine scholars, and capable of taking a stand alongside of the best white men in the country. There are traitors there to-day, white men holding offices of trust under the State government and under the government of the United States, who were disloyal, and who now hate the freedom of the negroes. The mayor of the city of New Orleans is one of these—a rebel, I know. He is an officer appointed by the military power of the government. He was not elected by the people, but is maintained there by virtue of the authority of the President. I do not think it would be at all a dangerous thing to expedite the extension of suffrage to the blacks. I do not see how the relations of the southern States to the loyal States of the Union will ever be permanently or satisfactorily settled until the loyal men there are able, by the exercise of the elective franchise, to be in the majority. In this manner I expect that pleasant relations can be brought about between the southern States

and the loyal States of the Union, but I see of no other way in which this result can be done consistent with justice or good policy.

Question. State fully what you know as to abandoned property in the State of Louisiana.

Answer. I held about eighty plantations, and about the finest plantations in the State, in my hands, either as confiscable or abandoned—most of them abandoned—and also two or three hundred houses and lots. I received these by transfer from the Treasury Department, and, when received, they were leased out, some for one month and others for one year. I used some of these plantations—four or five of them—as colonies for aged and infirm freedmen, and worked them with a view of their bringing us in considerable profit, by means of which we could render the bureau self-supporting. I had very good crops, and every negro considered unfit for ordinary plantation work, as well as those who were able-bodied, were compelled, while under my care, to do something on these farms, so that their day's work always more than compensated for their rations, medical attendance, school and other expenses; and that in this way, as well as by the rents we received for tenements and dwellings in the vicinity of New Orleans and other cities, instead of being a charge upon the government, we were entirely able to maintain ourselves. The surrender of this property, almost by wholesale, in pursuance of orders from here, crippled the bureau in its operations, and, for a time, threw everything into confusion. The schools were ordered to be discontinued on the first day of February of this year, and the whole policy seemed to change from punishment of treason to universal pardon and surrender of property. About the time this property was given up the schools for the freedmen had to be given up for want of means. The owners of that property were mostly persons who have been engaged in the rebel army, and many of them were men who had fitted out small armies themselves—men of great wealth; and the men who owned the largest amounts of property, and the men of greatest influence, were those men who first came to me with pardons; while the men who owned the least property, who were the poorest of all, were those whose pardons I neither saw nor heard of while I was there; and the property of the poorest remained in my hands and was not given up. The first piece of property I gave up belonged to the wealthiest family in the State. The property given up in the course of about a week covered about half a million dollars; in fact each property-holder seemed to have priority almost in proportion to his wealth, so that it seemed almost as if that had been observed as the gauge of pardons; not that I think it was so, but it seemed to be so in appearance. It was a source of vexation to us, that poor people who were really driven into the rebel army, and consequently had their little property taken, were those who had to wait until the last to get their property returned. Many applied for pardons, but were not possessed of means enough to defray the expense of coming on here to secure them, and their property is still, in many instances, held by the government. But the wealthy class who came back with pardons came with more hostility to the government than any others, so far as my observation went. The amount of property we held there at one time was nearly a hundred million dollars' worth—more, by far, than was held in any other State.

Question. How much of that has been restored to the rebels?

Answer. I think about ninety per cent.; I do not think that more than five per cent. is still retained by the bureau. General Fullerton, who succeeded me, told me he had private instructions from President Johnson concerning this and other matters. He gave up property with scarcely any examination, and the rebels all over the State seemed to think he was sent to them as a special friend.

Question. How much of that belonged to persons coming under what is known as the $20,000 class in the President's proclamation?

Answer. I think nearly one-half of it belonged to persons who came under that exception and who had received special pardons. The possession of a special pardon always seemed to be taken to justify these people in the use of the most bitter language towards the government, and the most offensive conduct towards its officers.

Question. Can you suggest any remedy, or what, in your opinion, is the best remedy or course to be adopted by the government at this time for the state of things you have described in that State?

Answer. I think a strong military establishment is the first great necessity; but a permanent settlement of the whole difficulty lies in an extension of the right of suffrage to the colored man. Then loyal men would undoubtedly be elected to office in sufficient numbers to secure the rights of loyal men and the interests of the government of the United States, and it would inaugurate, in the most speedy and effective manner, harmonious relations between the southern States and those States which were always loyal to the Union. I have given that subject the most careful and extensive consideration, and I have not been able to derive any other conclusion as to the safety of the loyal whites and blacks, and the establishment of satisfactory relations between the States of the Union. The extension of equal rights to all our citizens will save us; I cannot see how anything else will do it effectively. Military power will not do it; it will do some good, but it will be very costly, very disagreeable, and uncertain as to its effects upon the condition and relations of the people; whereas, the other would be a permanent settlement of the whole question. I think you will find the same testimony and the same opinion expressed by every unconditional friend of freedom in Louisiana, many of whom were once opposed to suffrage for the negroes, but who cannot now see

any other way of giving permanent protection to their lives and property than in its enjoyment by the blacks. Without the settlement of that question, the loyal men will eventually have to remove away from there. Some of the old residents of New Orleans have already written to me, requesting me to aid them in the purchase of homes in New York or Philadelphia, where they can reside in peace, with permanent safety and protection for themselves and their families. Nearly every office in the State is held by men who aided the rebellion, and those who loved the government of the United States all through the darkest and most dangerous of its hours are to-day the least protected or respected, so that they think of moving away from the State as their only hope of happiness or peace.

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WASHINGTON, *February* 28, 1866.

John T. Allen sworn and examined.

By Mr. WILLIAMS:

Question. Have you resided in the State of Texas; and if so, how long, and what have been your opportunities for ascertaining the spirit and temper of the people there towards the general government?

Answer. I went to Austin, Texas, in 1850; lived there until June, 1863; I then left and went to Louisiana; returned to Texas in August, 1865, and remained there until the 26th January, 1866.

Question. What was the occasion of your leaving Texas in 1863?

Answer. I was ordered to report as a conscript to the conscript officer of the confederacy there. Not being willing to do so, I got on my horse and started for New Orleans.

Question. State as succinctly as you can what you know of the feelings and disposition of the people in Texas at this time towards the government.

Answer. It is a very difficult matter to state distinctly my ideas upon that subject. I believe the county in which I live was as loyal as any county in the State at the beginning of the rebellion—perhaps more so than any other. A large portion of the loyal element there embraced men of ability, wealth and influence, which made itself felt in the surrounding counties. A majority of votes of that and the surrounding counties were cast against the adoption of the secession ordinance.

Question. What course did these men take during the rebellion? What side of the question did they advocate?

Answer. With great earnestness and ability they advocated the Union side until the ordinance of secession was adopted, when all was hushed, and no voice was ever raised for the Union until the destruction of the rebellion. During the rebellion a few of the Union men remained at home, some of whom were forced into the rebel army; some, like myself, left there after a time. Governor Hamilton and quite a number left before I did.

Question. Did any considerable number of those who voted against secession change their views after the war commenced, and take part in the rebellion?

Answer. Yes, sir; a great number did.

Question. What is the feeling of the people there at this time—are they as loyal as they were before the rebellion, or less so?

Answer. It is a matter of necessity with them not to be demonstrative in their disloyalty, if that be their feeling. It is therefore difficult to tell what men are, as they are quite reticent in regard to their opinions and feelings; but we can judge somewhat from their acts, and the tones in which they give expression to their views.

Question. What is your opinion of their loyalty or disloyalty, judging from the expression of their views and feelings?

Answer. There are few loyal men there; that is, according to my opinion of what constitutes loyalty—what was considered loyalty at the beginning of the war. Those who complain of military despotism, and desire a removal of the troops from the country, are set down by us as not loyal Union men. The real Union men believe that their safety depends upon the presence of the troops.

Question. What do you suppose to be their object in desiring to have the troops withdrawn?

Answer. I believe it is principally the work of politicians, in order that they may not only acquire their former power as politicians, but that they may at the same time control to some extent the labor of the country.

Question. What, in your opinion, would be the condition of things there should the troops of the government be entirely withdrawn?

Answer. According to the present feeling of the Union people, almost all would leave the country who could do so. But those distant in the interior, and where their leaving might be attended with many difficulties, might remain; but the greatest mischief would arise from the attempts of white men to control the freedmen and their labor, the consequences of which are fearful to contemplate.

Question. What sort of men are they who take the lead there in political matters and controlling public opinion?

Answer. They are mostly of the old class of politicians; a few of them may have been Union men, (that is, the Union as it was, with slavery.) I hardly consider them such now. Some of them hold that they can recover from the government the value of the slaves set free, and advise the former slaveholders to keep their negroes in hand, so as to some extent, I suppose, control their persons and labor.

Question. Were you there at the time the members of the State convention were elected?

Answer. Yes, sir.

Question. What class of men were elected to that convention—those who had been rebels, or those who had been Union men?

Answer. The returns were not all in when I left. We had an excellent Union man running in our county, a man of very high character, great moral worth, ability, and popularity; his opponent expressed the views I have stated about keeping the negroes in hand and suing the government for their value; the latter was elected.

Question. It will be sufficient for my purpose if you will state what was the political complexion of that convention.

Answer. It is composed principally of those who have been rebels. I do not think there are over ten Union men in the body—perhaps not five who ardently desire to see the national government prosperous and respected. There were five candidates as floater for the convention.

Question. What do you mean by the term "floater?"

Answer. By a "floater" I mean a member elected by the votes of two counties. Each of these five candidates published addresses to the people. The last who came out said in his address "that he should vote to repudiate the State bonds issued on confederate account, but he would prefer doing it voluntarily, rather than from an order from the President of the United States or anybody else." In speaking of his opponents, he said "they had all conceded something to the negro, but that he would concede to them nothing." He casts odium upon his opponents by charging one with being "a renegade from the south and assisting our then oppressors, and another by being connected with the Hamilton administration." He was elected (because I believe he expressed the feelings and sentiments of those who elected him) in spite of men having higher and better claims in every other respect for the position, and this, too, in two counties which cast a majority of votes against secession in 1861; and I will say further, that I believe these sentiments and feelings are held and entertained by nine-tenths of all the people of the State.

Question. What course do you think the people of Texas would take in regard to national questions if left entirely to themselves?

Answer. It would be rather difficult to say what they would do. I suppose they would take the course that necessity would prompt them to take. If they were left entirely to themselves they would return to the old order of things as nearly as possible. That is only my opinion, but I do not think there can be any doubt about that.

Question. I understand you to mean that they submit to the general government now from compulsion, and not from choice?

Answer. From necessity entirely—yes, sir; there is no mistake about that. Not one in ten, I believe, submits from choice, or considers it anything but a matter of dire necessity.

Question. Do you think if they were left to act for themselves they would seek to consolidate the nation and strengthen the government, or would they seek to weaken and embarrass the government in its operations?

Answer. If they were left to themselves they would seek to return to the old order of things, because they consider the present condition of things the greatest misfortune that has ever befallen them. They would go back to the old order of things if they could. The people there really never desired secession, but the pressure of politicians and the press brought them to it. They had been taught by the press and politicians, for a great number of years, to despise everything that came from the Yankees, as was the expression, and four years of war has ingrained that feeling deeper into their natures. They may throw it aside and get rid of it in time, but they cannot do it in one year. It will take time and favorable circumstances to eradicate those feelings and supplant them with others. But in a few years I believe the people will return to their allegiance to the United States, provided the influence of the politicians and the all-pervading influence of the press be kept in check by the power of the United States.

Question. Can you state whether the unlimited exercise of the pardoning power there has had any effect upon those politicians? Has it made them more or less friendly to the government of the United States?

Answer. It has made them more friendly to President Johnson. I do not know that it has had any favorable effect upon their feelings towards the government.

Question. What is the condition of the freedmen in the State of Texas, so far as you know?

Answer. The condition is very varying; it depends upon the different portions of the State you consider. Texas, as you know, is a very large State; some parts of it are densely populated; other parts are very thinly populated. In some portions there is a large black population; in other portions the black population is comparatively small. It makes a very

great difference what part of the State you are considering. As to the means of information, two or three hundred miles in the State of Texas is as much as a thousand miles in a country where communication is easy. In Texas communication is mostly on horseback, and it is no easy matter to travel two or three hundred miles on horseback; therefore, what is going on in one portion of the State is not easily made known to those in another. I may say that when I was in New Orleans I knew as much, if not more of Texas, than when I was in the interior of that State. I cannot say what the general condition of the freedmen is in the State of Texas. Reports continually reach us of the killing of negroes in various parts of the State, particularly in those districts remote from points where the military is located. I have papers in my room containing some accounts of those transactions. But those murders and barbarities are not usually published in the newspapers; we receive the information from travellers. It reaches the governor by couriers and through affidavits filed in his office. In a conversation with the governor in regard to that subject, he stated to me that he had information of the dead bodies of freedmen being found here and there throughout the State—some found in waters of the creeks, others floating down streams, others by the roadside and elsewhere—amounting in all to about two hundred and sixty up to that time, which was the middle of the month of January last.

But in and around Austin, the Freedmen's Bureau, through an agency, is in operation, and some people there have gone into the matter with a great deal of sound sense, having hired their former slaves, giving them a third of the crop, and both parties believe they have done well. Others again are not doing so well; they cannot get freedmen to work for them. Those who have been unkind to their former slaves are known to the negroes all over the country. The negroes know more about the character of their former masters than do their white neighbors themselves. On Sundays and other occasions when negroes meet together, their conversation naturally turns to what mostly concerns themselves, their families, their homes, the character of the members of the family who owned them, so far as it affected their condition, and particularly the conduct of their masters and overseers, because their lives, their happiness, their sufferings, and their whole condition, depended there. The consequence is that every man who owned slaves has a well-defined general reputation among them, founded upon years of experience of those who had opportunities of knowing what others outside of the plantation could not know. I believe that a master who has been harsh and cruel to his former slaves can never obtain the voluntary services of freedmen within the sphere of his reputation. But, as a general rule, men who have been good masters can obtain hands to labor for them—at least, that is the case about Austin.

Question. So far as you know, are the negroes disposed to work where they receive fair wages and kind treatment?

Answer. Yes, sir; they are all willing to work, so far as I have seen, and I have seen a great deal of them. But there are some men who have employed them, who up to Christmas have not paid them—have driven them off without payment or with a mere pittance. Of course the negroes have lost confidence in those men, and begin to lose confidence in others. But they are all willing to work for men in whom they have confidence, so far as my knowledge goes, and I have seen them daily, and had frequent conversations both with employers and employed.

Question. What is the extent of their knowledge at this time, and what is their capacity for exercising the rights of free men?

Answer. That depends much upon where they have been, under what circumstances they have been placed, and what opportunities they have had of acquiring knowledge. In western Texas, and all through that region where the country is thinly populated, a great deal of stock is kept. The negroes there are very frequently employed in hunting stock, riding a great deal in the open prairies; consequently they are very different from negroes kept closely confined to plantations. Again, some of those in towns can read, and a few of them write; some of them are quite intelligent, especially those who have been mechanics and have worked alongside of white men for a great many years; they have acquired the same knowledge, as far as intelligence in the ordinary affairs of life is concerned, as the white men, and it is an every-day occurrence to hear intelligent negroes consulted by white men—on the plantation, in the workshop, and on the stock farm—in regard to the work and management of their respective affairs. Upon asking one of these intelligent negroes, who is a mechanic, what he thought of his freedom, he replied, "Well, I must try and make a good crop this year." I asked him what he thought when we went away; referring to our leaving the State during the rebellion. "Oh," said he, while his face lit up and his eyes sparkled, "I knew you would come back." "What made you think so?" He replied, "I have been watching this thing from the beginning; I told —— ——— one day, when I met him on the road, that if they had not brought on this war just now, they might have kept us as slaves for thirty years longer." From that and other conversations, I concluded that there had been much talking, some reading, and a great deal of thinking, upon the subject among the negroes.

Question. What is the feeling in Texas, particularly among those who have been rebels, in regard to allowing the negro to own land, to acquire an education, and to become a citizen?

Answer. I do not think there is much opposition either to their acquiring an education or owning land; I have not heard much said about it. That is principally due to the fact that the negroes have no means with which to buy lands. For the first few years they must work

in the fields and elsewhere for wages. Schools have not yet been established in the country; therefore those questions have not been agitated. We had no free negroes at all in Texas; there was an act passed by the legislature before the war requiring every free negro to leave the State or to choose a master. Those left who could leave; those who could not leave, chose masters.

Question. Do those who were formerly slaveholders in your vicinity recognize the freedom of the blacks altogether?

Answer. Yes, sir; as a general rule they do.

Question. What is your opinion as to the necessity of the Freedmen's Bureau or some such agency in Texas?

Answer. I have thought much upon that subject. The Freedmen's Bureau, properly administered, would be the very greatest blessing we could have. The interests of the black man are so completely identified with the interests of the white man, that they must always be blended together. There will be the employer and the employed; contracts will be violated and crimes perpetrated by both parties, and it is necessary that some tribunal should be established to see that justice is done. If it be left entirely to the verdict of a jury, as in cases between white man and white man, it will be found that jurors, however honest they may be cannot entirely rid themselves of their old prejudices. I have seen that illustrated in the State of Louisiana, where I was district attorney in 1864 and 1865. I have seen men who were just as good jurymen as I would wish to have in a jury box in ordinary cases pay no attention to, but utterly disregard, the evidence in a case where a white man and a black man were concerned, and yet in charity I must presume that the jury thought they were doing their duty.

Question. What rights are the white people of Texas disposed to give to the freedmen there?

Answer. They are disposed to treat them kindly, but they do not propose to grant them any political rights.

Question. What civil rights are they disposed to grant to them? What are they disposed to do in regard to allowing them to sue, and enforce contracts, and to testify as witnesses in courts?

Answer. There has been nothing of that kind brought under my observation: whatever has been done there in that regard has been done through the agency of the Freedmen's Bureau. About Austin I speak; I know nothing of it in other parts of the State.

Question. Do you think negroes, as freedmen, would be safe in Texas, without the enjoyment of civil or political rights, in the absence of the Freedmen's Bureau?

Answer. I think some such agency as the Freedmen's Bureau is indispensably necessary, both for the white and the black; the party that is wronged and the wrong-doer will both be benefited by it. It will compel persons to do that which is right, as well as secure persons in their rights.

Question. Suppose the negroes about Austin, for instance, were allowed to vote: would they vote for those men who have been rebels, or for those who have been Union men?

Answer. There is a great difference of opinion upon that subject. Men of much thought and of sound minds have supposed that if negroes were allowed to vote, they would go with their masters or those who employed them. I am inclined to think that the employer would have his influence over them to a certain extent, as all employers have everywhere; yet, notwithstanding that, I do not believe that one out of twenty would vote for a man who had been a rebel or secessionist; they know every one of them better than the white men know them.

Question. Do the negroes there indicate any appreciation of the difference between Union men and disloyal men in that country?

Answer. Yes, sir; they know that better than the white men do; they can tell every Union man in the country; they know them well.

Question. They know their friends?

Answer. Yes, sir.

Question. And depend upon them?

Answer. Yes, sir; they know all those who have departed from their former professions, and express their opinions upon them, and very sensibly too. Many men who were recognized as Union men before secession became secessionists after that ordinance was passed, some of them the most bitter and unrelenting persecutors of Union men; others struggled on, doing and saying but little, but they were looked upon with suspicion by the rebels, who marked them as Union men. Since the termination of the war, some few of those who during the rebellion were regarded as Union men have commenced to curry favor with the politicians. The pardoning of so many has had a great influence in favor of the rebels; and those Union men who wish to obtain power, seek that influence by courting the favor of the rebels.

Question. What is the feeling in Texas in regard to northern people coming there and going into business there?

Answer. That feeling has not had time to develop itself fully. Texas is a very large State, and there are a great many Germans there, who it is well known have been the most loyal men in that State; they have been the most determined and unswerving Union men. There is so much room in that State, it is expected that there will be a large immigration there; and

three or four hundred thousand people coming there would greatly change the general character of the people there, and I do not think that immigrants would be badly received there. There has always been a goodly sprinkling of northern men in the towns, but they were strongly suspected of being Union men. A great many left. Most of those who were obliged to remain took sides with the rebels. Some, in order to save their property from confiscation and their persons from violence, were very extreme and open in the expression of their views, while others were real rebels, many doing a thriving business, making money, and at the same time doing much mischief to the United States government and her citizens.

Question. In your opinion what is the better course to pursue in regard to the recognition of that State by Congress? Is it better at once to receive her representatives in Congress and recognize her as a State, entitled to all the rights and privileges of a State in the Union; or is it better, in view of the condition of the loyal white people there, and the condition of the blacks, to wait awhile and keep a military force there, and in that way maintain the authority of the federal government?

Answer. The truly loyal people are mostly ignored both by the federal government and by the State government. If these men who come here claiming seats in Congress represent truly the feelings of the State, represent the disloyal element I speak of, I see no difference in receiving them now and receiving them the day they laid down their arms, because their opinions have not had time to change. The changing of one's opinions is not within a man's powers. It takes time and circumstances to alter and modify them. They cannot change and throw off their opinions as they would a garment.

Question. What do you mean by saying that the government ignores loyal men? Do you mean that appointments are given to men who are not loyal?

Answer. The loyal men feel that they are ignored. Yet it is difficult to answer the question so as to be understood by one not acquainted with all the circumstances of their situation, which I will endeavor to explain.

A minority of the people of Texas voted against secession. Shortly after this fact was made known by the rebel convention, one-half or perhaps two-thirds of that minority went over to the majority, leaving comparatively very few loyal men, whose numbers by subsequent causes became still further reduced. The few that are left alive are called the loyal men of Texas.

When Governor Hamilton arrived in Texas he proceeded at once to organize the State by appointing State, district, and county officers out of the best material he had, some of it not of the choicest quality. Yet all acknowledged that it was as well as could be done under the circumstances, and were satisfied. But soon a feeling of uneasiness began to pervade the minds of loyal men; they perceived that Mr. Johnson was the real governor of Texas, Mr. Hamilton the nominal governor, but in reality only the agent of President Johnson, who caused voters to be registered, whereby every rebel soldier and secessionist, not exempted by the amnesty proclamation, had but to take the oath, have his name registered, wait until the election, then immediately proceed to govern and control the State. They perceived that the power of the rebels was being daily strengthened by the granting of pardons to great numbers of the wealthy and influential rebels, who were returning with all their former influence undiminished, and a kind of political importance added to it. A proclamation was issued for a convention, and an election ordered to be held, whereby those who had been registered could vote for its members. The loyal people were ignored by these proceedings, their feelings or wishes never consulted on those all-important matters, whereby they were completely divested of all political power in the State. In the convention they can have no influence; any State government established under it will speedily remove every loyal man from office. The few loyal men feel that had they been traitors or rebels, their condition would have been much more desirable than it now is in some respects. Yet they know and feel and say that loyalty is the highest public virtue, and that treason is the greatest political crime; that it is the duty of the President to protect, honor, and render virtue powerful, to make crime odious, despicable, and powerless. Therefore the loyal men say that Mr. Johnson has not kept his faith with his country; that he has violated the pledges he made to them, and betrayed the trust they reposed in him; that by his conduct and management of affairs in Texas he has made treason not odious, but reputable, influential, and powerful, and by the same means he has rendered loyalty odious, despicable, and powerless; consequently loyalty in that State now lies prostrate and bleeding under the heel of subjugated rebels.

The untold sufferings that these true men have endured, the sleepless nights they have spent in brooding over their wrongs and contemplating their dismal future, the uncertainty, the wretchedness, cannot be explained. Most of them desire to leave the State, and many are making preparations for that purpose. Many believe that they will not be allowed to live in the State, or, if they are permitted to stay, it will be in ignominy and bondage.

This explanation of the circumstances in which the loyal men are placed may account for the feeling that they are ignored; they also feel that they are the victims of the federal and State governments. I have ever had an entire reliance in the worth and ability of the present Congress to help the loyal men in the State of Texas, but, generally speaking, they are very hopeless—almost despairing.

In regard to appointments by the President, much interest was manifested in this matter at first, and names of good men were selected for some of them; but delays occurred, and appointments were few. In the mean time incidents and events which I have just related were

transpiring, and overshadowed all interests of that kind. Men who are about to be driven out of the State think nothing of these things; nay, some of the best officers themselves think of leaving.

Question. It has been pretended here, by those who control the appointments, that there are not loyal men in the south for all the offices. I desire to have your opinion upon that point in regard to Texas. Are there loyal men enough in Texas to fill the offices?

Answer. Your question would require some thought and reflection. It is said that there are not loyal men enough to fill the post offices.

Question. You can state, as far as you know, whether or not the offices of the general government can be filled with loyal men, should the government be disposed to select them for that purpose.

Answer. There are loyal men to fill all the offices, and fill them well, too, if they were selected for that purpose; but in some districts there are no loyal men—in others they are comparatively numerous; they are not equally distributed all over the State. So far as numbers go, there are loyal men enough who are capable of filling twice the number of offices. It is impossible to find loyal men in every county to fill county offices. I believe that one-half of the counties of Texas are in this situation. The old officers of these counties were mostly rebels, many of them forming vigilance committees for the destruction and murder of Union men, and were the means of driving off from the country those Union men who could escape their vigilance, many of whom will never return. I will state that there are officers of the general government who employ clerks who have been deeply identified with the rebellion, who say they cannot get Union clerks. My impression is that they cannot obtain them unless they use the proper means. Let them advertise for such, and they would have crowds of applicants to choose from. I have said this, as I repeatedly said and insisted upon in Louisiana, that the first and indispensable requisite for office was loyalty, and that they ought to send off for loyal men if they could not get enough there who were loyal.

Question. Have you been in the State of Louisiana? If so, state what position, if any, you held there, and what opportunities you have had for ascertaining the condition of affairs in that State.

Answer. I was in the Teche campaign, on Major General Ord's staff. I returned to New Orleans in January, 1864, and then studied the laws of Louisiana. In August, 1864, I was appointed district attorney for the fourth judicial district of that State.

Question. Will you state whether the offices of the different parishes in that State are in the hands of loyal or disloyal men; and what you know about any change, if any, that has taken place in those offices?

Answer. My district was composed of five parishes, though I attended courts in seven parishes, and was familiar with that number. I knew nearly every officer in each of those seven parishes; that is, the sheriffs, clerks, recorders, justices of the peace, and most of the police jurors. The police jury is a very important matter there—an influential body, and a kind of local legislature there, controlling the parish. During the administration of Governor Hahn great care was taken to fill those offices with loyal men, and he succeeded almost entirely in doing so. Shortly after Mr. Wells became governor, one after another of the officers appointed by Governor Hahn was removed, until very few loyal officers were left in those seven parishes with which I was acquainted. Sheriffs, clerks, recorders, justices of the peace, and police jurors, were all successively removed, and in their places were appointed disloyal men, all of them identified with secession and rebellion, having been engaged in various ways for years inflicting injuries and wrongs upon the government and her citizens—returned rebels and paroled prisoners from Johnston's army; but not one Union loyal citizen was appointed by Governor Wells in either of those parishes. I will add, that those few officers that have not been removed by Governor Wells were always reputed to be of equivocal loyalty. I can think of but two or three original Union men that held office in August last; perhaps they are now removed. The number of officers in those parishes must amount to about one hundred or more. It is impossible for a stranger, or one who has not mixed familiarly among those Union men at their homes, to estimate the amount of virtue they possess, the trials they have endured, and the courage with which they have so sternly kept their faith with their country and their government. Nor is it possible to convey in language to be understood by a stranger, the sufferings, the wrongs, the despair of those men, when they saw what Governor Wells was preparing for them—rebels in their uniforms, returned from the army to their old homes, the former persecutors and personal enemies of the loyal men, whose very names were associated with "wounds inflicted not to heal," and recollections of burning wrongs—these, and such as these, were the men appointed by Governor Wells to wield the authority of office over the loyal men of those parishes. I believe the parishes of Terre Bonne and Ascension were supplied with full sets of officers—say, from fifteen to twenty each—at one swoop, the loyal incumbents having no notice of their removal until commissions were presented to them, and their books, papers, &c., demanded by the new appointees. They refused to comply with the demands. They considered the conduct of Governor Wells unjust, base, and atrocious—unjust, because he removed all the officers at once without giving notice to either, and without any reason assigned; base, because in the place of loyal, true men, he appointed those who had been false to their country—traitors and rebels; atrocious, because they were the personal enemies and persecutors of the loyal men. All the loyal

men believed that the incumbents were removed because they were loyal. These loyal men still refusing to comply with the demands, and being determined to maintain themselves at the risk of their lives, prepared themselves accordingly. But the men who had persecuted and driven them from their homes before, by the aid of armed confederates, now applied for military aid from the United States for the purpose of again crushing the same men: not without trouble was it at last accomplished. Some of the loyal officers had to flee from their homes after the change was complete; and I saw the recorder of Terre Bonne parish a refugee in New Orleans a few weeks ago, when I was informed that many others were leaving the parish. I could say a great deal more in giving details that accompanied these proceedings. I have stated facts, which, if they be true, are of the most important character. It is my opinion that there is no State in which loyalty has been so deliberately, thoroughly, and, by the government, systematically crushed as in Louisiana. Texas is going the same course, unless it be arrested. The last and only hope of loyal men is in the republican party in Congress.

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A.

## *Appendix to testimony of John T. Allen.*

### Circular of James H. Bell, candidate for Congress.

Fellow-citizens: I have been absent from the State for two months, and have just returned, to find that my friends have thought proper, in my absence, to place me in nomination before you for a seat in the convention which has been ordered, by Governor Hamilton, to assemble on the 7th day of the next month. There is brief time left between this and the day of election for me to communicate with you, and to make known to you the views upon which I shall act if you do me the honor to elect me to represent you in the convention.

I have been much pained, fellow-citizens, to hear that in many portions of the State there is apparently but slight interest felt in the election of delegates to the convention. Why this is so I am at a loss to understand. In my judgment, much depends upon the views upon which you act in this election, and the action of the convention itself will be fraught with the most important results, either for good or for evil, to the country. It is not an idle ceremony in which you are invited to participate. You are called upon to lay again the foundations of government within your State, and this under circumstances delicate and momentous beyond anything in the experience of this generation. The case of the States lately in rebellion against the government of the United States is novel and without any precedent in our history; and the work of reconstruction involves questions which, in their solution, will tax the best powers of the best and ablest men of the country. It is a work which should be approached with thoughtfulness, and with a single and patriotic purpose to readjust the difficult fabric of government upon principles which will endure all the tests of human infirmity. It is a work which should elevate the minds of those to whom it shall be committed above the prejudices, the resentments, and the personal interests of the hour. Our country has been in mortal agony. The great struggle has been attended by incidents and is followed by consequences which can be contemplated by the philanthropist and the patriot only with sentiments of regret and humiliation. But I do not permit myself to doubt that out of this sore trial will spring the enduring greatness of the republic—power unexampled, influence that will be felt in the four quarters of the earth, and a glory that will appear to the eyes of those who shall live to behold it, "like another morn risen on mid-noon."

The work now to be done is to restore harmony to the country. In order to be in a proper temper to bear our appropriate part in this work, we of the south must be able to banish all feelings of resentment towards our northern brethren which have grown out of the war. We must be able to look at events, and to perceive their significance, and the duties which they impose, without dwelling upon the displays of passion, and without brooding over the private griefs which attended these events in their development. You will say that to be able to do these things calls for the exercise of virtues beyond the endowment of mortal men. It does, indeed, call for the exercise of high virtues, but I am assured, fellow-citizens, that just in proportion to the exercise of the virtues of justice, moderation, truth, and charity by the actors of to-day, will their work redound to the advantage of themselves and their posterity.

Let me remind you, fellow citizens, that the people, both of the north and the south, have been in the habit of looking at those questions which have disturbed the country from different points of view. This habit of the public mind of the two sections still remains, to a considerable extent, in force. It is the duty of both sections to enlarge their view, and to act upon a policy as comprehensive as the whole country. An opinion prevails throughout the south that the people of the north are our enemies, and that their purpose is still further to humiliate us, and, by their legislation, to oppress us. I do not think so. I have lately conversed with many public men in the north, and with a great many intelligent men of business, and I am

persuaded that the prevailing sentiment among the northern people is one of sorrow over the calamities which have befallen the country, of sympathy and kindness for the people of the south. You will be told, I do not doubt, that I have always been an apologist for the people of the north, and that my opinions and advice upon all sectional questions are to be taken with many grains of allowance. I think it is high time, fellow-citizens, that you should cease to be misled by the insinuations and the declamation of those who hope to accomplish their own purposes by promoting sectional animosity and discontent, and who find it necessary to denounce all who pursue a different course. Be the consequences to myself what they may, I shall always express my opinions with frankness and candor, leaving it to the people to attach such importance to them as they may think proper. There are undoubtedly, in the northern States, people and politicians of extreme views—views which, if carried into effect, would be detrimental to the prosperity and the social tranquillity of the southern people. Many of these are honest men, who consider questions in the abstract, and without a just comprehension of all the conditions of the case under consideration. The class of politicians to which I refer do not control public affairs, but are restrained by those who are more practical. In my judgment it depends upon the people of the south themselves whether, in the matters which now most nearly concern them, the views of extreme men or of moderate men shall prevail.

Undoubtedly the great body of the politicians and people of the north feel that it would not have been wise, immediately after the cessation of hostilities, to have permitted the men who were so lately engaged in the attempt to establish an independent government in the south to return to the exercise of the same power in the Union as had been enjoyed by them previous to the rebellion. They feel that the war would be without adequate results if reconstruction should take place in such manner as to leave it within the power of disaffected men to disturb again the peace of the country. They feel, too, that having proclaimed the freedom of those who were formerly in a state of slavery, it would be a reproach to the government of the United States to fail to protect such persons in the enjoyment of their lately acquired freedom. What measure of power the government of the United States will think necessary to exercise in order to secure to the negroes the enjoyment of their freedom, will, I think, depend very much upon the disposition manifested toward the blacks by the white people of the south. I do not believe the people of the north wish to force the southern States to consent to negro suffrage as a condition of reconstruction; but I do believe that if the people of the south are so unwise as to attempt, by State legislation, to establish a compulsory system of labor within their limits, and thus practically to put the blacks in a state of slavery, and if they refuse to do what may reasonably be demanded as a condition of restoration to their former condition as States of the Union, the people of the north may be easily driven to act upon those views which are now considered radical, and the result will be that the southern States will be continued under military rule indefinitely, or the right of suffrage will be conferred upon those who will be prompt to organize State governments in accordance with the views of Congress. I think it my duty, fellow-citizens, to be plain with you on this subject, and to conjure you to proceed with thoughtfulness and without any bitterness of feeling in everything that pertains to the work of reconstruction.

I am informed that the impression has been made upon the minds of some of you that I am in favor of negro suffrage. I have not conversed with a man in Texas, or out of it, who does not know that I am entirely opposed to the right of suffrage being conferred upon negroes. I regard the whole future of the negro race in this country as a problem which time only can solve. In my judgment, there is much room to doubt whether they will exist among us half a century hence. If they do, it will be because they are useful laborers at least. They may possibly develop aptitude for a higher degree of civilization than they have attained in a condition of slavery. They may possibly establish themselves in particular localities and form political communities. They may continue to reside among the whites, and in the course of time become intelligent and useful citizens. I do not think that many men are wise enough to be able to say with much safety what they will think proper to do in reference to questions that may arise in the (perhaps distant) future. I am sure that I am not. But I have already resolved, so far as my intelligence will enable me, to act towards the blacks with justice; and I shall always, as a private citizen or as a public servant, be ready to accord to them all the rights which an enlightened public opinion may think it proper for them to enjoy.

Permit me to say here, fellow-citizens, that in reference to the action which the convention ought to take with a view to reconstruction, I think it is perhaps premature for any one to attempt to be very explicit. The Congress of the United States has not thought proper to admit the senators and representatives from those southern States which have already had conventions and held elections. A committee has been appointed by Congress, to which the whole case of the States lately in rebellion has been referred. This committee will probably report, and Congress will adopt, some general plan of reconstruction. No one yet knows what features that plan will contain. If such action shall be taken by Congress, it will become the duty of the convention, if it does anything, to consider whether or not it will conform its action to the views of Congress. In this event I can promise no more than that, if I am a member of the convention, I will act upon my most deliberate judgment of what is for the interest of the people of Texas. I think the people should send their ablest men to

the convention, and that every question which shall come before that body should be carefully discussed and considered, and the convention should act upon all the lights before it, and its action should be referred to the people for their approval or rejection.

I think the convention should distinctly recognize, in all its action, that slavery no longer exists in Texas; and I think that the next legislature of the State ought to ratify the constitutional amendment abolishing slavery. It is true that the amendment is already in force as a part of the Constitution, but I think that the people of Texas ought to manifest their cheerful acquiescence in what has been done by ratifying the amendment.

I am of the opinion that the debt contracted by the State for military purposes, since the act of secession, ought to be repudiated; or, in other words, it ought to be declared that the people shall never be taxed to pay this debt. I am in favor of paying whatever debt has been contracted for the ordinary expenses of the civil government of the State during the rebellion.

I am of the opinion that the ordinance of secession of 1861 ought to be declared to be null and void.

I am of the opinion that the constitution ought to secure to all persons, without respect to color, the right to testify in the courts, under such rules and regulations as are, or may be, prescribed by law. And on this subject I will say that I am of opinion that no person ought to be held incompetent to testify in court because of interest in the suit. I think that parties to suits ought to be permitted to testify, and that the jury should decide upon the credibility of every witness.

I am of opinion, fellow-cititizens, that some important changes ought to be made in our State constitution respecting the tenure of our State offices. I think the governor of the State ought to have more power than is committed to him by our present constitution. He is the head of the executive government, and is responsible to the people as such. He ought, therefore, to have the power to control, within the limits prescribed by law, those officers who are subordinate to him and who are connected with him in the daily administration of the government. I think the governor should have the appointment, with the consent of the senate, of the comptroller of public accounts, the treasurer, the commissioner of the land office, and the attorney general. I think the governor ought to hold his office for four years, and that he ought to be paid a salary which will enable him to live in a style becoming the head of a great State. I do not mean that any republican magistrate ought to put on the airs of a prince; I simply mean that he ought to be able to dispense a liberal hospitality towards his fellow-citizens who may visit the capital, and towards his neighbors and friends, without impoverishing himself by doing so.

I am of the opinion that the governor should appoint, with the consent of the senate, the judges of the supreme and district courts, and that these officers should receive better salaries than they have heretofore received. After all, fellow-citizens, the firm and impartial and intelligent administration of the law in the courts of the country is the soul of good government. Experience, I think, has demonstrated that the election of judges by the people impairs the independence and firmness of the judiciary. It is not because the people want intelligence to select capable men, because they generally possess that intelligence, but because considerations will necessarily mingle in popular elections that ought to have no influence in the selection of judges. Where elections are by the people, it is impossible to exclude politics in times where party spirit runs high. But the main consideration why judges ought not to be elected by the people is, that it operates injuriously upon the judge himself. It places him under a temptation to show favor to men of influence, to which a judge ought never to be subjected. The ablest judges which this country has produced held their offices by appointment and during good behavior; and I do not know a single instance of a judge who has acquired high distinction since the election of judges has been generally committed to the people. These are facts worthy the considerate attention of a people who desire good government. In a State so large as Texas, those persons who are qualified to sit upon the bench of the supreme court of the State can be known to but a small portion of the people, and it results that the people take but little interest in such elections You will be told that I propose to take power away from the people, and I am well aware that this is a subject upon which it is easy to alarm your fears. The appeal is to your intelligence; if you are satisfied that the old system of appointing judges, with which all the old men of the country were once familiar, tends to the greater purity and independence of the judiciary, then you ought to be willing to return to it. You will elect the governor and the senators, and they will be responsible to you for their appointments. You therefore exercise the controlling power, and you remove the judiciary out of the reach of improper influences. There is one great reason, fellow-citizens, why I think we ought to give greater respectability to State offices. The success of our system of government depends upon the preservation of the balance between the general government and the State governments. The men who made the Constitution of the United States intended to give to the general government certain powers, and they expressly declared that all the powers not granted to the government of the United States were reserved to the States or to the people. The tendency of the late war is to the centralization of power in the general government at the expense of the States; and the only practicable way to counteract this tendency is to attach men of talent to the service of the States rather than to the service of the federal govern-

ment. If the State governments are in the hands of men of ability, their influence will be felt at the national capital, and that influence will induce caution and deliberation in the national administration. The only way to attach men of talent to the State service, rather than to the federal service, is to make the State offices desirable. I should be well pleased myself to see the day when any citizen of Texas would rather be the governor of the State or occupy a seat on the bench of the supreme court than to be a senator in Congress.

I am extending this address, fellow-citizens, beyond my original intention, and I am obliged to write so hurriedly as not to be able to do justice either to myself or to the subjects upon which I have touched. I should have been pleased to have had time to visit the different neighborhoods of the district, and to discuss the issues of the day, and the duties that lie before us, more satisfactorily that I am able to do in a brief address. I am informed that efforts are being made to damage me in your estimation because I thought proper to accept office under Governor Hamilton. It seems there are gentlemen who think to gain your favor by assailing the provisional government, and to damage me by reason of my connexion with it. I shall not suffer myself to be betrayed into the impropriety and vanity of making myself responsible for the acts of Governor Hamilton. He is tolerably well able to defend himself. This much I have to say: I had no expectation of being connected with Governor Hamilton's administration until he tendered me the position which I now hold. I could easily have stood aloof from Governor Hamilton, and might, perhaps, have distinguished myself as a critic of his administration. But I felt that the times were such as required from every man who loved Texas something besides criticism. I thought that I might be able to contribute something, however little, towards the restoration of order in the country; something towards the tranquillity of the public mind; and I resolved, without hesitation, that no man should have it to say that I stood aloof from the public service for fear of a little criticism. Whenever you can be persuaded, fellow-citizens, that I desire anything else than your welfare—whenever you can be made to believe that I am false to the State that gave me birth, it is my wish that you withhold your confidence from me, and bestow it upon some one whom you may deem more worthy. I have always been frank to declare that I desired to connect my name honorably with the public service of Texas. I do not affect to be indifferent to the honors which you have it in your power to bestow. The ambition of others may demand a wider theatre for its gratification. The approbation of the people of Texas is enough for me. The service of my native State is the only service to which I aspire. I have loved the Union, because I thought it conferred blessings on mankind, but more especially because it conferred blessings upon Texas. I still look to the Union with undiminished affection and with undiminished hope. I believe it will confer yet greater blessings upon mankind, and yet greater blessings upon Texas. I give, then, to the Union my hopes and my fervent prayers. I give to Texas the tenderest place in my heart. I loved her in the day of her prosperity; I love her more tenderly in this, the day of her great adversity. I desire to serve her, I hope from as pure motives as ever have their origin in the fallible heart of man. If you think proper, fellow-citizens, to honor me with a seat in the convention as your representative, I shall serve you and my State to the best of my poor ability; but if, from any cause, you prefer to bestow your suffrages upon another, I shall accept your decision without a murmur.

I am, with respect, your obedient servant,

JAMES H. BELL.

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B.

*Circular of W. C. Dalrymple, opponent of Mr. Bell.*

FELLOW-CITIZENS OF WILLIAMSON AND TRAVIS COUNTIES: I am a candidate to represent you in the approaching convention, and take this the usual mode of acquainting you with my views on some of the more important subjects now engrossing attention.

The great question prominent before the convention will be the future of the negro. No question of such magnitude has or will come before the people of Texas during the present generation; and on this I differ from my opponents now in the canvass. They each and all concede something to the negro; some more, some less, approximating to equality with the white race. I concede to them nothing but the station of "hewers of wood and drawers of water." God Almighty has placed a sufficiently broad line of demarcation between the races, and it does not seem the part of wisdom to attempt to obliterate it. If a republican form of government is to be sustained, the white race must do it without any negro alloy. A mongrel Mexico affords no fit example for imitation. I desire the perpetuation of a white man's government. The patriot must strike now for our cherished institutions and the ascendency of the white race. The negro is and must remain free. This is one of the results of the late conflict, and he must be protected in person and property; this is due to justice and humanity, but I hope and believe that legislative wisdom can devise some mode of securing fully those rights without an equality in the courts of the country. Of course I am opposed to negro suffrage in whatever form or with whatever limitations it may be proposed.

I shall, if honored with a seat in the convention, vote to repudiate the State bonds issued

on confederate account, but I would prefer to have the credit of doing it voluntarily, rather than from an order from the President of the United States or anybody else.

I am in favor of the qualified voters at the ballot-box electing all officers, from constable to chief justice of the supreme court, as heretofore. I see no cause to distrust the people; they have shown their wisdom by generally putting the right man in the right place.

Texas voters heretofore have been able to select supreme and district judges who compare favorably with those of any appointing power that I know of, not excepting those of our own distinguished provisional governor. I think voters hereafter can exercise the same sagacity, and I am unwilling to take the selection of any officer from them.

I am of opinion that the convention should meddle but little with the State constitution; in fact, would prefer letting it stand as it is, with such changes as arise from our situation, and will start us on the high road to our proper place in the Union. When reason shall have completely resumed her sway; when high sectional feeling shall have subsided; and when the federal sword shall have been returned to its scabbard; then, if the constitution needs remodelling in other respects, that is the proper time to do it.

I have but little to say about myself. I loved the Union with a devotion amounting to idolatry; but I supposed the States had a right to sever their allegiance to the general government if they chose to do so; and when the effort was made, my duty was plain; when the unfortunate war commenced, I did not hesitate to follow the example of the illustrious statesman Sam Houston, on whose staff I then was. I, too, gave my labors for what, for the time, was my country, exacting my allegiance, and protecting my fireside.

I have been known by many of you for over twenty-five years; have been honored by the voters of part of the district perhaps above my deserts. If my past life is not a guarantee of integrity and patriotism, no argument of mine could supply such evidence, no schedule of antecedents or promises of fidelity would claim respect.

I am a candidate without reserve, and will cheerfully abide your decision; and whether elected or defeated, will remain your fellow-citizen,

W. C. DALRYMPLE.

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C.

*Letter of Mr. Dalrymple.*

AUSTIN, TEXAS, *January* 2, 1866.

*Editor of the Gazette:*

I came to town last Saturday, but had not the pleasure of hearing Judge Allen's address to the citizens, though I learn from friends that he treated myself and other opponents with cold indifference, paying his respects only to Judge Bell. The remark of a friend was, that I was not "considered in the race." Well, I am in the race; but will take occasion to say that I would not have been a candidate, if the principles and antecedents of other candidates had been such as I could approve. Who, then, have the people before them to make choice from?

Judge Bell, a *quasi* negro suffrage advocate, and secretary of state to the Hamilton administration.

General Talbot, a renegade from the south, assisting our then oppressors.

Colonel Sansom, who left Texas during the hottest of the strife, made his way through the lines, went a thousand miles or so, took the oath of allegiance to the United States, and returned; and finally, my good old friend, Judge Allen, who has been charged with being a Kentucky emancipationist of the olden time, and which he has never denied, to my knowledge, and is now in favor of introducing the negro into the court-house, cheek by-jowl with the white man.

I gave in a circular, a few days ago, my views on some of the most important subjects now engrossing attention. By comparing my own to the position that I have briefly assigned to each of my opponents, I hope I have done them no injustice. The truth is manifest. Let the people decide.

W. C. DALRYMPLE.

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D.

INAUGURAL ADDRESS OF GOVERNOR P. MURRAH.

*Gentlemen of the Senate and House of Representatives, ladies, and you, my fellow-citizens:*

I have been chosen by the people of Texas chief executive of the State for the next two years. The office of the chief magistracy of a great sovereign State like Texas is at all times one of great importance and responsibility; but now, when war is waged upon our common country, and danger threatens the State upon every hand, and when so many grave questions of policy are to be met, its importance and responsibilities are greatly magnified.

I fully appreciate the fact that a majority of the suffrages of the people have been cast for me at a time when all that is sacred to us is involved in the issues of a war of such magnitude, and of such virulence in character, and when the perilous condition of the country requires of the executive so much discretion, watchfulness, soundness of judgment, and firmness in the discharge of the duties of his office.

I most sincerely thank the people for the distinguished honor conferred upon me, and for their manifestation of confidence under circumstances so marked and significant. And while I distrust my ability and my experience in public affairs, I can promise, without reservation, a will and a determination to discharge the duties of this high trust with a firm hand, and as nearly as I can in accordance with the wants of the State.

I indulge the hope that a zealous devotion to the great interests of the State in these times of peril will plead not unsuccessfully, and excuse, for my shortcomings and want of wisdom in this high position, and that a generous constituency will be slow to desert or abandon a public servant faithfully laboring for the public good.

If statesmanship and ability, the power to distinguish, and the disposition to observe the true character of our political system, be essential qualifications in the officials of the confederate, they can be no less so in the officials of the State government. Texas, in allying herself to the other States of the south for general purposes, and for the common weal, surrendered not her sovereignty, or her complete control over all matters of a local concern; and it follows, as a matter of course, that a wise and judicious administration of the affairs pertaining to the local, can be of no less importance to the welfare of the people, than the proper administration of the affairs pertaining to the general authority. A full appreciation of this simple fact, and a rigid observance of it in practice, will have no little influence in producing sober and correct views as to the scope and objects of the confederate authority, and in modifying tendencies to partisan organization and partisan strife, founded alone upon differences of opinion as to the extent and objects of that authority.

But the responsibilities of position, in a government like ours, and especially at a time like this, when the services of all are needed, should not deter the citizen, through timid apprehensions of evil consequences to himself, when called by the voice of his country, from yielding his services to it. The life of the State is threatened, its welfare being at all times an object near the heart of the patriot; and all selfishness and merely personal considerations should be banished, and the citizen in private life, and in public station, should be guided alone by the most exalted patriotism, discarding from every act and utterance bearing reference to public affairs all baser motives.

We are struggling through the perils of bloody fields for the preservation of the institutions inherited from a glorious ancestry, and it surely behooves us to heed their voice, to be instructed by their experience, and to study well the conditions and means by which they are not only to be maintained by the sword, but perpetuated and wisely administered. For the machinery of government, of all machinery, is the most intricate and the most difficult of adjustment and management; and the science of government, of all sciences, has claimed from mankind the greatest share of their attention, and yet has secured from them the least uniformity of opinion as to its true mission, and as to the principles which should be embraced in a perfect system.

Though the builders were master builders, yet the complicated and refined character of our political system, together with the absency of experience and precedents as guides, gave rise, from its very origin, to the most serious and delicate questions in the adjustment of State and federal authority—questions often involving the most bitter party strifes, and the most alarming excitements in the public mind, bringing at an early day to the minds of the original framers grave apprehensions of the long duration of the workmanship of their own hands.

Our bleeding and struggling country warns the people of the dangers of holding to differences of opinion vital in their character, as to the true nature of the government of their own formation, and of yielding themselves up blindly to partisan organizations and partisan strifes, for the purpose of building up theories at variance with the government as written and ordained. Instructed by experience, and guided by the lights of the past, it is hoped and believed that if we are true to ourselves we may escape such dangers for the future, and from the beginning of our new political career, not only understand, but put in practice the government according to its true theory.

The objects and the ends of the State and confederate governments are so distinct, the powers to be employed by them so well distinguished and defined, that it becomes a matter of wonder how they can be involved in confusion and uncertainty.

The strength and beauty of a federal system of government, its value and completeness as a government, its harmonious and energetic action, absolutely require, in both the general and local authorities, a rigid observance of the boundaries of power lying between them and marking out their appropriate spheres of action.

This simple rule forbids alike the usurpation of authority upon the part of the general government, the infringment upon local authority, and the denial on the part of the State to the general government, the exercise of authority clearly granted in the Constitution. These observations are not deemed out of place here, for the reason that the extraordinary events daily transpiring in our country, together with the universal demands of this war upon its energies and resources, are trying both the strength and character of the State and confede-

rate organizations, the extent of their authority respectively, and bringing into action a large class of powers, which in ordinary times, and especially in times of peace, lie dormant and unobserved in the organism of a complicated political system.

A distinction will of course be observed by every intelligent and just-minded man, at a time when necessity forces upon the government the employment of so many agents for so many varied purposes, between deliberate acts on the part of the government at variance with the constitution, and mere irregularities in the exercise or execution of authority on the part of officials, which may be promptly arrested and corrected by appeals to the proper tribunals.

To make such irregularities the foundation for factions and organized opposition to the government would be at all times unjust and unwise; but in times like these, madness and folly.

It is not apprehended by me that the confederate government will either inaugurate or persevere in a line of policy that will touch the sovereignty of the States—infringe upon the rights and privileges of the citizen, violate the compact between these States, or fail to rebuke and punish usurpations of authority upon the part of officials when properly brought to its attention. Its disposition is conceived to be the reverse of this, and it is believed that the State and confederate authorities not only may, but should, in their own appropriate spheres, and moved by the agencies appropriate to their own organism, work harmoniously together in uniting and directing the energies of the country in this deadly conflict for freedom and humanity; for while this contest shall continue for national existence, our main business must be war. To its demands all other considerations must yield, just as a man yields all else for the preservation of his life. The destiny of Texas for weal or for woe, and by her own volition, is connected with that of the southern confederacy, and she has pledged herself to her sister States of the south that their triumphs shall be her triumphs, and their fall her fall—their glory her glory, and their sorrows her sorrows.

She has pledged life and sacred honor that the lone-star banner, around which cluster so many glorious memories, sacred to the cause of civilization and well-ordered government, shall never be a banner of treason to the southern confederacy or to her own plighted faith.

Texas can, of course, as other States, act but a subordinate part in the conduct of this war. And yet the line of policy to be pursued by her as a sovereign State, under existing circumstances, may not only be essential to her own liberties, but to the liberties of the southern confederacy.

Up to this period in this bloody drama, Texas has discharged her duties fully and nobly—even beyond the legal demands made upon her energies and resources.

Wherever danger has been incurred, or glory won upon the field of strife, her sons have poured out their generous blood freely, and won for themselves, their State, and their common country, imperishable renown.

But dangers thicken around us, and make still greater demands upon her patriotism and power. The fall of Vicksburg and Port Hudson, the consequent imperfect correspondence with the States east of the Mississippi river, and with the government at Richmond, has rendered the trans-Mississippi department, to a very considerable extent, self-dependent, not only for counsels, but for the means of prosecuting the war and defending itself. The people of Arkansas and Louisiana are flying by thousands with their property to our borders to escape the presence of an insolent and insulting foe; and large portions of the territory of those States are already within federal lines.

Under these circumstances, it will be admitted that Texas occupies a large place in the trans-Mississippi department. Her territory is vast, her geographical position favorable, her resources great: her credit has been used but to a limited extent; her people have not been driven from her borders, murdered upon her soil, or her property destroyed, as has been the case with her sister States.

She will own these advantages, appreciate her grave responsibilities, and, rising with the occasion that demands still greater effort, make full preparation to put forth her strength to the best advantage, when the occasion shall present itself. The glories of San Jacinto, the horrors of the Alamo, and the tyranny of Mexico, are too fresh to her memory; her sacrifices in this war are too great, and her experience too bitter, for her to fail or falter in this, perhaps, the darkest hour of this dark contest. The spirit of her departed heroes—of Clough, of Dickson, of Barnes, of Carter, of Terry, of Lubbock, and of thousands of others, who offered up themselves freely upon the altar of their country—cry aloud for vengeance, and for still greater sacrifices on the part of the living in the cause for which they fell. A young giantess as she is, almost, of the forest, with limb unfettered and spirit erect and free, that never stooped to disgrace or tyranny, Texas has not forgotten or forsaken the faith involved in the issues of secession: she owns the presence of a divinity in the wild storm of human passion that racks this continent, and finds the true interpretation of this, as of all great revolutions in human affairs, in the mysterious ways of an all-wise and overruling Providence.

As a matter of course, the conduct of the affairs of the State, and its legislation, should have reference, in the main, to our condition in a state of war. But we know not how long these clouds shall hang over the land. In the midst of the embarrassments and dangers of war, we should not forget that the essential end of government, and of all struggles for gov-

ernment, is the protection of society and the securing its welfare physically, morally, and mentally. The laws, therefore, should be upheld and honored, and, as far as consists with the circumstances surrounding the State, rigidly enforced, so as to visit speedy punishment upon the offender against its mandates, and check the wild tendencies to anarchy and violence, resulting from the demoralizing agencies at work in these times of evil. We shall strive in vain upon the field of blood, if in the mean time the bands of society are to be broken asunder—the habit of obedience to law and the authority of government forgotten and abandoned—human life and individual rights left unguarded or exposed to the caprices of the mob, and the matured and youthful mind accustomed and familiarized to the fearful and dreadful scenes which always occur when lawless passions hold their sway. We claim to read in the northern mind a downward course to the dark abyss of confusion, anarchy and hopeless tyranny which but too often marks the destiny of nations involved in protracted wars and bloody revolutions. Warned by the ruin and misery that seems to overhang their society, and by the instructive voice of history, we should not in these times of excited passions, of jealous apprehensions, and of real dangers, overlook the importance of a frequent recurrence to the fundamental principles of security lying at the foundation of society and of government, of trusting to the regularly and legally constituted authorities and tribunals, and of laboring zealously, watchfully, systematically, and with proper foresight, to make them fully adequate to the punishment and suppression of crime, and to the protection of society from the wicked offender against its peace, its welfare, and its life. We should accord our conduct with the spirit of the constitution and the theories of our government, and make the law a shield to every man, and cause every offender to be punished according to the law.

In the midst of this revolution, the education and the training of the rising generation appeals with peculiar force to the whole society and to the authorities of government, so far as they have control over the subject. We are losing many men by the casualties of the war, and many others are absent from home beneath the banner of their country contending with the foe, some of whose sons cannot be educated unless they receive aid from the State through that system which finds its foundation in the constitution. The lapse of but a few years will introduce the youth of the land upon the stage of active life, to act their part in society for good or for evil. Every consideration as to the welfare of society, and of government, under our institutions, requires that they should be trained, educated, and prepared for the stern and varied duties that lie before them as citizens.

The establishment of manufactories for the leading articles of husbandry and of daily consumption, so as to relieve the people from a dependence upon a foreign, irregular, uncertain and corrupting trade, is a consideration that will be owned by all to be of the highest moment.

The consummation of this desirable end rests mainly with the people, limited and prescribed, as the government is, in its powers over the subject. They own the capital, the labor—the raw material—the most useful metals lie imbedded beneath our soil, our geographical position is favorable to the introduction of the necessary machinery. What can be accomplished in this line, by associations of individuals and of capital, by enterprise and resolution, can only be determined by persevering, systematic effort. The necessity and the inducements for effort cannot be overrated. It is far better and far more economical, as I conceive, to make capital yield its profits, not only during the war, but after its close, to make an enduring monument of a lofty, self-reliant spirit in the people, by investing it in permanent and useful manufacturing establishments, than to squander it away forever in purchasing goods from nations perhaps indifferent to our fate, or from a foe who are striving by the appliances of war to subjugate and enslave us.

Besides, the uncertain duration of this trade should be impressed upon the public mind We know not how soon the direction of the war may close the trade across the Rio Grande and leave us not only without a market for clothing, but without the machinery necessary to the manufacture of material for them.

It is gratifying to learn that the public mind, to some extent, is being awakened to the importance of this subject, and that combinations are here and there being made for developing the mineral resources of the State, and for the introduction of machinery for manufacturing purposes. Let the spirit of enterprise be diffused, and let the good work go on until every man, woman and child in Texas, if need be, shall be clad in homespun or in domestic manufactures, and until every field shall be ploughed with iron from our native ores.

The first act of my induction into this high and responsible office is the taking of a solemn oath to discharge its duties according to the constitution and the laws established in accordance with its provisions. This oath forbids me to tamper with the provisions of the constitution; it binds me to make it the law to my official acts, as it is the law not only to the governed, but to all of its officials. Where its provisions are plain, difficulty is at an end; and wherever doubtful, resort should be had to the rules of interpretation sanctioned by time and experience.

I should with the more apprehension take upon myself the administration of the affairs of the State were I not to be aided through the co-ordinate branches of the government. I indulge the hope that the officials of the various departments of the government may labor harmoniously and energetically together, with the single purpose of securing the welfare and the highest interests of the State, trusting that the God who has thus far sustained our cause and given victory to our army upon an hundred bloody fields will vouchsafe his guidance to all those engaged in the administraton of the public affairs of the country.

*Message of Governor P. Murrah to the extra session of the tenth legislature.*

EXECUTIVE DEPARTMENT, AUSTIN, *May* 11, 1864.

*Senators and Representatives:*

I greet you again in the capitol of the State, a co-ordinate branch of the government, and call for your counsels in these times of trouble and of danger. I return you my thanks for the kindness and courtesy extended to me during your last session, and for the zeal and devotion exhibited by your legislation to the cause of justice and of liberty. I have convened you in extraordinary session with reference alone to the public interests, and rely with confidence upon your advice and aid. I called you together in no gloomy mood. I am to-day more sanguine of our ultimate and complete success than I have been since the war began. The prospects, to me, are more bright and cheering, and betoken an early dawn to our hopes. Our arms are triumphant, east and west of the Mississippi river; and the recent victories in Louisiana and Arkansas cannot be overrated in value; and our gratitude cannot be too deep to the officers and soldiers who periled their lives and achieved these triumphs. Many were gathered to their fathers from these victorious fields, and we are still left to mourn their loss, to honor their names, and to counsel and legislate for the cause in which they perished. But one sentiment can animate our bosoms—patriotism and devotion to the altars upon which they sacrificed their lives.

If the respite and safety secured to us, for a time, by these successes are properly improved by the people and authorities, State and confederate, the trans-Mississippi department may, in a few months, be placed in a stronger and better condition than it has been since the contest began.

I shall detail to you, plainly, the condition of the State, and call your attention to such matters of public interest as I consider requir · your serious and patient consideration.

THE CURRENCY.

Congress owned the fact that the confederate currency was almost worthless, and provided for its withdrawal from circulation. The act was bold, if not approved by wisdom and good faith. It was an act of financial destruction, if not of financial skill. They created, they destroyed. I have no comments to make. I shall deal with the legislation of Congress as it affects the finances of the State.

In regular session, last winter, in a spirit of patriotism, and for the purpose of sustaining the confederate currency, you made all the appropriations in it. You authorized the taxes to be collected in it, and the obligations of the State to be paid from it. You believed that Congress would provide, in some way, to sustain the currency. After the first of July, if the currency is paid out at all from the treasury, it must be at a discount of 33⅓ per cent. on the dollar, and on the one-hundred-dollar notes at a still greater sacrifice. One-tenth of the annual taxes making the common-school fund, shares the same destiny. This heavy discount is upon a currency rating from twenty to thirty to one in value in comparison with specie. What proportion of the taxes has already been collected, what proportion is yet to be collected, I am not informed; but it is beyond controversy that this accumulation in the treasury is almost worthless, and that measures must be speedily adopted to relieve the State from this embarrassing position. Whether the collection of taxes in the present currency should not be at once arrested, and the disposition of what is already collected, and what may yet be collected, is for your consideration. I believe that it should be exchanged for the new issue. The State cannot afford to hold it and fund in bonds. This would at once deprive her of the means provided by law to meet her pecuniary obligations. When this exchange can be effected, I am not informed; but that it should be speedily done, is evident. The State, so soon as the necessary measures can be put in operation, should cease to pay out this currency. After the first of July, if it can be avoided, no payments should be made with it. Whether the old can be exchanged for the new issue, and taxes gathered in the new, with sufficient expedition to meet the wants of the government, is a matter for your immediate inquiry.

It is necessary to look beyond a few months, or mere temporary arrangements, in reference to the financial policy of this State.

The issue of treasury warrants was very properly arrested, to prevent them from being paid out in connexion with confederate notes, and at the same depreciated rates.

The question is now distinctly propounded to you, and must be answered by your legislation, whether you will continue the same financial system, depend entirely upon confederate notes in all their fluctuations and rapid changes as to value and form, or adopt a different system. This system has been fully tried, and the results to the State are fully before you. The new currency will doubtless be better than the present, and may continue so for some time; but how long, none can tell. What value will be placed upon the new issue is for the future to determine; but the habit is established by the people, in the use of confederate money, of receiving and paying it out at its market value. The confederate government has not only proclaimed the present currency depreciated, but it long since taxed gold in proportion to its superior value over confederate notes.

It is certain that a revolution has taken place in the minds of the people and the general government on the subject of currency. A more firm basis is being looked for, and specie is being recognized as the standard by which to determine the value of the paper currency. It is useless to deny the fact or attempt to conceal it. Every-day transactions, from Richmond to San Antonio, prove it. The currency is treated as depreciated, and is so estimated in buying and selling, and the habit being so generally established, will certainly continue until the currency ceases to be depreciated, and is regarded as sound. I do not believe, however, that the State and the people should forget the obligation to sustain it as far as possible, by making all the sacrifices that can be expected. The question, however, is presented, whether or not the State alone shall continue to receive this currency at par; and if so, whether she can continue to conduct her operations, and discharge her pecuniary obligations. If, however, the policy is to be continued, of relying alone upon the confederate currency, the issue of treasury warrants should be avoided, if possible, for the reasons heretofore given. If a different financial system is to be adopted, what shall it be?

I confess that the pressure of engagements has prevented me, thus far, from giving that full attention to the subject which its great importance demands, and which is necessary to the formation of views which could be recommended as decided convictions.

But the interest of the State requires that the subject should be thoroughly canvassed; and it might be considered whether the assessments of 1860 or 1861 might not be taken as a basis of values, taxes collected in State treasury warrants, coupons of State bonds at par, specie, and the confederate currency at its value in the market. Treasury warrants could be substituted for the coupons as they were paid into the treasury, and a provision made for funding the warrants in six per cent. bonds whenever too many of them were found in circulation. The fact that the coupons were received in payment of taxes would increase, in all probability, the value of the bonds, and at the same time diminish the amount of specie necessary to redeem the coupons. It might not be necessary to fund any of the treasury warrants for some time to come, perhaps not until the war shall end, as they would become a circulating medium, and be sought for by the tax-payer. Under such a system the taxes might be greatly diminished and yet be of greater value. It is not my purpose to elaborate, but merely to call your attention to this subject.

I am aware that it would require time to depart from the present system, and to put into operation such a one as is indicated above. There would be difficulties to overcome. It would, practically, be found difficult to determine the value of confederate notes in a manner satisfactory and just to all portions of the State. The government would have to be provided for until taxes could be collected under such a system; and how far the present currency and the new issue will meet the want, and in what manner it should be employed for the purpose, would be for your consideration. The taxes that may be remaining in the treasury on the first of July will be diminished in amount one-third by the operation of the law of Congress, unless funded in the six per cent. confederate bonds.

It is at all times important to sustain the credit of the State; and now that we are so isolated from the government at Richmond, it is even more so. Her credit in the progress of this struggle may not only be essential to the safety of the State, but important to the whole trans-Mississippi department. It should, therefore, be guarded and cherished with great care. The resources and position of the State will enable her to carry a very large debt, should it become necessary, and it is for you to determine whether the interest on the bonds outstanding shall be regularly paid or not. It is important that it should be done; and it can be, provided the State is unembarrassed, in a judicious plan of purchasing and disposing of cotton.

### STATE TROOPS.

At your regular session last winter you provided for an organization of a State military force, to continue during the present war, embracing all capable of bearing arms between the ages of eighteen and forty-five years, not liable to confederate service, and those between the ages of forty-five and fifty. This organization was intended to be a reserve corps, to be employed in the defence of the State, and in co-operation with confederate troops, and under confederate authority, whenever the necessity should exist. The organization was calculated to do much good, and, completed and employed as designed by the law, was well suited not only to the wants of the State, but also to its defence. The organization was never thoroughly completed as provided for. It was defeated by the operation of various unexpected and unforeseen causes and difficulties. It is for the present as a State force gone; and, as you left this force to some extent under my control and in my charge, the explanation is due to you and to the country from me why the organization was never completed, and why it is gone, and it shall be frankly and concisely given. When the legislature adjourned in December last the enemy were in considerable numbers threatening the State from the coast, and also from Louisiana, and you had by law empowered me to continue the State troops in the field, if deemed necessary, and the law contemplated that a reorganization of them might take place in the field. I determined that it was not only necessary that the troops should continue in service, but that the reorganization should take place on the coast, where the troops then were, under the command of Major General Magruder, and, on the 6th of January, I not only caused the necessary orders to be issued to the officers to hasten to the coast

the State troops not then in service to participate in the reorganization, but I issued also an address urging upon them the necessity of a prompt and cheerful obedience to the law. I was soon gratified with the intelligence, coming up from different portions of the State, of a general disposition to obey the law, and soon many began to move to the post of duty to which they had been called.

The troops in service were still under the command of the major general commanding the district of Texas, New Mexico, and Arizona, for the period of time for which they were drafted and had volunteered had not then expired, and as they had been received into confederate service at different dates, their time of service expired, some early in February, some later in that month, and some even late in the month of March. It became necessary, therefore, to fix a day intermediate between the period of the expiration of the service of the first companies, battalions, and regiments who had entered the field and the last, and the 20th of February was mutually agreed upon between Major General Magruder and myself as the proper time.

On the twenty-third day of January I issued a formal order continuing the troops in service, and at the same time announced to them the twentieth day of February as the day agreed upon for the reorganization, and notified them that, after the reorganization, they would be continued under the command of Major General Magruder.

Late in January I learned that great discontent prevailed among this body of troops, and that many of them were leaving their posts and going home, and that a different day than that agreed upon had been fixed by the major general for the reorganization; and I also learned that various orders had been issued from his headquarters affecting the reorganization, and certainly calculated, though not designed, to delay and to defeat for a time anything like a complete State organization. Among others, General Orders Nos. 7 and 14 were issued on the 12th and 20th of January, respectively, which show that an effort was made to enrol and conscript those between the ages of eighteen and forty-five years before the term of service of the State troops, of which they were a part, expired, and that, too, after an order issued by me prolonging the service of these troops. I found, when I came into office, that a large number of those embraced by the State troops were under forty-five years of age. You so left the organization when you adjourned last winter. I had no other impression, from my correspondence with General Magruder during the session of the legislature, and for some time after its adjournment, but that it was his desire and expectation that this element should be continued with the State force; that while fronting the enemy upon the coast it was no time for separating them from those between the ages of forty-five and fifty years; and that you, judging from the law enacted, expected these two classes to remain in conjunction, forming one organization for six months, to meet the crisis then threatening the State from the coast. I acted upon these impressions in arranging the plan for the reorganization of the troops in the field. I was not apprised of any other impression or intention, on the part of the major general commanding the district, until some time after the issuance of General Orders No. 14, already referred to, and until I heard of the dissatisfaction prevailing among the troops.

It is due, however, to General Magruder to state that he claimed to have a different impression as to the organization and disposition of those between the ages of eighteen and forty-five; and that in endeavoring to enroll and place them into regiments separate from the State troops, he was acting under the orders of General Smith. It is also proper here to state, that General Smith, in the conference hereafter alluded to, said that it was understood, between him and ex-Governor Lubbock, when this class of men were organized with the State troops, that they were, at the end of six months, to be liable to conscription and be continued in confederate service. The statement of General Smith was fully corroborated by Governor Lubbock. Still, this understanding was not made known to the men, and they were, under the orders referred to, deprived of a privilege, granted under the law conscripting them, of selecting their commands, and, virtually, arbitrarily assigned to service.

With as little loss of time as possible, after receiving this intelligence, I met Generals Smith and Magruder, by invitation, in Houston about the third of February, in consultation upon this subject: and, after a full and free conference, the following order was announced:

["Special Order No. 35.]

"HEADQUARTERS DIST. OF TEXAS, NEW MEXICO, AND ARIZONA,
"*Houston, February* 4, 1864.

"After a conference between his excellency the governor of Texas and the commanding generals of the department and district, the following is announced to the State troops as the decision ultimately arrived at, and by which all concerned will be governed:

"All members of the State troops under forty-five years of age are permitted, at their option, to form new organizations of companies in the Confederate States' service to serve for the war, and to elect their officers, or may join existing organizations in the confederate service, and all who do not join either will be reorganized on the 20th instant with the State troops under the late State law.

"On the reorganization of the State troops, all men now liable to conscription will be enrolled, and will be allowed to remain in the State troops for the period of six months, at the expiration of which time they will be transferred, in accordance with the conscript law, to the confederate service.

"By command of Major General J. Bankhead Magruder.

"W. A. ALSTON,
"*Assistant Adjutant General.*"

On the fifth of February, after still further considering the condition of the troops—the fact that so many of them had left the field, and the smallness of the number left—General Orders No. 13 was issued, with my full consent, as follows:

["General Orders No. 13.]

"HEADQUARTERS STATE TROOPS, DIST. OF TEXAS, N. MEXICO, AND ARIZONA,
"*Houston, February* 5, 1864.

"In order to enable the State troops now in the field to reorganize within their brigade limits, so as to permit those about to enter the service under the recent act of the legislature to participate in the reorganization, as well as to afford the men entitled to furloughs the means of reaching their homes, the major general commanding directs:

"I. That on the 15th day of February the regiments and battalions of State troops, (excepting those persons who have volunteered under General Orders No. 16,) under the command of their officers, shall be marched to their original battalion encampments, where they shall be furloughed until the 15th of March next. Commanders of the companies of State troops, on arriving within their brigade districts, will immediately report by letter to the acting brigadier general of the district, with the muster rolls of their companies as they stand, stating the names and residences of their officers and men.

"II. Quartermasters of each regiment and battalion of State troops will furnish such transportation and subsistence as is absolutely necessary (not exceeding one wagon to every one hundred and fifty men, including field, staff, and company officers) to enable them to reach their battalion camps. All other public property will be turned over by the quartermaster for the use of the companies organized under General Orders No. 16.

"A commissioned officer will be assigned to act as quartermaster for detached companies of the State troops, to procure supplies on the march.

"Leaves of absence may be granted to the officers, and furloughs to the men from the 15th of February to the 15th of March next: but those receiving furloughs will not be furnished with transportation or subsistence.

"III. Upon the 15th day of March next the companies of State troops, including those enrolled under the last act of the legislature, will assemble at the original battalion camps. All those residing in the brigade district, as originally formed, rendezvousing at the battalion camp of that district, when they will be, within five days thereafter, reorganized into companies in conformity with the State law.

"The senior commissioned officer now serving with the State troops, and present at the reorganization, will act as mustering officer, and will make returns of the muster-rolls, one copy of which shall be sent to the adjutant and inspector general of the State at Austin, to the brigadier general commanding the district, and to these headquarters.

"Those companies forming the regiments and battalions will be brought together under the orders of the State brigadier generals, when the regiments and battalions will be reorganized.

"IV. Upon the reorganization of the regiments and battalions in conformity with the State law, as provided for in the preceding paragraph, the non-commissioned officers and privates shall each be divided into three classes, to be called the first, second, and third class. The third class shall be composed of those not now in the field. Those now in the field shall be divided by lot into two classes, in accordance with the provisions of the law, and those of the first class shall be furloughed for three months.

"The classification as above made shall be noted on the muster-roll.

"V. All commissioned, regimental, and company officers will retain their respective positions until the reorganization is completed, in accordance with these orders. The assistant quartermasters of each regiment and battalion will provide forage and subsistence for the men while on the march and in camps, and will remain on duty with the same after the reorganization until further orders. In the mean time they will settle up their outstanding accounts.

"VI. The commanding officer of each regiment or battalion will hold himself subject to the orders of the brigadiers of the militia, appointed by the governor, in order to aid in the execution of the militia law of the State.

"He will also take the necessary steps for the arrest of deserters from the present commands.

"VII. The major general commanding announces that a paymaster will be sent to each camp to pay off the State troops before they leave their present encampments.

"VIII. All persons who have volunteered from the State troops into new companies or old organizations on or before the 15th instant, in compliance with General Orders No. 16, or who shall do so before the 15th instant, shall be immediately granted a furlough by their company commanders for thirty days. Those residing in the northern sub-district shall receive a furlough for forty days.

"The troops are reminded that those who present themselves properly armed, mounted, and equipped will be received as cavalry.

"By command of—

"Maj. Gen. J. BANKHEAD MAGRUDER.

"JOHN SAYLES, *A. A. General.*"

In conformity with these orders the companies reported themselves at the time and at the places designated therein, and were reorganized; but as to the numbers who reported, I am not informed. In obedience to orders which I caused to be issued from the office of the adjutant and inspector general, four of the brigadier generals who had been appointed by me, under the authority of the law passed by the last legislature, designated places in their respective brigade districts for the assembling of the companies to be organized into battalions and regiments, in conformity with Orders No. 13 and the laws of the State, soon after the reorganization of the companies. Brigadier Generals McAdoo, Barnes, Throckmorton, and Griffith acted with great promptness, energy, and zeal in laboring to assemble the companies and organize the battalions and regiments, and their conduct entitles them to my thanks and commends them to the country. Brigadier General John S. Ford was in active service in the field, and was therefore unable to give his personal attention to the orders issued on this subject. The companies, however, in his district were reorganized; and it is but just to say, in reference to the people of that brigade district, that so many of them were already in service that but comparatively few remained to be organized as contemplated.

In brigade district No. 4, embracing many of the eastern counties, and for duty in which Colonel R. H. Cumby was appointed a brigadier general by me, no place was designated for organizing the battalions and regiments, in consequence of his failure to act and obey instructions issued after accepting the appointment tendered to him.

From these facts it will be seen that I lost no time and spared no labor to have the troops reorganized in conformity with the laws of the State and Order No. 13. I was watching the movements of the enemy, and was anxious to have the troops ready to be transferred to the field.

In the mean time another difficulty arose of much greater magnitude, and which finally resulted in defeating and destroying the State organization.

Major General Magruder, so soon as the recent act of conscription passed by Congress was published in the trans-Mississippi department, declined receiving the State troops as State troops in any form of organization, although tendered to him, and expressed his determination to rely alone upon the law of Congress for troops. This law was published in Houston, according to my recollection, about the 20th of March, and the troops in the four districts already named were then assembling in their brigade encampments to be organized as the law of the State required, and in conformity with General Orders No. 13, issued by himself, with my consent, after they had been continued in service as State troops by my orders, already referred to. The position assumed by General Magruder virtually involved the assumption that the law of Congress annulled the laws the legislature enacted, and that the confederate military officers were thereby authorized to break up a military organization formed under the authority of the State as a reserve auxiliary corps, embracing men never before embraced by any legislation of the confederate government, and designed to perform nearly the same service and to accomplish the same ends as those proposed by the law of Congress. Of course, I need not state that my opinions did not at all accord with his on this subject, and that I so represented to him. I preferred that the State organization should be completed, and that the troops should go to the field as State troops, at least until the legislature should meet and dispose of the embarrassing question by transferring them regularly to the confederate service in a body, or to be organized in conformity with, and for the purposes indicated by, the conscript act, and by adjusting the legislation of the State to that of Congress, if that body should deem it proper so to do. I insisted upon this as the only proper and legitimate course to be pursued; but General Magruder did not accede to my views. I believed that, in this way, a larger number of these troops could be more readily thrown into the field than in any other way, to meet the emergency then threatening the State. The position of the major general involved the necessity of disbanding or furloughing the State troops, for the State was not prepared to arm, equip, and subsist them in the field. The enemy, in large numbers, were moving up Red river, through Louisiana. Steele was moving with a large force from Arkadelphia towards northeastern Texas. The enemy, in force, were threatening northern Texas from Fort Smith. Our forces were called from the coast to meet the foe in Louisiana, and that portion of the State left with few defenders. The enemy were in sufficient force on the Rio Grande to require all of our force in the west to hold them in check. The least appearance of differences and of conflict between the State and confederate authorities was to be avoided when the enemy were approaching from so many directions, and the State and trans-Mississippi department so seriously threatened. Time was important, action was necessary, and a mere negative course neither accorded with my duties nor met the emergency. I pursued the course which I deemed best, under all the circumstances. I called upon the State troops, and upon those liable to conscription under the recent act of Congress, by proclamation issued on the 12th of April, to volunteer and or-

ganize, in conformity with the confederate law. I could not order them so to do; I had no authority for this.

In view of all the questions and interests involved in the subject, and affecting, personally, those who were embraced in the State organization, General Orders No. 1 and General Orders No. 15, issued from Houston and Austin on the 11th day of April, were mutually agreed on between General Magruder and myself; and to these orders and the proclamation mentioned above you are respectfully referred for the details involved in the final disposition of this embarrassing question on my part. The importance of this subject causes me to place the facts connected with it so fully before you. The State and the confederate laws both stand unrepealed. They embrace, in the main, the same class of men, and are designed to accomplish nearly the same objects.

The act of Congress, if executed as it was intended to be by its framers, and the organization embraced under it held as a reserve corps strictly, and employed as such, and kept in service only when actually needed in the defence of the State, will accomplish nearly the same ends intended by your legislation as an auxillary force; but, in other respects, I seriously apprehend is not so well adapted to the varied wants of the country. Such a corps, thoroughly organized under the authority of the State, would not only have been an auxiliary force to co-operate with the confederate army whenever an emergency should have presented itself, but a *reserve* of laborers, sowing, planting, and reaping for the support of those in regular service, and interrupted in their domestic vocations as little as the exigencies of the country would have permitted. I may be mistaken in my calculations, but I am of the opinion that the men between the ages of eighteen and forty-five years, if well equipped, sustained, and armed, would furnish a sufficient force in the Trans-Mississippi department to be continually in the field, and would be much more formidable than greater numbers not so well armed and provided for. The whole subject is before you, and is worthy of a full consideration in all of its bearings.

The State is now without any military force whatever. She has not even a sufficient police under her control in any county. My views have not changed since my last message to the legislature as to the necessity of providing for this want. Those between the ages of fifty and sixty years, and those exempt from military service under the laws of Congress, should be organized into minute companies in their respective counties, under the authority of the State, and their muster-rolls forwarded to the office of the adjutant and inspector general. Thus organized, they would aid in the execution of the laws, civil and military; they would form an efficient police force to watch over and control the slave population, and prevent them from being tampered with; they would arrest deserters and break up their haunts, and root out disaffection, disloyalty, and treason to our cause; they would aid in protecting the community from violence, and from the horrid murders, robberies, and other outrages, which are daily being committed in many sections of the State; they would uphold and sustain the laws and assist in their execution, and make the wicked offender everywhere feel that the way of the transgressor is hard, and thus strengthen the local organization for the protection and defence of the State. These duties are all consistent with giving their time and attention mainly to domestic interests.

### FRONTIER ORGANIZATION.

The military organization in the frontier counties, provided for by an act of the 10th legislature, was completed so soon as practicable after the passage of the law, and the frontier regiment transferred to confederate service on the first day of March last. I appointed William Quayle, commanding officer of the 1st district, George Erath, of the 2d, and James M Hunter, of the 3d, each with the rank of major of cavalry, as provided by law; and it affords me great pleasure to bear evidence to the zeal, energy, and intelligence with which they have, thus far, discharged the arduous duties imposed upon them. The indications so far are, that the organization is based upon proper conceptions of the wants of that exposed section of the State, and that, when thoroughly completed and placed in working condition, it will afford the protection and accomplish the good anticipated from it by the framers of the law. If thoroughly systematized and faithfully executed, it promises better protection against the peculiar warfare waged upon the frontier by the Indian than any plan heretofore adopted. It seems to harmonize well with the habits, the peculiar interests and pursuits of the people of those counties. *Bona fide* residents are employed in this service, who have families and property to protect from roving bands of savages prowling about to murder and pillage, and thus the protection of home is blended with that of the public.

So far as reports have reached me, the disposition of the organization to discharge its duties according to the requirements of the law, as a general thing, is gratifying, and good service has already been rendered by it to the State and to the confederacy, which time will fully develop. Deserters from the army have been promptly arrested and returned to the post of duty; and orders issued from the office of the adjutant and inspector general of the State to sustain, encourage, and aid the civil authorities in the discharge of their duties in investigating violations of the law, and in bringing to punishment offenders; to arrest and transfer to confederate service those who failed to do their duty as soldiers in this service; to inquire into all combinations against the State and the confederacy, and to arrest

for punishment, and hold in custody, all connected with such combinations, have been promptly obeyed by the commanding officers of the districts. The services rendered by Major Quayle in his district, in detecting and arresting and investigating the facts connected with a band of conspirators against the government, are very important. Major Hunter, though laboring in the midst of great difficulties, deserves great credit for the energy and address exhibited by him in prosecuting an inquiry into the facts connected with the horrid murders and robberies committed in Gillespie county. I respectfully refer you to the office of the adjutant and inspector general for full information upon all these subjects.

The number of men embraced in this organization is greater than was anticipated by you when in session last winter, and the appropriation made for its pay and support is far short of what will be required. With the number of men now reported on the muster rolls—if one-fourth only of them is kept in service at a time—the expenses will amount to about eight hundred thousand ($800,000) dollars, from the best estimates that I can make.

If the frontier regiment is to be permanently withdrawn from service on that border, and its defence left to this organization alone, there may be a necessity for putting a larger proportion of the force in active service, and then the expense will be increased in proportion to the additional numbers employed. This regiment was, about the 9th of April, ordered from the frontier, and the condition of affairs in the district commanded by Major Quayle caused him to call to his assistance a large proportion of the force at his disposal.

How it is that the numbers in this organization have swelled up so much beyond the calculations made by the 10th legislature is a matter for your inquiry. I am not informed of the rule adopted to determine the "*bona fide* citizen under the law." Instructions have been issued from the office of the adjutant and inspector general that the term excluded deserters and those who had left other sections to avoid military service, and that it only embraced those who were there, in good faith, before the passage of the law, with their families and property, and who did not come there to shirk duty elsewhere. No man should be permitted to remain in that service who does not fully discharge his duties as a soldier and a citizen. Every man who is not true to the country should be expelled from the organization and placed in service under confederate authority, and, when found guilty of conspiracy and treason, punished as the law demands. The citizens of the border counties were placed in that service to protect their homes; to protect the frontier; to uphold the laws, and to do their duty to the State and the confederacy. The organization, thus purged, and composed only of *bona fide* citizens and good and true men, as already stated, will do much good. Such an organization, freed from demoralizing elements, in conjunction with a reliable battalion or regiment to co-operate on the outside of the border counties, will, it is conceived, give better protection to that exposed portion of the State than has been afforded for years, and seems really necessary to break up and guard against the dangerous combinations and elements collecting far beyond and threatening it so seriously.

If the same views are entertained by the confederate authorities as to this mode of defence to the frontier, why may not arrangements be made by which the means for sustaining this organization may be furnished to the State from the confederate treasury?

### THE PENITENTIARY.

You adjourned your regular session last winter without providing by law for the distribution of the products of the penitentiary. You left this important matter to the discretion of the financial agent and the directors of that institution, and imposed the responsibility upon them. I respectfully submit that the disposition of these products, their price, and to whom they should go, are peculiarly in your province, and should be fixed by law. The people expect this of their senators and representatives; and coming, as they do, from all portions of the State, they are best calculated to judge of and regulate this matter, and the interest of the State requires it. Whether the price should be fixed at the market value, or some other, is for you to determine, and also in what proportions they are to be distributed to the army, the families of soldiers, and the community. The subject left without regulation by law, it becomes a question whether, in a legal point of view, the financial agent is not bound to sell these products at their market value. He is but an agent, intrusted with the sale of the property of his principal, and the principal has failed to fix the price, or regulate the disposition of the property, and left the agent, under heavy bonds, to hunt out his legal obligations through precedent and authority. In ordinary times the position would not be so embarrassing, for the products would not be in such demand, and sales at the market value would dispose of the difficulty. But now, when the families of soldiers require a portion of these fabrics—the army needs them, and the community clamor for them—your legislation should fix the rules for the guidance of the agent. His difficulties are increased by the constant and rapid depreciation of the confederate currency, which he is bound to receive in payment for the products. This depreciation devolves upon the financial agent and the directory the necessity of increasing the price of the goods from time to time, otherwise the institution would either stop or become an expense to the State; and yet the increased prices intended to meet, and that only to a very limited extent, the depreciation of the currency, causes dissatisfaction and complaints in the community, which would not be the case if the whol matter was regulated by law.

The institutions for the blind, the deaf, and dumb, and the lunatic asylum, should be furnished with such products as they may need from the penitentiary, at the prices that may be fixed. It is certainly very poor economy and very lame financiering for the State to appropriate money from her treasury to support these charitable institutions and have a large portion of it expended in the purchase of fabrics at fifteen and twenty dollars per yard, not worth, intrinsically, so much as the products of the penitentiary, sold from three to five dollars per yard in the same currency.

The financial agent and directory represent the necessity of purchasing many articles in Mexico which cannot be procured in the country, and yet are absolutely necessary to the machinery and to the institution. These articles can, of course, be purchased only with cotton or specie, and they should be authorized to purchase and export, under such regulations as you may deem proper, such amounts of cotton as will be necessary for these purposes. I have to some extent responded to the necessity, as represented to me, by authorizing the purchase and export of some cotton; but authority for this should be directly given by law.

### COTTON FOR SOLDIERS' FAMILIES—MEDICINES.

I am advised, through frequent communications addressed to me, that many of the families of soldiers, in some portions of the State, cannot procure cotton to make clothing when they have the spinning wheels and looms, and are willing to perform the labor. The attention of the county courts should be called to this, and this want in some way supplied.

I am also informed that there is great scarcity of medicines throughout the State, and great suffering prevailing in consequence of this. Applications are numerous from physicians, sustained by the people, for the privilege of exporting small amounts of cotton to supply this want. I call the facts to your attention, that you may provide a remedy for this evil, if practicable.

### DEMORALIZATION.

Imperative duty requires of me to call your attention to the fearful demoralization and crimes prevailing throughout the State. In some sections society is almost disorganized, the voice of the law is hushed, and its authority seldom asserted. It is a dead letter, an unhonored thing upon the unread pages of the statutes. Murder, robbery, theft, outrages of every kind against property, against human life, against everything sacred to a civilized people, are frequent and general. Whole communities are under a reign of terror, and they utter their dreadful apprehensions and their agonizing cries of distress in vain. The rule of the mob, the bandit, of unbridled passions, rides over the solemn ordinances of the government. Foul crime is committed, and the criminal, steeped in guilt, and branded by his own dark deeds with eternal infamy, goes unwhipped of justice. Not even a warrant is issued for him, no effort made by the sworn officers of the law or by the community to bring him to punishment. Too often the deed is excused, the community is divided in opinion as to the guilt, and the criminal is screened from justice, unless his offending chances to touch some particular influence or prevailing notions, and then, without trial, and without the forms of law, he is hung by a mob. The law is not at fault. It has denounced its fearful penalties against transgressors of all kinds. It has provided all the necessary officers to expound and enforce its provisions. They are solemnly sworn to faithfully discharge their duties. They are armed with authority to employ the power of the country, when necessary, to execute the law. They are paid from the treasury of the State, and from the taxes of the people. They are set apart for the time being, through the organism of government, to this solemn work. Every county and every judicial district has the legal and moral power, were the officers and the people earnestly and cordially to co-operate, to root out these evils, arrest these crimes, punish the offenders, and to restore the law to vigor and to regular operation. Thus the law would again become the harmony of society, and secure it against this fearful confusion and these fearful dangers.

In view of these facts, the judiciary and all other officers should be at their posts, and fearlessly and faithfully discharge their duties. The people should encourage and sustain them, and hold them to a strict accountability for their short-comings in office. Sacrifices must be made and moral courage displayed by the civil as well as the military officers. These qualities are as essential in the one as in the other, and as important to society. The severest penalties should be provided for the civil officer who now fails to discharge the obligations pertaining to his position. He should not be permitted to eat bread in idleness and in neglect of his sworn duties. The law must triumph, or tyranny and unbridled passions will reign. Order must prevail, or anarchy and the reign of terror ensue. Let the solemn warning from the pages of history instruct us, and let us be wise in time.

### PURCHASE OF COTTON WITH STATE BONDS.

Diligent and as full inquiry as I was enabled to make satisfied me that the bonds of the State, pledging payment in cotton, could not be sold except at most ruinous rates. I fully believe that to have pursued, literally, the acts of the legislature on the subject of the disposition of these bonds would have cost the State, perhaps, from three to five millions of dollars

to have realized one million. This could only have sunk the credit of the State still lower, and was therefore, if possible, to be avoided. And besides, it was very necessary to adopt some plan upon which the State could speedily realize upon these pledges of her credit, and, as a matter of course, it was necessary to conform the plan, to some extent, to the most singular condition of affairs existing in the State, in order to make it effective.

I found the condition of things, with reference to cotton, about this: Congress had then laid no restriction whatever upon its free exportation; and the only restrictions imposed upon it were by military authority, claimed to be exercised under the impressment law. The manner in which this authority had been exercised—the confusion and dissatisfaction that reigned upon the subject—the poor returns to the public benefit from the thousands of bales that had been exported—are well known to you and to the country. Contracts of the most extravagant character were in existence for the introduction of goods and other army supplies—absorbing vast amounts of cotton of the best grades—some of which, it is gratifying to learn, have been since annulled.

A cotton bureau was about being organized at Houston, by the authority and under the direction of General Smith, intended to control cotton for purchase of supplies for the army. This bureau was organized, and commenced its operations, and gave something like system to the military control over cotton. The plan of the bureau was about this: They gave to the vendor what are popularly called specie certificates for one-half of his cotton, at prices varying, as I am informed, according to the quality, from ten to fifteen cents per pound, and exempted from impressment the other half, or furnished him with a permit to export the same amount. This system proceeded upon the calculation that the vendor could not afford to spare to the government more than half of his cotton, and that his own necessities required him to retain the other half.

Transportation was scarce, and difficult to procure. The men, generally, of the State, up to fifty years of age, were then in the army, and the transportation controlled by the military authorities. It was generally conceded that the cost of transportation of cotton, from any distance in the interior to the Rio Grande, was equal to one-half of its value—risks, losses, wastage considered.

The producer could not afford to sell all his cotton for State bonds, however willing he might be to divide with the State for the public necessities. If he took the bonds of the State for one-half, he must retain the other for his own use, and be protected in its control, so that he could realize from it—the protection thus extended being the main inducement to sell. A system of permits, authorizing the vendor to export the same amount of cotton for himself which he had sold to the State, was susceptible of great abuses; and, besides, did not secure other objects necessary and constantly kept in view. It was necessary that the cotton should be taken care of—that some one should be responsible for it, from the purchase to the sale: and that expedition and energy should hasten it to the market. The teams and slaves of the planter were necessary, for the interests of the military service would only admit of details, as I believed, and, as the military authorities stated, to a limited extent; and the planter and the vendor must, therefore, be interested. Had it been practicable, without extending any privileges to the producer, to purchase cotton for State bonds, as it was not, for the reasons already given, save at enormous and ruinous prices, it could not have been transported to the Rio Grande by persons and agents hired for that purpose, having no interest in it, for less than half of its value, when the wastage, carelessness, charges, and losses in various ways, usually attending public property, were considered. It would then have required as much cotton to have realized to the State a given sum of money, by buying the cotton entire—even if it could have been purchased at the same prices—as it will to realize to her treasury the same amount upon the plan adopted. And besides, the confederate currency had sunk so low in value that had the State undertaken, through agents and employés, to export cotton entirely upon her own account, it would have been necessary to provide, in advance, specie for paying freights and charges, or to have interested parties, able to control the necessary transportation, in the cotton itself. And again: Permits, as they are termed, claimed to have been extended by confederate authority to export cotton, were, as I am informed, afloat, and are still, in numbers; and could be bought at from four to six cents per pound of the cotton authorized to be exported by virtue of them, and besides, specie to some extent had to be competed with in purchasing.

Again: the two acts passed by the legislature—the one contemplating the sale of the six per cent. bonds for specie, or arms, munitions of war and machinery, cotton being pledged on their face for their redemption; the other contemplating the issuance of seven per cent. bonds, redeemable two years after the war should end, and to be used in the purchase of the cotton—were passed at the same session, embraced the same subject-matter, and were designed to accomplish one result [illegible] might, therefore, justly and legitimately be construed together as one act of legislation. Such a construction would not only be sustained by legal rules of interpretation, but would secure practical and beneficial results to the State, and prevent the sacrifice of thousands of dollars, perhaps millions, to mere technicalities. Why should both classes of bonds be used when one only answered a better purpose!

In view of these facts and considerations, I adopted a plan for the purchase of cotton with the seven per cent. bonds, which I believe just to the planter and to the vendor—true to the

public interests, to the State, and to the confederacy—and which, I believe, will realize to the State her bonds at par, so far as they may be sold, as I anticipated when it was adopted.

The main features of the plan are these: the vendor transfers his cotton to the State, and, under the authority of the State, transports it to the Rio Grande at his own expense and risk. He then retains one half of the cotton for his own use—he receives State bonds for the other half at its specie value at that point, less the actual cost of transportation—the transportation west of the Trinity not to cost over one-fourth of the value of the cotton in that market. Where the vendor cannot export the cotton, the State pays him for it in State bonds, at its value where purchased—generally, from nine to eleven cents per pound, according to quality—he exporting a like amount, under the protection of the State, for himself. One contract, according to its terms, pays the State fifty dollars in specie for each bale exported. The departures from this plan, so far as my information goes, are to a limited extent, and admitted only for the purpose of securing necessary energy and transportation, and proper compensation to those who were laboring and expending their money in the purchase and exportation of cotton, the purchase of rope and bagging, &c., for the benefit of the State. The departures have been indulged only for these reasons, and then limited in extent, so as not to defeat the realization to the State of her bonds at par, in specie or its equivalent, and all that was promised for the cotton when purchased.

There is no illegal force, no illegal and oppressive exactions made of the producer; there is but little risk incurred by the State, no chance for fraud, as the State only pays for what she actually receives. It is a direct appeal to his patriotism, his liberality, and to his interest, private and public, and his energies and capital—united in the promotion of the two interests. The tithe—the only tax imposed upon cotton by Congress, except the export duty—is paid; and if the owner and producer realizes something out of the remainder, it is but his due, for the property is his own hard earnings. The producer, of all classes of men, should be encouraged; and one design of this system was to give him encouragement, to arouse his energies, and cause him to feel that he had some interest in his own productions.

To prevent cotton from being exported in the name of the State, not embraced under the plan proposed, and to secure to her treasury all that is promised from it, this plan was thus systematized. The cotton is reported at, and recorded in, the offices at Houston, San Antonio, and Eagle Pass, and from those offices to me, at this place; and by me, the reports are referred to the military board, to be preserved and recorded, and, on the arrival of the cotton on the Rio Grande, it is to be disposed of in accordance with the agreements under the plan.

Colonel E. B. Nichols, of Galveston, a merchant of long standing, and well known for his success and ability as a business man, was selected as the agent or commissioner of the State, to dispose of the bonds and purchase and dispose of the cotton. The appeal was made to the citizens and they cheerfully responded to the call, and in a few weeks a large amount of cotton was conveyed to the State under this plan, and much of it is now being transported to the Rio Grande and a part has been sold, and more is directed to be forwarded to Houston to pay for arms already imported from abroad, and to be purchased at that point. It is my intention to forward to that point as much of the cotton as can be used to advantage in the purchase of arms and munitions of war. If the State is freed from embarrassment in the execution of this plan, she will, in a short time, be enabled to pay for several thousand stand of arms, all the munitions of war necessary to frontier protection, and perhaps much more, and have quite a surplus left to sustain her or to be expended in the purchase and introduction of machinery, and she can procure these supplies in no other way. All the arms of the State, including the eight hundred and sixty Enfield rifles recently purchased, have been placed at the disposal of the confederate authorities, and are in their possession.

The State, in the execution of this policy, is exerting the means and the energy not yet placed under the absolute control of the confederacy, together with her credit, to strengthen herself, to strengthen the confederacy and to give additional aid to the cause in which we are engaged. Notwithstanding all this, it is my duty to inform the senators and representatives of the people that the most serious obstacles and embarrassments have been thrown in the way of the State, and that she is not yet freed from them.

Subordinate officers on the Rio Grande, claiming to act under instructions from officers higher in rank in the Confederate States service, have interfered with cotton transported under the authority of the State, and have delayed and prevented its exportation. I am informed by Colonel E. B. Nichols, agent of the State, that they have prevented cotton, belonging to the military board, from being exported, and have claimed half of it for the confederacy. I am, as yet, not informed what particular cotton this is; but it is either cotton purchased by the board, with means placed at its disposal by the legislature, or cotton exported under contract for the purchase and introduction of machinery. They have thus interposed themselves between the State and the execution of her laws, the providing of means for her defence and to clothe her people.

I have borne these embarrassments with patience, and have labored faithfully, and I am still laboring, to secure an understanding, to have harmony and concert of action between the State and confederate authorities. I am now in correspondence with General Smith on this subject, and I do not despair of complete success. The liberal views manifested by him in reference to the civil authorities of the State and her rights, the disposition, and even

deep interest manifested by him in reference to the introduction of machinery, afford me strong assurance that, when this subject is fully understood, all embarrassments will be removed and complete harmony and concert of action secured. The same liberal sentiments have been expressed by Major General Magruder and by Lieutenant Colonel W. J. Hutchins, chief of the cotton bureau at Houston, in their correspondence with me, and I am, therefore, led to the belief that the difficulties referred to have grown out of the want of a mutual understanding.

This whole cotton business, once systematized and controlled in a manner consistent with the rights of the citizen and what is due to the public necessities, the State and confederate authorities exerting themselves in concerted effort, the most gratifying results may be anticipated.

uch of the cotton in the StMate is in the seed, wasting in pens and houses: bagging and rope must be introduced from abroad, and it requires a system, combining energy and liberality, to place the cotton in a condition for market. About the — day of April I directed the agent of the State to arrest the purchase of cotton, for the reason that it was represented to me that the operations of the State were embarrassing the procurement of cotton by the confederate authorities, to be used in the purchase of supplies for the army.

The correspondence with the military authorities on the subject of cotton, so far as it has progressed, you will find in the office of the military board, together with the reports of the amounts purchased under the plan alluded to. I hope to be enabled, in a few days, to place before you the final conclusion of the military authorities as to the purchase and exportation of cotton by the State under the system proposed. It is, in my opinion, absolutely essential to the public interests of the State that she should be fully sustained in the policy propounded for the purchase and transportation of cotton, for the accomplishment of the ends proposed by your legislation.

From the facts and considerations already stated, it is believed that this is the only plan that will speedily, and at a reasonable cost to the State, secure the results desired and so essential to the public welfare.

### NECESSITY OF CORRESPONDENCE WITH THE HEADQUARTERS OF THE TRANS-MISSISSIPPI DEPARTMENT.

As we are almost cut off from the government at Richmond and as General E. Kirby Smith is vested with so much power, it is very necessary that a correspondence should be constantly keps up with his headquarters, and that the executive should have a more reliable means of correspondence than the slow and uncertain correspondence by letter through the mail. The necessity for this has been several times felt by me since my induction into office, and is likely to continue so long as the enemy control the Mississippi river and its valley to the extent they now do: and a full and complete understanding as to matters affecting the interest of the State, her condition and wants, should at all times be had between the executive and the general commanding the department. His mind should not be left to impressions obtained through any indirect ways, as to the interest, the policy, and the condition of the State. I record, with pleasure, my confidence in the integrity and uprightness of General Smith, and in his disposition to accord to the State what is due when he has full information.

My experience in office, and the condition of affairs in tthe rans-Mississippi department, only add strength to my convictions that the State government should be preserved intact, and in as full vigor as is compatible with our surroundings. Texas is the only civil power left intact west of the Mississippi river, and she should profit by her good fortune, and give the benefit of it, by her vigor, her energy, and her achievements, to her less fortunate sister States. Missouri is overrun by the enemy: Arkansas and Louisiana have, for a time, lost the possession of large portions of their territory, and they are, therefore, shorn of their completeness as sovereign States, and deprived of the ability to have anything like a regular and systematic civil policy. She should, as she has heretofore done, yield cheerfully and readily whatever may be legitimately required for the common cause and the common defence: and her remaining energies and powers should be wisely and systematically employed in preparing for a still more evil day, and in gathering still greater strength for a still more desperate struggle in the contest for justice and independence. If it should become necessary, in the progress of this fearful struggle, for her even to sacrifice principle, which in times less pregnant with danger she would not sacrifice, let her make the sacrifice in that noble spirit of patriotism so characteristic of her people, but let her, at the same time, mark well the latitudes and longitudes of the departures, and return to them with firm determination when the storm and the hour of gloom have passed with the conflict of arms. May she be the last State to give up the cause of her bleeding and suffering sisters: and may she be the last to bow her disrowned head, and own that she is no longer a sovereign power, erect and free.

### SPIRIT OF PUBLIC ENTERPRISE.

The spirit of enterprise now manifested by individuals, associations of men, and by chartered companies, in employing capital and labor for the manufacture of iron, and various other articles necessary to the people and the army, the purchase and introduction of machi-

nery for the manufacture of cotton and woollen goods, is not only gratifying, but a source of hope and congratulation to the whole State. With proper protection and encouragement extended to those who are engaged in prosecuting these enterprises, in a few months, large amounts of iron, and other necessary articles, will be daily manufactured, and very considerable amounts of machinery, of a varied character, introduced and put in operation, notwithstanding the great risks and expenditures incurred, in prosecuting such undertakings, in these times of peril and confusion. The capital of every kind, the laborers, the agents, mechanics, superintendents, directors, &c., employed, should be protected, by law, against interference or interruption from any and every source. You will be enabled to see something of the amount of capital already devoted to these objects, the spirit and energy exhibited by those engaged in their prosecution, by the report of the military board, and from the papers in that office.

I have missed no opportunity of encouraging, sustaining, and of protecting, in every way within my power, and within the sphere of my influence, those devoting their capital, labor, and time, to the prosecution of these and all other enterprises, calculated to benefit the people and the army; and, as I think, essential to our success in a long-continued struggle.

I have considered it the best policy, as well as the only one calculated to insure speedy and certain success, to encourage individual enterprise, rather than attempt the accomplishment of these varied, necessary, and numerous objects, alone through the capital, agents, employés, and management of the State. This policy not only insures better success, but it more readily adapts itself to the wants of the country, and diffuses its beneficial results more generally.

In my efforts to execute and make this policy efficient, I have endeavored to place under the protection of the State and the military board those engaged in, and proposing to engage in, such enterprises, together with the capital and laborers thus employed, making such regulations as I thought best calculated to insure good faith and success. While the State troops were under my command, I made such details as I thought reasonable and necessary for the accomplishment of these ends. In order to insure the introduction of machinery from abroad, and the appliances essential to its operation, when so introduced, the exportation of cotton is necessary; and, for these purposes, the exportation of it, in such quantities as are deemed proper, has been authorized under the authority of the State, and under such regulations as were considered sufficient to insure good faith in the parties exporting the cotton, without crippling their energies, or embarrassing them in the accomplishment of the objects proposed. You are respectfully referred to the office of the military board, the agreements there on file, and to their report, for full information on this subject.

In view of the great interests involved in this whole subject, I earnestly recommend that you authorize the military board and the executive to make such arrangements and contracts with individuals, associations, and chartered companies, who are possessed of the capital and the powers necessary to introduce and operate machinery, or to manufacture any necessary articles for the people and the army, as will insure to them the protection of the laws of the State, in the devotion of their capital, labor, and energies, to the accomplishment of their objects. This done by you, and one other end secured—the cordial co-operation of the confederate authorities with those of the State, in systematically sustaining and encouraging this policy, protecting those engaged in such enterprises, granting the necessary details, mechanics, laborers, agents, &c.—the most gratifying results may be anticipated by the public in a few months. So many of our population are now drawn into confederate service, and are under military authority, that the co operation mentioned is essential to relieve those thus employing their capital and their time, and incurring the incidental risks, from apprehensions of being interrupted in the midst of their labors and plans, to enable them to make reliable calculations, and to insure to them the necessary laborers and mechanics. Such a co-operation as this will result equally to the benefit of the State and the confederacy, to the people and the army, and to the families of soldiers, and would seem natural and easily to be obtained, and I most sincerely hope is. I invite your attention to its importance, and ask of you to lay the foundation for insuring it.

The State is also, under her own authority, and by means of her own capital, prosecuting public works, in some of which she has large amounts of capital involved, and they result equally to the benefit of the confederacy and to the State. She is, through contracts, manufacturing, on a limited scale, small-arms, powder, and laying the foundation for an increased manufacture of powder, necessary to the frontier and to the various counties. She is also manufacturing ordnance, and beginning the manufacture of spinning jennies, to facilitate the manufacture of cotton cloth, and the same remarks, as to enterprises prosecuted under her authority, as to the co-operation of the confederate authorities, the detail of the necessary mechanics and laborers, apply with equal force to the works directly prosecuted by the State. I take pleasure in stating to you, that in my conversations and correspondence with Generals Smith and Magruder, on these subjects, they have manifested a full appreciation of their importance, and a most liberal disposition to foster and protect such enterprises, and to give all the facilities consistent with the military service. I am encouraged by the belief, that a systematic and thorough co-operation between the State and confederate authorities can be secured in the prosecution of these enterprises, when the objects had in view by all are fully understood.

### CERTIFICATES AS TO OFFICERS.

The recent act of conscription, passed by Congress, exempts from military service "the vice-president of the Confederate States, the members and officers of Congress, of the several legislatures, and such other confederate and State officers as the president or the executives of the respective States may certify to be necessary for the proper administration of the confederate and State governments, as the case may be." Has Congress the power to invest by law the president of the Confederate States with authority to strip the general government of these States of the officers provided for its administration by the constitution and laws? Has the confederate government the power to vest the executive of a sovereign State, or any other officer, with authority to displace the officers, provided for its administration by the constitution and laws of that State?

I will not argue these questions, and thereby leave the implication of doubt on my mind as to them. There can be but one answer given to them—that answer must be in the negative.

The constitution and laws of Texas have not only provided, but have determined, the officers necessary to the administration of the government, and they are, in their respective offices, discharging the duties imposed upon them by the authority referred to.

It is the duty of the executive of the State to respect and execute its laws, and to see that its constitution is not violated. These obligations are imposed on him by a solemn oath. He is nowhere empowered to veto or nullify laws already in force, nor to set aside provisions of the constitution.

The confederate government did not create the State government, nor did it establish its various offices, and provide for officials to fill them. It certainly, then, cannot judge of the officers necessary to its proper administration, or take them from their places of trust. If that government cannot do so directly, it certainly cannot do so indirectly, by vesting the power in any officer or person. So far as placing officers of the government into military service is concerned, it is a matter addressed to legislative and not to executive discretion, and that discretion is then restrained and restricted by the constitution. The legislature, so far as it is not controlled by the constitution, may dispense with such offices and officers as, in their wisdom, may be deemed proper, in view of the difficulties and dangers threatening the country. The executive can dispense with none, civil or military. Were I, as the executive of the State, to certify that any or all of the State officers were not necessary for its proper administration, the certificate would be without legal effect or power, and could be regarded in no other light than that of an authorized license given to the military authorities to deprive the State of the officers provided for its administration, and thereby utterly to prostrate and bring into contempt the State government.

Where should I begin with the exercise of the power? Where should I end with it? How am I to determine the officers necessary? They all have their duties assigned them by the law. Shall I commence with the judiciary? Shall I deprive the courts of their magistrates, judges, clerks, sheriffs, and other officers? Shall I deprive the State of a comptroller and treasurer, of an adjutant general and secretary of state? Shall I break up the county courts? The attempt, therefore, to exercise such a power would not only be dangerous, but utterly unauthorized; and my respect for the whole frame-work of our government, and for my oath, as executive, forbids me to attempt its exercise. Its exercise can do no good; it can give no appreciable strength to the army or to our cause, and no such excuse, in my opinion, can be offered for it. It may be that the law of Congress was not intended to apply to the officers already provided for in the constitution and laws, and who are actually employed in the administration of the government, but to such only as might be thereafter found, from time to time, to be necessary to assist in the administration of and in conducting the business of the State government. But it is not so construed by the conscript bureau in the trans-Mississippi department.

It is for you to determine whether the exigencies of the country require the abolishment of any of the offices established by the laws of the State, and of the functions of their officers; and if so, to make such regulations as you may deem proper and necessary. I cannot, however, be true to my convictions and forbear the expression of the opinion that the officers of the State, in view of the existing laws, the duties imposed by them, and the general condition of the community, should be kept in their positions, and held to a rigid and strict discharge of their duties. Those, however, who fail to discharge their duties faithfully should be placed in military service. No office, civil or military, should be a mere sinecure in this hour of trial and of peril to the country.

### WRIT OF HABEAS CORPUS.

There can be no doubt that Congress is vested with power, under the confederate constitution, to suspend "the privilege of the writ of *habeas corpus*, when, in cases of rebellion or invasion, the public safety may require it;" Congress must, of course, judge, at their peril, of the existing necessity, and define the class of offenders from whom the privilege shall, for the time specified, be withheld. They were in a position to know the condition of many portions of the confederacy, about which we know but little as to current events; and they, perhaps, judged wisely as to the necessity. The objects, however, to be attained by the suspension of the privilege of this writ must be clear to every thinking and well-informed man who has

given close attention to the subject, and is well illustrated from the legislation and jurisprudence of England. It is to deprive of a speedy, public trial, to prevent the release from legal custody, of those who may be found plotting treason, and conspiring against the government and the life of the community, until such time as they may be released or tried consistently with the public safety. This object should be the guide to all the regulations attending the suspension of the privilege of the writ; and no departure from principle, or the safeguards thrown around the liberty of the citizen, in the constitution of the State or confederacy, is necessary to the accomplishment of this end. The departure from principle, the danger, does not lie in the mere suspension of the writ, for this is provided for, where the public safety requires it, but in the manner in which the suspension may be regulated and carried out. It seems consistent with the objects to be attained by the suspension of this writ, that an information or affidavit of the facts against the accused should be filed, and that the warrant of arrest should be issued by some officer, legally authorized to issue such warrants. If a party is guilty of any of the offences named in the act of Congress, some person or persons must know the facts, and the information can be given, and the affidavit filed. It is not deemed necessary to discuss the question whether Congress possessed the power, under the constitution, to authorize the President, the Secretary of War, and the general officer commanding the trans-Mississippi military department under his authority and control, to order the arrest and to hold in custody citizens not in the military service, charged with any of the offences specified. It would be difficult to demonstrate the existence of such power; and the exercise of such power is not essential to the accomplishment of the ends proposed by the law. Unless this power is construed into an unlimited license, given to the President, to employ the military, through the officers named, under his orders as commander-in-chief of the army, to judge of the offences, and to make arrests, it can have but a very limited operation. If this is to be the construction and operation of the law, the military authorities are made judges of offences and crimes, properly cognizable by the judicial tribunals, and the liberty of the citizen is in their hands, at least so far as arrest and detention, for a time, is concerned. Why the courts of the country, which have been so ready to sustain the legislation of Congress in this struggle, should be ignored, and officers appointed by the president to investigate the cases of those arrested by the military authorities, I am unable to perceive. There are courts in almost every county and district, in every State of the confederacy, and they could not only issue warrants and cause arrests to be made in the instances defined by the act of Congress, but they could investigate all the facts, and report them to the president, under proper regulations. Such a course as this, it is believed, is much more consistent with the whole framework of our government than the one adopted by Congress. If the law was intended to prevent any citizen from an appeal to the established judicial tribunals, to determine whether or not it was in accordance with the constitution of the Confederate States, it is a precedent most dangerous, in practice most alarming, and utterly without constitutional warrant.

Practically, I fear that this act of Congress adds no strength to our cause. It divides public opinion as to its propriety. It produces alarm and dissatisfaction. Every offence defined in the law is provided for in the laws of Texas, and, I believe, in the laws of the Confederate States, and are properly cognizable by judicial tribunals; and were these judicial tribunals faithfully to discharge their duties they would much more effectually punish the offenders classified under this law than can be done under the regulations made by it.

I do not believe that the president will abuse the powers conferred upon him. I have too much confidence in his wisdom and patriotism; but whether he can prevent abuses or not, is more than doubtful. It is a question, however, above the mere disposition and character of the president, and the patriotic intentions of Congress. It is a question of safe precedent in law, and of wise and judicious legislation. It is the precedent of the confederate Congress in the suspension of the writ of *habeas corpus*, and, in all of its bearings, merits full consideration and an unequivocal expression of your views in regard to it. My convictions are, that the law should be repealed or entirely changed in its regulations.

The laws of Congress in relation to currency, the writ of *habeas corpus*, conscription, the attempt to vest the president of the confederacy and the executives of the States with the authority to deprive the governments over which they respectively preside of the officers constituted by the constitution and the laws, are certainly extraordinary and unprecedented acts of legislation, and, when taken together, most significant. It required unusual nerve to adopt them; and if they are justified at all, they must be justified by the unusual crisis, and as a means to save the life of the nation.

Let us all stand firm in our allotted places, and discharge fearlessly and faithfully the duties devolved upon us, and the God of Hosts, who has crowned with success our armies, elate with victory over so many fields of blood, will vouchsafe to our country independence, and a proud place in the family of nations.

P. MURRAH.

WASHINGTON, *March* 3, 1866.

Hon. John Covode sworn and examined.

By Mr. WILLIAMS:

Question. Have you been in the State of Louisiana at any time since the surrender of the rebel armies; if so, at what time were you there, in what capacity did you go, and under what authority?

Answer. I was there in June and July last. I went there commissioned by the Secretary of War, who authorized me, in general terms, to look into matters connected with the interests of the government in the Mississippi valley. It being impracticable to give me specific instructions, everything was left to my discretion. I was requested by the Secretary of War to report to him, from time to time, by letter, and also by telegraph whenever I deemed it expedient to do so; and I used both means of communication.

Question. Confining your answer mainly to Louisiana, state fully and in detail what you learned in regard to the temper, spirit, and disposition of the people.

Answer. I found a very great difference of feeling among the people of the south who had remained at home during the rebellion, and those who had been in the rebel armies, which had then just surrendered. Among the politicians and others who had remained at home, more especially among the female portion of the population, I found a very bitter feeling towards the government of the United States. Many of the wealthier planters had determined to leave the country; some were preparing then to leave; some few had even then left, believing that they would have no power or part in the affairs of government, and also believing that the government would lay a heavy hand on those who had precipitated and carried on the rebellion. On the other hand, I mingled considerably with the army of Kirby Smith, that had just previously surrendered, Price's command, and other portions of Kirby Smith's army, to the number of several thousands, that I found at the mouth of Red river. I was careful to ascertain the temper of the army by conversing not only with the officers, but with the private soldiers. I was surprised to find how docile and submissive they were. In no single instance, either there or on the steamboat where I travelled with them, did I hear any bitter or unkind feeling expressed towards the government. The general expression among them was that they were whipped and well whipped; that they were glad the war was over, and were ready to come back under the old flag and submit to what was required of them. Many of the more intelligent men of the army said their leaders had made a great mistake in going into rebellion against the government; that they should have remained in the Union, and endeavored to accomplish their purposes by political measures, in which they said they could have been sure of the aid of the northern democrats; that by precipitating the rebellion they had tied the hands of their northern friends. To all appearance the men of the army had not the remotest expectation of being again intrusted with political power and privileges, at least for some time. This I found to be the case until after I reached New Orleans, to which place a great many of the army also went.

Question. How long was it after you left Washington that you reached New Orleans?

Answer. About three weeks, I should think. I attended to business at different points on my way out there.

I will add, that understanding what I may call the home sentiment, the sentiment of those who had remained at home during the war, and especially the sentiment of the female portion of the population, to be so different from the sentiment of the army, I felt anxious to learn what sentiment would obtain the control when the two classes came together. My impression, however, then was that the army sentiment would control the home sentiment, and neutralize to a great extent the bitter feeling towards the government.

But, just previous to my arrival at New Orleans, Governor Wells, of Louisiana, returned there from Washington. After his return a public meeting was called at Lafayette square, which it was understood he would address. The meeting was consequently very largely attended. The Union men having elected Governor Wells, felt an interest in hearing what he would say; and the disunion element also felt an interest in ascertaining, if they could, what they might expect from the government. A Dr. Cottman, a man of some influence, who had been very conspicuous in the secession movement, and Mayor Kennedy of New Orleans, had been with Governor Wells, at Washington. The rebel element seemed to receive a great deal of encouragement from the reports of the intentions of the government which these men brought back.

At that meeting Governor Wells made a speech, which was published in the papers of New Orleans at the time. I had a copy of the paper containing his speech, which I filed with other papers on my return to Washington. Not having a copy of the paper now, I can speak only from recollection. Governor Wells stated that he had seen the President, who was a southern man and a democrat, and that Mr. Johnson would be a bulwark between the south and northern abolitionism and fanaticism. He made open issue against the former administration of Mr. Lincoln, charging it with the contraction of an enormous debt, &c., and claiming that the administration of Mr. Johnson would be of a very different character. He urged upon the people to organize and elect members of Congress, &c. His speech was generally of the character I have indicated.

While this encouraged the rebel element, it equally discouraged the loyal element of that State. It was the first clear demonstration the Union men had received that the governor had betrayed them, and it completely discouraged them. They came to me very despondent and asked me if it was possible they had come to this. I told them that it was not so; that I had just come from Washington myself, and I felt certain that Governor Wells had misrepresented the administration.

They asked me to make them a public speech, and I consented to do so. I attended a meeting of the people a few evenings afterwards, and addressed them. I said to them that I did not believe it could be possible that Governor Wells had received any authority from President Johnson to make any such representations as he had made in his speech. I encouraged the Union men there to go on and organize, to have their men registered, and to register the names of such colored persons as were authorized to vote under the then existing constitution of the State. That included three classes of colored persons: those who had served in the Union army, those who paid taxes, and those who were educated. I said to the people there that of course the votes of the colored people would not be received, but would be rejected. But I urged them to have them registered, and their votes offered at the polls, and then if members of Congress elected by the rebel element, without permitting all the loyal element to vote who were entitled to vote, should present themselves for admission into Congress in Washington, I knew Congress well enough to be able to assure them that not one of them would ever get their seats. I was much cheered and applauded for my speech, which seemed to encourage the Union people very much.

But Governor Wells went to work immediately upon his return from Washington to remove from office the loyal people who had been appointed by Governor Hahn, and to fill their places with returned rebel officers, men of the worst class generally. Every day Union men would be turned out of office, and rebels appointed in their places. Seeing how matters were going on, I made arrangements with a man in position there to furnish me an account every evening of the changes that had been made during the day, and at my request a table was prepared, covering several large sheets of paper, giving the names of the officers appointed by Governor Hahn, who had been removed, the positions they had occupied, and also the names of those appointed by Governor Wells, with a margin for remarks, in which was set forth the position the appointees of Governor Wells had held in the rebel army, or what they had done during the rebellion, &c. A large majority of them had been officers in the rebel army; others were among the worst class of men who had remained at home. I recollect distinctly that one man was appointed to a high position who had kept bloodhounds during the rebellion with which Union men had been hunted to death.

The most barbarous and cruel treatment had been practiced on the Union men during the rebellion. At the time I was there, many Union men who had been compelled to leave their homes in different parts of Louisiana felt it necessary to remain within reach of the military for protection, and were unable to return to their homes in safety.

Question. Have you this table of which you have spoken, or a copy of it?

Answer. I have not. I filed those tables with the other papers after my return to Washington. But I recollect distinctly that I stated in my report that the tables would show over one hundred rebel officers who had been appointed to positions under Governor Wells. Some of the papers that I filed contained accounts of the cruelties practiced there.

Question. Was there any change in public sentiment while you were in Louisiana? If so, what was the change, and to what cause do you attribute it?

Answer. There was a very marked and rapid change even among those who had returned from the rebel armies. After they came home and found Governor Wells on their side, as I may say, and their friends daily receiving appointments from him, there seemed to be a great change in their feelings, at least in those they expressed. I had opportunities of learning a great deal of this while I was there. I boarded at the St. Charles Hotel, where a large number of the officers of Kirby Smith's army were also boarding. The heat was very great, and it was the custom after dark for the boarders there to sit out upon the large veranda or porch in front of the hotel. They had no lights there, on account of the mosquitoes that would have been attracted by them.

There I heard—for I could not help hearing it—much of the conversation of those rebel officers and the rebel citizens who were there poisoning their minds. Their plan seemed to be to hurry and register themselves and be ready to vote; consequently they were flocking to the office every day and being registered. Many of them had no money to pay the necessary taxes, but it was furnished them by others. Among the papers which I filed on my return to Washington was a list of names of persons who were registered to be ready to vote who had refused to take the oath of allegiance to the United States. They said they were willing to take the oath of allegiance to the State of Louisiana, but not to the United States; and since my return I have obtained reliable information that of the whole number that were registered there, some 6,000 or 7,000, only about 2,300 took the oath of allegiance to the government of the United States.

One reason why I devoted so much attention to affairs in Louisiana was that I became satisfied that at least half a dozen other States would be affected for good or evil by the course which Louisiana might pursue. I conversed with loyal men from other States, Mississippi, Alabama &c. who were then in New Orleans. They expressed a deep interest in having

a correct policy inaugurated in Louisiana on account of the effect it would have on their own States. They said that if Louisiana was directed in the right course at the start, from her position and relations to other States, it would go far to produce the best results in several other States.

I will here state that many of the truly loyal men whom I met in New Orleans seemed to lack confidence in their being ultimately protected and supported by the government; and I was frequently asked, if I became satisfied or convinced they were to be abandoned to the rule of the rebel element, to notify them in time to enable them to get away, more especially if the troops of the United States were to be withdrawn. They said that if the troops were withdrawn they could not live there. I know many citizens of Louisiana who remained within reach of the military, because they did not dare to venture to return to their former homes; and after my return north, I received a letter from a very intelligent man, informing me that he had returned to his old home, but had been compelled to go back to New Orleans, as the condition of things at his old home was about as bad as during the rebellion, and getting worse every day.

Question. How long did you remain in Louisiana?

Answer. I was there about three weeks. When I first arrived there I called upon Governor Wells, and had considerable conversation with him. He began to make demands with regard to what the government should do. He said the government must pay for the slaves that had been emancipated, for it had taken or destroyed property enough for that purpose. He also said that the government must remove the colored population from there, and when I asked him where it would remove them, he replied to Mexico or somewhere else. I made some remark about involving ourselves in foreign difficulties to undertake to settle the affairs of Louisiana in that way, and he replied that it would not necessarily do so. I then said to Governor Wells that I had been on a great many of the plantations in that State, and I was satisfied they could not get along in Louisiana without the labor of the blacks that were there; that if the blacks were removed the country would become a wilderness; that I had not seen a white man touch a plough or a hoe since I had been in the State. He replied, "We can import labor from abroad or from the north." I thought to myself that when northern men went down there it would be to own the land themselves, and not to labor on it for others

Question. What was the condition of the freedmen in Louisiana, so far as it came under your observation?

Answer. I visited many of the larger plantations in the State in company with Mr. Conway, the head of the Freedmen's Bureau in Louisiana. Having heard a constant clamor at all points from the rebel element that the freedmen would not work without compulsion, but would steal; that they never could raise cotton, sugar, &c., I desired to ascertain something about that matter for myself, and therefore visited the plantations, as I have already stated. I think I can tell, from the business in which I have been engaged in my life, what is the proper amount of labor for men to perform, and I must say that I found the freedmen working well. I have conversed with them on the plantations in order to ascertain if they understood their present position, and found that they did. I encouraged them to be faithful and to seek to become good citizens. I have conversed with their employers wherever I went, and I never heard one of them say that the freedmen did not work as well as when they were slaves, particularly where they were getting any wages. But I did not find a planter who said that he paid regular wages to those he employed. They all promised payment when the crop was made; the highest wages being, so far as I could find, $8 a month and support, and from that down to much less. I found, however, that many of the freedmen had a want of confidence in their former masters. The old master was not inclined to treat them differently from what he did when they were slaves; and they, knowing they were free, were not willing to submit to any such treatment. The old planters were very unwilling to come down and make bargains in good faith with those who had been slaves. Some of the freedmen I found working for a portion of the crop, say from one-sixth to one-tenth and their support while the crop was being made. I examined the different modes of farming there. One is what is called the colony system, the government employing and paying them, and taking the crop. Another is that of the old planters and lessees employing them and paying them after the crop is made, as few had the means to pay them before. A third is for the colored man to rent a piece of land, or have it allotted to him by the government from the abandoned lands, and cultivate it for himself. This last plan I recommended in my report to General Howard as the best plan, for several reasons. It teaches the colored people to rely upon their own exertions and management. It places them in a position to respect the domestic relations of husband and wife, where they live by and for themselves, more than where they are congregated in large numbers on the large plantations. And I will state that throughout the whole Mississippi valley the best crops of corn I saw growing there, the cleanest and in the best order, were those on land farmed by the negroes for themselves. About 10,000 of them have been employed the last year in that way on about that number of acres of land near Vicksburg, including Davis's Bend. I often heard it said that the negroes were not willing to raise cotton and sugar, when they would work to raise corn. I asked many of the negroes if that was so, and why. They replied that when they worked to raise corn they had a prospect of something to live on; but if they raised cotton or sugar their employers would take it away and sell it, and they had no assurance of getting anything.

Employers themselves told me that the negroes would work at raising corn, even when they were not certain of being paid, while they were unwilling to work at raising cotton or sugar for the reasons I have stated. I was informed of many instances of negroes, who farmed for themselves during the year 1864, who had saved several hundred dollars each. And in 1865 they were doing the same thing, farming for themselves, and with their surplus earnings of the year previous were hiring others to work for them.

Question. What seemed to be the general disposition among the freedmen to work where they were well treated, and were assured of receiving proper compensation for their labor?

Answer. I cannot recollect a single instance where the employer himself did not admit that the freedmen were willing to work as well as they ever did if they had reasonable assurance of being paid.

Question. What appeared to be the disposition among the land-holders in reference to allowing the negroes to become owners of land?

Answer. There was great opposition to that, because it was putting them in a position of independence, and calculated to elevate the race.

Question. What appeared to be the disposition of the freedmen in regard to acquiring education, and what measures, if any, have been taken to enable them to do so?

Answer. I gave considerable attention to that subject. Before I reached Louisiana I examined into the schools at Memphis. I there found some 1,900 colored persons attending school, mostly children. Among them, however, I found an old woman, a grandmother, who was then reading in the Second Reader. I met the teachers there on one occasion, and they assured me that the freedmen were learning rapidly. I also inquired in regard to the colored regiments at Memphis, of which some were about leaving for Arkansas. I was informed that from two hundred to five hundred in each regiment were able to read, very few, if any, of whom knew a letter when they entered the service of the United States. On the steamboat I saw them very attentively reading the books which had been kindly furnished them by the Christian Commission. I cannot say that there seemed to be as much disposition to acquire information among the whites of the south as among the colored people. As regards Louisiana, outside of the military posts the rebels were breaking up the colored schools, intimidating the teachers, and driving some of them away. In the city of New Orleans the schools for the freedmen were under the superintendency of Major Rush Plumley, of Philadelphia. There were some 15,000 colored children attending school there. I visited many of these schools, and, in some of them, I am free to say I found children under fifteen years of age who were better scholars than I ever was. The discipline of these schools was excellent. On one Saturday evening the schools were congregated in the grounds attached to the Medical Institute, (I think the place was called.) I was requested to meet them there and to address them. A large number of the teachers, northern females, were there. And at this point I cannot forbear saying that to these teachers civilization will owe much, for they were patient, kind, attentive, and devoted to the purpose for which they had come there. The sea of faces upturned towards me of this enormous congregation of children was a very interesting sight. They were of all shades of complexion, and having observed them carefully, I came to the conclusion that not one-fourth of them were full-blooded negroes. Some of them appeared to be as white as I am, and I could not detect a trace of negro blood in them. I asked the teachers if one-fourth of the scholars were full-blooded negroes, and they concurred in my opinion that they were not. On the next day I addressed a large number of adults, and of them I think not one-fourth appeared to have any white blood in them. On the Saturday when I met the congregation of children, after singing and music I addressed them. I suppose it is not important for me to state what I said to them. In addition to these 15,000 children attending schools at New Orleans, there were over 4,000 adults being taught at night and in Sunday schools. The colored people in New Orleans possess considerable wealth. They pay taxes on about $14,000,000 worth of property, and many of them are men of superior business capacity and intelligence. On one occasion I saw their liberality tested. It was announced by their minister on Sunday that there was a great deal of suffering and destitution among the freedmen at Selma and at other points in Alabama, and he made a call on them for two thousand suits of clothing, which he said he wanted to be delivered during the week following. That was on the Sunday before I addressed the adults. When I had closed my remarks to them on the Sunday following, the minister announced to the assembly that the two thousand suits of clothing had all been delivered during the week, and he said that he wanted $100 in money to buy boxes in which to ship the clothing, and he directed one of the congregation to set out a table upon which those could put their money who desired to contribute. I stood beside the table for a short time, until I was satisfied that there was more than $100 there, much of it being in coin. I instance this merely to show their spirit of liberality and their ability to be liberal.

Question. What seems to be the general disposition on the part of the white people of the south to aid the freedmen in obtaining an education or permitting them to do so?

Answer. They are divided in sentiment. The rebel element is almost entirely opposed to doing anything to enable the negro to obtain an education, while the loyal element is almost as unanimously in favor of allowing them to do so. At a meeting of loyal whites which I attended, with one exception there was a unanimous expression of opinion in favor of negro suffrage in some form. One man, who had been a member of the secession convention, but

who had opposed the ordinance of secession to the very last—who was called by the people there "the noblest Roman of them all," Judge Taliaferro, who had his property destroyed and his son hunted to death by dogs for his loyalty to the government—remarked to me on one occasion that negro suffrage might be a two-edged sword; that the vote of a negro without education might be controlled by the person who owned the land and employed him; that the lands being in the hands of the rebel element, the loyal freedmen employed by them might not always give loyal votes. He expressed no fears, however, in regard to those who had intelligence; therefore it was important that they should be educated.

Question. So far as your own observation went, what is your opinion as to the capacity of the freedmen, even when not educated, to judge between the rebel and Union candidates for office?

Answer. In answer to that I would state that I made it a rule to ask negroes, at the plough and at the hoe, in the field on every plantation where I went, how they would vote if they were allowed the right of suffrage. Without an exception and without any hesitation, they always said that they would vote for the government and not for the rebels. There are intelligent men enough among them to direct them how to vote properly, and they seem to be disposed to follow the direction of those intelligent men of their number. I stated this to Judge Taliaferro, to which he did not make much reply. I may as well say at once that I never heard of or saw a negro in the south who was tainted with disloyalty. They are all loyal. They appear to understand what loyalty to the government is, however ignorant they may be in other respects. In reference to this matter of loyalty I will say that, according to my observation, a disposition to labor is, in itself, an evidence of loyalty. It is not altogether a question of color. A man who labors in the south is generally a loyal man, while a man who lives upon the labor of others, no matter whether it is white or black labor, is pretty certain to be a rebel. There is a class that is an exception to this, or was at the beginning of the rebellion. Many of the large property-holders then were opposed to secession because of the effect they saw it would have on their property and their pecuniary interests. Many of them stated to me that they did not favor secession in the first place, but submitted to it, acquiesced in it, in order to save their property from pillage and destruction.

Question. From some of your answers it would appear that you made a report to the President or to the Secretary of War after your return: how is that?

Answer. I made different reports in writing, accompanied in each case with papers and documents. One report, exclusively connected with freedmen's affairs, the Secretary of War directed me to take to General Howard, which I did. I also attended to matters connected with the Treasury Department while in the south, in relation to cotton, &c., concerning which I communicated to the Secretary of the Treasury. But the principal report which I made was entitled "Louisiana, politically considered." It began with setting forth the condition of things at the breaking out of the rebellion. It then gave a short history of the administrations of General Butler and General Banks, and continued the history down to the time when I was there. This report I considered properly belonged to the President. I think the Secretary of War so considered it, to whom I had shown it before I took it to the President. At any rate I took it to the President, together with all the documents and papers, including the tables to which I have already referred. After I reached the President I opened the report. There was too much of it for me to read the whole, but I read to the President the latter part of it, and especially my conclusions. The President seemed to be a great deal fatigued at the time, and I did not desire to detain him long. He made some remarks with regard to not being able to consider it at that time, and suggested that, as my authority originated with the Secretary of War, I had better file my report, with the accompanying papers, in the War Office, which I did. General Swift, formerly on General Banks's staff, accompanied me to the President, and was present when this conversation took place, and when I read the conclusion of my report to him. General Swift, I understand, is now in this city.

Question. Have you a copy of your report to the President?

Answer. I have not a copy of that report. I have at home the rough draught from which the report was made, but not the accompanying papers, as I had no copies made of them. Not being aware that I would be called before this committee to testify, I did not bring that rough draught with me to the city.

Question. Can you state, from recollection, the substance of the conclusions in your report to the President, which you state you made to him?

Answer. I might be able to state the substance of the conclusions. One of them, I recollect distinctly, was to this effect: That, if the rebel element was allowed to vote in the south at that time, every member who would be returned to Congress would be hostile to the policy of the federal government, not only as regards the payment of the national debt, but in reference to the emancipation of the negroes; that while they expressed a willingness to submit to the principles of the emancipation proclamation, they always coupled with it a determination to regulate their own affairs in that respect, stating that they would have an organized system of negro labor which they would control for themselves. Over and over again, in conversation in New Orleans, I heard them saying that they would make the condition of affairs better for themselves than it was before. They said that the government had freed the negroes,

and should be made to take care of the cripples and those who were not able to work, while they could regulate and control the labor of the able-bodied. I will here state that while many in the south would say that the government must pay the rebel debt as well as the federal debt, the better and more intelligent class of them did not speak in this way, but they told me distinctly that I could not expect that they would help pay our debt or pension our soldiers for whipping them; that they would have the power in the government some day with their increased representation, and would be able to defeat the payment of interest on the debt, or in some other way destroy the public credit. I asked them where they expected to get help for that purpose, and they would generally say that there were portions of the north where they had no interest in the government securities, the west for instance. I found that to be the feeling among the best men, who had been in the rebellion, that I met in the south. They seemed to take it for granted that we could not expect them, when they should again obtain power, to help pay our debt. Since I made the written report to the President, after my return from New Orleans, I have had other conversations with him. At one time, a few weeks after my return, hearing that there was some probability that he would order the withdrawal of the military or the Freedmen's Bureau, or both, from the south, I called upon him and said that I thought I understood the feelings of the people south, and that it was my clear conviction that if such a course was carried out, the first thing that would happen in the south would be that the rebel element would begin to kill off the negroes, especially those who had taken up arms on our side; that there would be killing on both sides, for the negroes had now learned to use arms, and were determined to maintain their rights. I said to the President, "You will then be compelled to send troops down there to restore order, and it will require more to do that than it will to preserve order with the troops now there. The result will be that our troops will be called upon to shoot down the black men who have taken up arms in our cause, for these black men will not submit to the oppression that will be forced upon them by the rebel legislatures. The State governments being in the hands of the rebels, they will commence their oppressive enactments in regard to these people, and the inevitable result will be a call upon the government of the United States for troops to shoot down the men who have fought for our cause."

Question. Have you any further statements to make in regard more particularly to Louisiana than those you have already made?

Answer. I think my statements with regard to Louisiana will cover the ground of my observations, together with the evidence upon which I have made up my conclusions. There is one matter which I urged upon the President in my report, or on my return from New Orleans, and that was the immediate removal of Governor Wells from office and the appointment of a military governor, inasmuch as Governor Wells had betrayed the loyal party there and had put rebels into office. I insisted that the people of Louisiana were not in a proper condition to be intrusted entirely with the affairs of that State; and I also expressed myself in favor of military governors for the other States of the south for the same reason, and generally in favor of holding a firm military control over them.

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WASHINGTON, *April* 23, 1866.

Colonel Israel Vogdes sworn and examined.

By Mr. WILLIAMS:

Question. State whether, since the surrender of General Lee, you have been in Florida. If so, when, and in what capacity?

Answer. I was in Florida at the time of the surrender of Johnston. I was then commanding that part of Florida which was in the department of the south—that portion embraced in the eastern part of the State, extending as far west as Tallahassee, excepting Key West and the islands, which were in another department. I continued in command of that district until the month of September.

Question. State briefly what steps you took after the surrender of Lee and Johnston for the reorganization of civil government there.

Answer. A short time after the surrender of General Johnston an order was issued from headquarters department of the south, then commanded by General Gillmore, of which the district commanded by me was a part, prohibiting any civil functionaries, either of the State of Florida or of any other State embraced within that department, from performing any of the duties of their offices. I issued an order interpreting that, in which I stated, in brief terms, that the only law recognized there was martial law, and that any persons attempting to perform any civil acts, or to exercise any authority as being derived from the so called Confederate States, or the State of Florida, as one of the constituent States of that confederacy, would render himself liable to punishment. Military commissions were organized to try breaches of the peace. Before these tribunals the testimony of all men, black as well as white, was taken. When matters in the case of property were involved, after examining the testimony submitted I ordered possession, leaving the question of right to be determined

subsequently by the courts, when the cases were such as made it necessary to issue such an order. A short time after that I issued an order to regulate the relations between the planters and freedmen. The substance of that order was, that contracts must in all cases be made and reduced to writing; that in cases of disagreement three referees were to be chosen, one by the employer, one by the employé, and the third by the two so chosen, to settle all matters of dispute between them. The freedmen were distinctly informed that they were at liberty to hire themselves wherever they pleased, and if they came upon the government for support I should put them, as in the case of white people, to work. They were recommended, however, for the time being, as far as possible to make arrangements with their former owners for portions of the crop which was then in the ground. There being no circulating medium in the country, it was impossible to make many contracts in order to secure support for them for the coming season. Most of the planters, or a very large number, made arrangements under that order with their former slaves, some promising to give as high as half the crop, and others a third; and from the reports I received I think the vast majority of the freedmen so engaged were satisfied with the conditions made, as were the planters.

Question. Did that state of things continue while you remained there?

Answer. That state of things continued, with slight modifications made by General Foster and General Newton. They adopted, as a basis, my order. General Newton, in his order, included a provision by which the planters were obliged to support the aged, and small children. I left that question to be determined afterwards, as I saw it was one which would give rise to great difficulty.

Question. What view did people generally take, after the surrender of Lee and Johnston, of the late rebellion, and of the questions involved by it?

Answer. As far as my observation extended, they were all satisfied that further resistance was impossible, and that they were willing to acquiesce in the results; or, as they expressed it generally, that they were a conquered people. As to what would be the effect of that conquest there were a great variety of opinions. Quite a number, formerly prominent men in the State, came to see me, and conversed freely on State affairs. Mr. Yulee had been appointed by the acting governor of the State to come to Washington, but he was prevented from coming by an order given for his arrest. He told me the policy he intended to recommend was, first, to call a convention by the governor of the State, at which it was proposed to annul the ordinance of secession and to organize the State, accepting the President's proclamations, the condition of which was freeing the negroes; that he had no doubt but what that would be carried by the convention. Others were opposed, again, to the condition of freeing the negroes. In their conversation with me they urged that, if freed, they thought compensation should be made to their owners. Some few were willing to give the negroes all their rights and privileges, but the number was very small.

Question. What, if anything, did they say as to their preference for the confederate or United States governments?

Answer. Some said they were always opposed to secession, and that a very large number of them went into it to keep the war away from their own country, as much as anything else. Others, again, expressed their views in this way: they thought the southern confederacy was the best thing in the world, but that the next best thing to that was the United States government, and that they now want to be good citizens of the United States. They fought it out as long as they could, but they gave it up.

Question. What portion of the people did you find there who had been loyal to the government during the war?

Answer. I do not think I could answer the question as to any numerical proportion, but the ratio was very small, and they were generally of not much political influence in the community.

Question. What feeling did those who had been active rebels exhibit towards those who had been loyal people to the federal government?

Answer. In some instances the feeling was pretty bitter. In other instances they manifested a disposition to make use of the influence—imaginary or otherwise—of these loyal people to get protection. It depended very much upon what the person might think as to the influence of these people. I might say, in this connexion, that some loyal men (and a pretty large number of them) told me that if those who had been prominent and active in the rebellion were to be allowed to vote, they did not think it would be a safe place for them; that they would have to leave the State.

Question. What, in your opinion, would be the condition of things there, if the federal troops were withdrawn and the control of matters left in the hands of the people?

Answer. From what I saw there I do not think it would be a very safe place for loyal men. I think it is necessary to have a protecting force on the part of the government there. I had troops disposed about different parts of the State; and I think the mixing of colored troops with white troops there is beneficial to preserving order—some proportion of them at least. My reason is, that while the white men are very much opposed to having colored troops to execute the laws over them, it would be better to have the present duty done by white troops; but by holding a portion of colored troops there, a good feeling is kept up between the colored population and the general government, and any disturbance that any rebel organization might be disposed to make would, with almost a certainty, be revealed to

the authorities of the United States; while the total withdrawing of the colored troops from there would create mistrust upon the part of the negroes, and they would be reluctant to give the information. I got a great deal of information from them, from time to time, as to where arms were stored away, and in many respects, which I do not think would have been given me if there had been none but white troops there.

Question. What rights and privileges are the people there willing to extend by law to the blacks?

Answer. There are a very great variety of opinions there on that subject. Their rights do not extend much beyond freedom from the simple condition of absolute bondage. I think the people are generally opposed to giving them any part in the administration of affairs, and in favor of granting them as few civil rights as possible. What civil rights were granted to them, I think, was done more for the purpose of obtaining restoration to the Union than from any desire to benefit the black man.

Question. How do the blacks stand affected towards the federal government?

Answer. They are all loyal, and they are the only loyal element of decided strength there is there. The other loyal men are scattered here and there, and are liable to be intimidated by the other party. I think the blacks generally have confidence in the persons who administer the affairs of the government, and will cheerfully accede to their views. I had no difficulty in getting them to do it. But they are very suspicious, and if they think a man is their enemy, are very apt to fall into idleness and neglect. I sent out quite a number of officers and persons connected with the government to address them on the plantations, where the planters were also present. In some instances they did not like the addresses, and they reported to me that they thought their masters had dressed some fellow up in Yankee clothes to talk to them. That expresses their idea, and shows their feeling.

Question. Did the blacks, as far as your observation extended, have any adequate conception of the questions involved in the war, or of the condition of things growing out of the war?

Answer. Some few, I think, did. The interviews I had were, for the most part, with the more intelligent part of them. I thought they seemed to have a pretty clear conception of the state of affairs, but how far the mass of blacks understood these questions, my position did not afford me an opportunity of knowing. I would have to speak from what I have heard other people say.

Question. Did you hear anything said, while you were there, or have you any opinion as to what the people desire or intend, about the rebel debt, or about compensation for their slaves?

Answer. I think, from what observation I had there—in fact, I can answer, knowing that a very large portion of them still hope for compensation for their slaves, and that they will abandon that hope with great reluctance. Some of them think the rebel debt ought to be paid. Others think it is useless to expect it.

Question. Had the policy of general amnesty or pardon become pretty well known or understood there before you left?

Answer. Pretty well, I think The leading men, however, were very fearful that their property would be confiscated, and were very anxious to obtain pardons so as to prevent it from being seized. The United States marshal was seizing a good deal of property there at that time, which created a good deal of alarm with the people, and, I think, had a bad effect.

Question. What did the people generally expect, as to the course of the federal government, after the surrender of Lee and Johnston, and the failure of the confederacy?

Answer. I think, at first, they were very much alarmed, especially when they learned the news of Mr. Lincoln's death. They were very much afraid the new President would take strong measures against them, and that there would be an effort to oppress them, growing out of the altered state of feeling in the north, consequent on the assassination of the President.

Question. Suppose one of the terms of restoration prescribed by the President had been the extension of civil rights and a qualified suffrage to the blacks; do you suppose the people of Florida would have been willing to accept it at that time?

Answer. I think, had that question been put immediately after the surrender, they would have accepted qualified suffrage as a condition of restoration; at least, I know some of the most important personages in the State would have yielded to it. But afterwards I am satisfied they would have opposed it. After the organization of provisional governors for the States they would not have accepted it.

Question. What do you think the people there would do with a proposition to amend the Constitution so as to give suffrage to the blacks at some future day—say in two years from this time?

Answer. I think a very large majority would vote against it. My observation and intercourse with these people led me to believe that it may be laid down as a general rule, that the white men still act under the impression that they have some sort of right to the labor of the black man, even without compensation. It is an involuntary principle with them that they cannot relieve themselves of.

Question. What class of people there are most hostile to the blacks, and the most inimical to the government of the United States?

Answer. I should say the planters, as a class, were most disposed to sustain the government, and most disposed to give privileges to the blacks. They feel satisfied that their future prosperity depends entirely on keeping on good terms both with the United States authorities and with the black population who are there; and they also fear very much the class of poor whites who are, as a general thing, hostile to the planters. The class between the poor whites and planters I consider the most dangerous element to society down there. It consists mainly of minor officers, both civil and military, of the confederate government who have been discharged, persons who are out of employ, and who think they are defeated, but not absolutely conquered yet.

Question. What is your opinion as to the absolute necessity or utility of the Freedmen's Bureau, or some agency of that kind?

Answer. I think something of that kind is indispensable until the civil government can organize a system of education and of labor that shall be satisfactory to all parties.

Question. Suppose the people there were left free to do as they pleased; what kind of men would they choose to fill the State offices, and to represent them in the Congress of the United States?

Answer. I think the men chosen would generally be those who had participated in the rebellion. They might, with a view of or expecting to gain some end, withhold their opposition to and elect some more liberal men; but, if the elections were left to take their natural course, they would choose, without a doubt, men who had taken an active part in the rebellion. They would be the most popular candidates with the people.

Question. What, in your opinion, was the effect of substituting civil for military government before the State was reorganized?

Answer. I think the effect would have been better if it had been military entirely. I think that until the whole question was settled the real loyal men would prefer the authority to remain in the hands of the military, especially if the men who had been active in the rebellion are allowed to vote or take part in the government. In such a government the military authorities should be strictly just in their conduct, and attend only to carrying out their orders and enforcing the laws, not meddling with trade or with any matters not strictly necessary for the preservation of order. My own system was to limiting myself to preserving order, encouraging trade and industry as much as possible, and of allowing the people the greatest amount of liberty of trade consistent with my orders, not allowing them to be interfered with more than was absolutely required in carrying out the orders of the government.

Question. How long have you been an officer in the regular army of the United States?

Answer. I went as cadet to West Point in 1833. I graduated in 1837, and since that time I have been continuously in the military service.

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WASHINGTON, *April* 13, 1866.

The following communication from Major General Sheridan was presented by Mr. Williams:

HEADQUARTERS MILITARY DIVISION OF THE GULF,
*New Orleans, Louisiana, March* 31, 1866.

DEAR SIR: Your communication of the 25th ultimo, requesting certain information as to affairs in Louisiane, Texas, and Florida, came duly to hand, but owing to my absence in Florida I have been prevented from responding at an earlier day. In compliance with your request I have the honor to submit herewith my opinions on the subjects therein particularized:

Question 1. "What are now the feelings of those who took part in the rebellion and sympathized with it towards the general government?"

Answer. I believe they accept the situation, and have an earnest desire for the restoration of a perfect union, but exhibit, at the same time, an unmistakable desire to glorify rebellion.

Question 2. "What has been the effect of the unstinted exercise of the pardoning power upon such persons? Has it made them more friendly or otherwise towards the federal government?"

Answer. I have noticed no particular change in sentiment on account of the clemency of the Executive.

Question 3. "What would be the effect, in your opinion, upon the State organization, if the people were left, without control, to act for themselves?"

Answer. I believe they would quarrel among themselves, and that the sensible and substantial people would regret the absence of the military force.

Question 4. "Are the offices of the State now in the hands of loyal or disloyal men?"

Answer. A very large number of the offices of the State are in the hands of returned confederate soldiers and other active participants in the rebellion. I am unable to say what their actual sentiments are in reference to the general government, but think their outspoken senti-

ments depend to some extent on what is their best policy in order to hold the office. I have seen those high in authority in a transition state for the same reason.

Question 5. "What are regarded as the chief recommendations for office, and what sort of persons would be elected without any outside influence?"

Answer. The inclination to glorify rebellion gives those who were active participants in it the preference for election by the people, or appointment by those in power.

Question 6. "What would be the condition of the loyal men if they were left without any protection from the federal government?"

Answer. My impression is that for the present they would feel unsafe, and many of them leave the country.

Question 7. "State your opinion as to the necessity for the continuance of a military force in your department, and your reasons for the opinion."

Answer. I consider it necessary to maintain a military force in my division for the following reasons: To give security to northern capital and Union people, and to give an actual and moral support to the freedman until he has time to work out his social status. I also believe its presence necessary to prevent quarrelling among the southern people themselves.

Question 8. "What is your opinion as to the necessity and expediency of the Freedmen's Bureau?"

Answer. The Freedmen's Bureau gives that security to the freedman which arises from having some one to look after and advocate his interests. A change might be made by appointing an inspector general of freedmen, with the necessary number of assistant inspectors, under charge of the department commander, which would be much more economical, but it would be imposing duties on the military which I do not recommend, as I think it should have as little as possible to do with civil affairs.

Question 9. "What would be the condition and fate of the freedmen if left without protection, under the exclusive control of the white people there?"

Answer. I fear there would be a great deal of trouble. A large number of the people would act in good faith towards them, but there would be many who would not, and a war of races, to some extent, would probably be a consequence.

Question 10. "State fully your opinion as to the capacity of the colored people; what do they know, and to what extent can they exercise the sightr of freemen? Are they willing or unwilling to work, without physical compulsion, with kind treatment and fair wages? And state what, in your judgment, is the best course for Congress to pursue in reference to these people."

Answer. The colored race, like all other races, have different degrees of intelligence and capacity. In New Orleans, where colored people are better treated than in any other city in the United States, there is an excellent colored society, and a very high degree of refinement exists in it. Starting from this, you can go into the State of Louisiana and find the colored man about as ignorant as it is possible for any human being to be. The freedmen, so far as I am informed, have a great desire to learn. I cannot say whether they learn rapidly or not. I believe they are willing to work, because their necessities compel them to do so. In this they are like all other races. I never have known a white or a black man who was performing manual labor for the love of it. I believe the best thing that Congress or State can do is to legislate as little as possible in reference to the colored man beyond giving him security in his person and property. His social status will be worked out by the logic of the necessity for his labor. It is the only labor that can be obtained in the southern States for some time to come.

Question 11. "Please to make such suggestions as occur to your mind as to the most judicious and efficient remedies for the evils that exist in your department growing out of the late rebellion."

Answer. The feeling and sentiment of those within the limits of my command is as good, perhaps, as could be expected; still, not satisfactory.

The people of Louisiana are poor, and, to the best of my knowledge, heavy mortgages exist upon, perhaps, the majority of plantations in the State for debts contracted before the war. In many instances those plantations will fall into the hands of northern people, who, from present appearances, will, at no very distant period, control Louisiana, even in sentiment. Having this prospect before them, it is not surprising that a spirit of bitterness and discontent should exist.

I believe that the majority of the people are not opposed to the general government, and in fact earnestly desire to be restored to a perfect union with the other States. Still, sufficient time has not yet elapsed to efface the recollection of their having been reduced from affluence to limited means, the chagrin of being conquered, and to submerge the idea of glorifying rebellion and its representatives. This latter idea and its consequences prevail to so great an extent that I consider the retention of the military in Louisiana, for some time, as necessary for the security of emigrants, freedmen, and capital.

Florida is not poor from old debts and havoc of war, like Louisiana, and the tone and sentiment of the people is very fair, and a great desire manifested to restore a perfect Union.

Texas has increased in wealth by the rebellion. Among the best people there is a very good feeling towards the government. There is a class of lawless people there, however, which this sentiment does not control, and which cannot be controlled but by the military.

The sentiment in this State will not change from the influence of northern emigration and northern capital, as in Louisiana. It is essential that the military in considerable force be maintained in the department of Texas.

I have the honor to be, sir, very respectfully, your obedient servant,

P. H. SHERIDAN,
*Major General, Commanding.*

Hon. GEORGE H. WILLIAMS,
*Chairman of the Committee for the Investigation of Affairs in Louisiana, Texas, and Florida, Senate Chamber, Washington, D. C.*

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WASHINGTON, *March* 14, 1866.

Brevet Major General Christopher C. Andrews sworn and examined.

By Mr. WILLIAMS:

Question. Have you, at any time since the cessation of hostilities, been in Texas? If so, please state how long you were there, and what opportunities you had to ascertain the views and feelings of the people there in regard to the government and authority of the United States.

Answer. I was in command of the district of Houston, Texas, from July 8, 1865, until about the middle of the following August. During that time I visited several of the posts in the district, among them Beaumont, Liberty, Brenham, and Columbus. And, in obedience to orders, I also accompanied Governor Hamilton to Austin, and was present when he was inaugurated in the capitol of the State. From there I went to San Antonio and returned by the way of Columbus to Houston; while on duty at Houston I saw, daily, planters and others from various parts of the State.

Question. State what you found, in your intercourse with the people of Texas, to be their temper and disposition towards the government and authority of the United States.

Answer. I thought there was a fine Union element in Texas; some of the best men appeared to be very well disposed to a restoration of the federal authority and the return of the State into the Union. Some of the influential men there realize the true state of affairs—I include some of those who participated actively in the rebellion—and they are disposed to be liberal in regard to the freedmen, and to accept heartily and readily the condition. But a large majority of the white people of Texas were still disloyal, and still entertained a hope of re-establishing slavery. It was common for them to tell their former slaves, now free, that the proclamation of emancipation would be set aside. There was also a sort of disdain exhibited towards the northern people, and a disposition to spurn the federal authority. My means of forming an opinion of the state of feeling were, conversation with all classes of people, including Union refugees who had returned, freedmen, and planters. I thought the Union sentiment at Austin was very good; at New Braunsfels, a German settlement, I thought the loyal sentiment was specially good.

Question. Where did you find the Union feeling the strongest—in those neighborhoods where the troops were located and the people were protected by military force, or in those neighborhoods where there was no military force, and where the people had little or no military protection?

Answer. There was certainly more expression of loyalty in the neighborhood of military posts than elsewhere. The presence of the military authority seemed to develop and encourage loyal sentiments. So far as I have observed, wholesome government and restraint have tended to increase the respect for the federal flag. It was common to see the people conversing with the common soldiers, and I think the impression produced by the behavior of the soldiers was favorable to the cause of loyalty.

Question. In your judgment, what would be the effect upon the growth of loyal sentiment and the interests of the loyal people of Texas to withdraw altogether the military forces of the United States from that country?

Answer. I think it would be extremely injurious to the cause of loyalty, assuming that the troops are well disciplined.

Question. Would the Union people of Texas venture to express their sentiments and organize as a Union party at this time, in the absence of military protection?

Answer. I have no reason to think they would; the weight of public opinion was strongly against the unconditional Union element.

Question. What is your opinion as to the necessity and value of the Freedmen's Bureau, or some agency of that kind in Texas at this time?

Answer. I think it very essential; there were shown to me copies of blank forms of contracts which appeared to have been agreed upon by planters and others who wished to hire freedmen, which, if enforced strictly, would barely give the freedman his board and clothes; there were so many deductions for loss of time, and charges for medical attendance, and care of children, &c. My opinion was asked in regard to the matter, and I said that I con-

sidered such a form of contract very unfair to the freedman. Unless the freedmen are protected by the government they will be much worse off than when they were slaves, because they will not have the protection they formerly had from their owners and masters. There was a disposition among the majority of the white people to get the labor of the freedmen at as cheap rates as possible, and to coerce them to accept such rates.

Question. In case the people of Texas were left entirely to themselves, without any control by the government of the United States, into whose hands would the affairs of the State pass—the hands of the Union portion of the people, or the hands of the disloyal portion?

Answer. I suppose there is no doubt they would pass into the hands of the disloyal portion of the people.

Question. Would you consider it safe and judicious to withdraw, at this time, the control of the federal government over the people of Texas?

Answer. I would not.

Question. Without questioning you as to details, I wish you would state all the information you have which you may deem necessary to show fully the sentiments of the people of Texas in regard to the restoration of federal authority there, their treatment of the freedmen, their feelings in relation to the confederacy, and, generally, all opinions you may have upon that subject.

Answer. Unfortunately, it has been a common sentiment in the south that northern people were their inferiors; and during the war this sentiment was increased—their songs, their speeches, their literature, all tending to belittle the "Yankees." The conduct of our armies has changed this feeling somewhat; but it still exists to a considerable extent. Where there has been a lack of any penitence, but instead of it a lofty spirit of disdain, magnanimity towards such on the part of the government appears to have been wasted. Three or four thousand oaths of allegiance were voluntarily taken in my district in the course of a month; but learning it was common for those who took the oath to treat it in a frivolous and sneering manner, the provost marshal was instructed to administer it to those only whom he had good reason to believe would honestly observe it. The object of taking the oath seemed to be to get restored to the privileges of citizenship, and not as any token of devotion to the government. My opinion then was, and is now, that the disloyal people should have been made to understand that the privilege of franchise which they had forfeited was a high trust, to be extended to those only who should become heartily and unconditionally loyal. To be endowed in a wholesale manner with the sacred right of franchise was much greater indulgence than they ever expected. In regard to the freedmen, the prevailing opinion among the whites was that free labor would be a failure. Not having any hope of success, they were reluctant to attempt giving it a trial. They insisted that the whip was the only means of making the blacks work. In some instances planters, who had dealt honorably and humanely towards their slaves, had no difficulty in retaining them the same as ever on their plantations—the blacks confiding in their honor in regard to pay. There was, however, so much said by the whites about slavery being re-established in the future that the freed people acquired a distrust as to their freedom, and were uneasy and apprehensive about their future condition. This made them, as a general thing, reluctant to hire out to their former masters. Serving others under contracts of their own making seemed to assure them of their freedom. Beyond the influence of military posts the blacks were still held as slaves. There was a general disposition among the whites to depreciate the capacity and merits of the freedmen, and to sneer at the idea of their going to school. I had reason to believe a number of freedmen had been murdered without the slightest provocation. There were instances where a freedman was attempting to leave his former master, and was followed and shot. In case a colored man was killed, a story was immediately started of his having been guilty of some aggravated crime. And it is an important fact, that where blacks were killed, no white resident interposed to bring the offender to justice. The freedmen are unfriendly towards the whites because the latter treat them as an abject and inferior race, and are unwilling to concede to them the merits they possess. The whites, in my opinion, can only gain their confidence and friendship by a frank and sincere acknowledgment of their liberty and a just acquiescence in reasonable measures for the protection of their liberty. This, I think, will secure harmony between the two races. And it is vastly essential to the cause of the Union, in my opinion, that if any are to have the right of suffrage, they should have it who are and have been the true friends of the Union, and without regard to color.

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WASHINGTON, *March* 14, 1866.

Dr. James M. Turner sworn and examined.

By Mr. WILLIAMS:

Question. Have you been in Louisiana at any time since Lee's surrender; and if so, at what time and how long?

Answer. I was in Louisiana about the 1st of January, 1866. I was in New Orleans from six weeks to two months; and I was also a few days in Mobile.

Question. Have you lived in the southern States prior to the rebellion; if so, how long, and where?

Answer. I was in Nashville in 1849; my eldest son was born there; I was then editing the Nashville Gazette. Two years afterwards I was in Murfreesboro', Tennessee, living upon the plantation of my uncle. My second son was born there in March, 1851. I was in New Orleans in 1857; my daughter was born there. In the intervening time I was in the south from time to time. I was for a time a New York correspondent of the Washington Union, while A. O. P. Nicholson was the proprietor of it. And I was some time a correspondent of the Nashville Union.

Question. What did you learn while in Louisiana, since the cessation of hostilities, as to the temper and disposition of the people there towards the government and authority of the United States?

Answer. I had an excellent opportunity of associating with persons there who had known me, and who had affiliated with me in years gone by. I could very readily understand their feeling. They divided the people from the north into two classes: The first class, those who had not been in the army, are what they call in the streets, bar-rooms, and stores, "damned Yankee sons of bitches;" the other class, those who have been in the army, are called "damned blue-bellied Yankee sons of bitches." Those two classes are the only classes into which they divide the people of the north. The chief of the detective police force in the city of New Orleans served three years and a half in the rebel army. The mayor, recently elected in New Orleans, was confined in Fort Jackson for some time. The chief of the police of the city of New Orleans was a sutler in some regiment from some western State; at any rate he is a worse rebel at heart than any born at the south. There is an understanding with the chief of the detectives that all that is necessary to have a man arrested is to say, "There's a blue-belly." As an illustration of that, I will state that about half past 11 o'clock one night, perhaps a little earlier, I was standing on the street talking to a soldier. This soldier had first served in the Ellsworth's zouaves; he had then gone out in the tenth cavalry, and had been discharged at San Antonio, Texas. While I was talking with him, a man came up to me and said: "Can I see you a moment?" I said, "Certainly." I walked as far as the corner of the street with him, and then said: "What do you want of me?" He said: "I want you to walk as far as the office of the chief of police." In the mean time one of his associates in the detective force had arrested the soldier to whom I had been speaking, and whom I had known in the fire department of the city of New York. I was taken to the office of the chief of the police, and told to take my hat off. It was the first time in my life that I was under arrest. After that the man who arrested me went off, and was gone for about a half an hour, so that all the detectives could come in and see the "two blue-bellies," as one of the detectives said the next day. Mr. Burke came in and asked me a number of questions. I had no commission with me; but I had understood that this Burke was a Mason, and that if I showed him this paper, (my certificate as a Mason,) it would be a sufficient indorsement of me to him. I showed it to him, when he turned to Dalton, the chief detective, said something to him, and then they went out. Presently Dalton came back into the room again. They had there, in a frame half the size of this committee-room door, the likenesses of all the thieves they could get. The detectives were all standing around me, when this Dalton took a light, held it up to the frame of pictures, and then looked at me, taking two or three minutes at a time just to annoy me, while he compared my face with each of the pictures. I said to him: "You will find no picture there of me." He kept me there over an hour, I should think. He then led me to the door, and said: "I am satisfied about you; but I think you better go north; this is no place for you." The soldier who had been arrested at the same time I was, was detained. The next morning I called at General Sheridan's headquarters, having with me my commission as having been an officer in the Union army, and other papers to establish who I was. I saw Brevet Brigadier General Moore there, and related to him the circumstances I have just stated here. In the course of my conversation with him, I said: "There is an effort being made to withdraw our soldiers from the southern States. I am satisfied that if that is done, the life of no Union man, woman, or child will be safe;" and that is my opinion. Those fellows will stand up in the bar-rooms and say publicly: "These damned Yankees are not satisfied with murdering our people and robbing us of almost all we had; now they are coming here to rob us of what little we have left. Wait till the soldiers are taken away, and then we will show them what we will do." Let me illustrate how they act now, in comparison with what they did before the war was ended. Captain Montgomery, who was on General Davidson's staff, was stationed for some time at Vicksburg. While the war was going on the people would invite him to their houses, and come to his headquarters and ask for favors. Since the war is over they will not notice him; and things are generally in that condition. Colonel Parkhurst, quite a distinguished lawyer, and a friend of General Burnside, was taken from his bed about 1 o'clock at night by this man Dalton, in New Orleans, and carried to the police headquarters. He had employed a secesh firm to attend to some business for a client of his who lived in Illinois, knowing that he would not succeed if he presented the case in court himself. He was arrested upon no other ground than that he had charged an exorbitant fee to this client of his in Illinois, who was a copperhead, I believe. He was detained in custody until they had telegraphed to the man in Illinois and got his reply that he was perfectly satisfied with

what Colonel Parkhurst had done. Instead of withdrawing our soldiers from New Orleans, their number should be doubled there now. It has got to be so that if a man does not wear gray clothes he is not regarded as being anybody. It is taken for granted that a man is a Yankee if he does not wear gray clothes. In Texas, as far out as San Antonio, the lives of officers are not safe at night if they go about without protection. It is all very well for delegations from Louisiana and other parts of the rebel States to wait upon the President and assure him of the loyalty of the people of the south. It is no such thing. I know there is very little loyalty there. I do not say this because I have been prejudiced against the south. Every association of my life has been in the south; I have lived there; my father and all my family are connected with the south; my grandfather migrated from Raleigh, North Carolina, in company with Andrew Jackson, and settled at Mill Creek, six miles from Nashville, Tennessee. All my prejudices have been in favor of the south. But I was never so disgusted with anything as I was with the southern people when I went out there in January last.

Question. Then it is your opinion that there would be no safety for Union people in Louisiana if the United States troops should be withdrawn?

Answer. That is my opinion; and I was talking a short time ago with a gentleman from Florida, and that is his opinion about that State.

Question. What is the condition of the colored people in Louisiana, so far as you know?

Answer. I can tell you what sort of a system they have in New Orleans: They have a sort of men there called agents, who get from the planters four dollars for each freedman they get to work for him. These agents have a set of people like what we call emigrant-runners in the north. They get hold of a negro and make him believe that they will get him a place where he will get a large sum of money. These negroes they take to the offices of these agents, who pay them two dollars a head. These agents tell the negro he will get so much a week, and get him to sign papers, which they have already prepared, and then he is turned over to these planters. After the planters get hold of him, they will turn around and tell those in the office what they will do with him when they get him out on their plantation.

So far as the negroes themselves are concerned, I think they are disposed to work, if they can only get paid for the work they do, the same as other men. But in New Orleans they will not hire negroes if they can avoid it.

You will find that those men in New Orleans, who a few months ago had made up their minds to seek for pardons, do not think it worth while now to make the application. There is a doctor on Tchapitoulas street who goes away beyond the twenty thousand dollar clause; he has never made any application for pardon, and does not ask for it; and yet he is going on improving his property. He takes it for granted that it is all a farce to get a pardon, and will not make any application for it. I was told by a gentleman who was his tenant that that was what his landlord said.

Question. What effect do you think has been produced upon the people by the leniency of the general government towards them?

Answer. It has had a tendency to make them ten times worse secessionists than before—more bitter. It has had a tendency to lead them to believe that everything will go on right for them; and the result is that they are far more bitterly opposed to the north than they ever were before. Take up any of the New Orleans papers and you will see as a recommendation by those who advertise the statement that they have "served in the confederate army." They object to going into a store where there is a Yankee. Secesh flags are peddled publicly on the streets.

The leniency that has been shown to them has had a tendency to imbitter them against any effort made in the north to reconstruct this government. I should like very much to see them represented in this Congress; but I want to see them represented by Union men.

Question. Suppose the people there were left entirely free to choose to office whom they pleased, would they elect Union men to office, or would they elect men who were rebels in sympathies and feelings?

Answer. I think the poorer classes of the people are Union at heart, but they do not dare say so, because they fear the time when the United States troops will be withdrawn, and they be left without protection. You know how little a poor man has had to say in political affairs in the south heretofore; it is all very well for an officer of high rank, or some well-known gentleman, some senator, to go down there and examine whether these prominent men there are loyal; they will wait upon him and represent themselves all to be thoroughly loyal. But if the government wants to find out the real condition of affairs, let them send some one down there who has the nerve and the address to go directly among the people of Texas, Louisiana, Mississippi, and Alabama, and take the testimony of the people; the actual people of the southern country, if they dared speak, could tell far more than this committee is likely to reach.

Question. What do you think the people there would do in the event of a war between the United States and a foreign power? Would they stand by this country or not?

Answer. I think the poorer people would fight for the United States; they would ask no better foe to fight against than France or England. There are thousands of really idle people there who would fight for the government as soon as the flag was raised, and are still as

Bitter as gall against the north. They say they were overpowered; not subdued, not conquered, but overpowered by superior numbers; that is the idea of the rebel officers.

Question. Do these people seem to have any idea that at any future time the work of secession can be accomplished?

Answer. They do not look for that; they look to again gain the control of the affairs of the national government. If they can gain the representation they desire in Congress, they think that with the aid they can get from the north, they can pass such laws as they please. They seem to cherish the idea that one day the west will unite with the south. I was talking one day with a very intelligent man, originally from Iowa I think, and who owns a large plantation in Louisiana; he said that a large number of people in his section of country entertained the idea that the west would eventually separate from the east and join the south, and then they would manage the government as they pleased.

Question. Did you hear anything said as to what sort of legislation they desired; for instance, in regard to the national debt, or the rebel debt, or payment for their slaves, or anything of that kind?

Answer. The most of those with whom I conversed seemed to desire the repudiation of the rebel debt, and to think that eventually they would be paid for their slaves, if they can arrange matters in Congress as they hope to do. So far as I have had an opportunity of judging, there is a very general feeling in favor of the repudiation of the rebel debt; but with almost the same breath they would speak about being compelled to pay the expenses of this war without being represented in Congress; of representation being denied to them while they were subject to taxation.

Question. What is your opinion of the value and necessity of the Freedmen's Bureau, or some agency of that kind, in the southern States, to regulate matters between the blacks and whites?

Answer. I think if the Freedmen's Bureau was localized more it would be a great thing. It is an immense establishment in the city of New Orleans; but there are places on the Mississippi where branch establishments could be had, and where I think they are necessary and would be efficient. The Freedmen's Bureau is like a great many other things connected with this government; the law itself is good, but those who have the management and direction of it sometimes make it inoperative, so that it does not carry out what it was designed to accomplish.

Question. What, in your judgment, is necessary to be done by the general government in order to strengthen and develop the Union sentiment of the south, and to build up a Union party there?

Answer. The first point would be for the government to cleanse itself of the rebels who are holding public positions there—to remove them. I have it from good authority, that in the post office and custom-house in New Orleans rebels flock there—men who were in the rebel army; that the best recommendation to those who control those offices is to show that the applicant for a place under them has been a rebel. While I was there a dentist, Dr. Eustis, known as a thorough Union man, was nominated for the place of surveyor of the port of New Orleans. The very next day after it was known that he was nominated and would be likely to be appointed, the Chamber of Commerce, composed almost entirely of men of secession proclivities, called a meeting and appointed a committee of seven to proceed at once to Washington, and object to the appointment of Dr. Eustis. The committee came on to Washington and succeeded, for some one else was appointed.

Question. You say the first thing is to turn the rebels out of office. What is the next thing to be done?

Answer. To appoint Union men in their places, and retain your army there; have some military force in every place where the rebel feeling shows itself. Let me illustrate: in a theatre in Mobile, between the first and second acts, the orchestra played Yankee Doodle; and all but six ladies got up and left the theatre. The next day the general in command of the place heard of the affair, and that night between the first and second acts an order was read to the effect that inasmuch as a portion of the audience left the theatre the night before because the orchestra had played Yankee Doodle, thereafter the orchestra should play the national airs. The Union officers had rallied during the day, and had gone around the city, and wherever they found a Union lady, invited her to go to the theatre. After the order was read the orchestra struck up Hail Columbia, and all the audience rose up. I would have such men controlling those places, and let the people understand that the Union was to be respected. I have always been in favor of my country. I went out to Mexico with the first regiment that left New York, and when this war broke out I went out as major in one of the first regiments that left New York. I would keep the soldiers out south; and not only that, I would strengthen their numbers there, and keep the people under military subjection until they can treat the citizens of the United States as they are entitled to be treated. I think that keeping colored troops out there has a tendency to inflame the feeling of bitterness towards the north. But I would double the number of white soldiers out there, in every place where I thought there was a secesh element of any strength, and I would make it an offence to wear the gray, upon which these rebels pride themselves so much.

Question. What feeling did you find there in regard to extending to the colored people civil and political rights?

Answer. They were opposed to it to a man; I did not hear one man say anything in favor of it. You may rest assured that unless you protect men at the polls, Union men cannot vote safely. They dread the withdrawal of the United States soldiers from the south too much to vote openly in accordance with their Union sentiments.

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WASHINGTON, *March* 28, 1866.

Caleb G. Forshey sworn and examined.

By Mr. WILLIAMS:

Question. Where do you reside?

Answer. I reside in the State of Texas.

Question. How long have you been a resident of Texas?

Answer. I have resided in Texas and been a citizen of that State for nearly thirteen years.

Question. What opportunities have you had for ascertaining the temper and disposition of the people of Texas towards the government and authority of the United States?

Answer. For ten years I have been superintendent of the Texas Military Institute, as its founder and conductor. I have been in the confederate service in various parts of the confederacy; but chiefly in the trans-Mississippi department, in Louisiana and Texas, as an officer of engineers. I have had occasion to see and know very extensively the condition of affairs in Texas, and also to a considerable extent in Louisiana. I think I am pretty well-informed, as well as anybody, perhaps, of the present state of affairs in Texas.

Question. What are the feelings and views of the people of Texas as to the late rebellion, and the future condition and circumstances of the State, and its relations to the federal government?

Answer. After our army had given up its arms and gone home, the surrender of all matters in controversy was complete, and as nearly universal, perhaps, as anything could be. Assuming the matters in controversy to have been the right to secede, and the right to hold slaves, I think they were given up toototally, to use a strong Americanism. When you speak of feeling, I should discriminate a little. The feeling was that of any party who had been cast in a suit he had staked all upon. They did not return from feeling, but from a sense of necessity, and from a judgment that it was the only and necessary thing to be done, to give up the contest. But when they gave it up, it was without reservation; with a view to look forward, and not back. That is my impression of the manner in which the thing was done. There was a public expectation that in some very limited time there would be a restoration to former relations; and in such restoration they felt great interest, after the contest was given up. The expectation was, and has been up to the present time, that there would be a speedy and immediate restoration. It was the expectation of the people that, as soon as the State was organized as proposed by the President, they would be restored to their former relations, and things would go on as before, with those two main issues given up wholly; that, with that as the result, there would be harmony, and that without it there would probably not be. I think there would be considerable revulsion of feeling if that is not so, as the expectation has been almost universal that that would be the result of reorganization. It is perhaps proper that I should say, in that connexion, that a considerable apprehension has been felt lately. Texas being later in her reorganization than the other States, and having had an opportunity to witness the result in the case of the other States, considerable apprehension and some revulsion of feeling have already occurred; that is, a little terror lest such should not be the result of reorganization. My impression is, that the feeling, so far as feeling is concerned, is not as good as it was three or four months ago. I want to distinguish between feeling and judgment; for good feeling was returning as fast as human nature would admit.

Question. What proportion of the people of Texas, so far as your judgment extends, were loyal to the government during the rebellion?

Answer. Scarcely enough to be called a portion; so much so that we cannot get postmasters anywhere in the State, except in the regions where the German population prevails. The Germans, not knowing the English language very well, and not knowing much of the nature of the contest, were opposed to the war; some of them were really opposed to our movement. In other portions of the State it has been extremely difficult to fill the post offices, and only women and children could be found to perform the functions, and very rately the women.

Question. What proportion of the members of the convention lately met in Texas to form a new constitution were loyal men during the war?

Answer. I cannot tell. There are several who left the State during the war, who are now members of the convention. There are Judge Hancock, Mr. Norton, brother to Senator Norton, and several other gentlemen, who may be regarded as loyal men; but hardly of the extreme loyalty that the test-oath embraces. Men who remained in the State had to do more or less for the rebellion, although opposed to the movement. A very small portion of the population anywhere, very small, were opposed to it after secession had occurred. That

was so much the case, that in my movements, which were pretty extensive, (but not on the remote frontiers, where it was claimed there was considerable opposition to us;) I met none. I have not seen the list of all the members of the convention so as to study it. But the president of the convention, General Throckmorton, was opposed to secession, and very warmly. He opposed it and voted against it in the convention of secession. But he afterwards entered the confederate service and rose to the rank of brigadier general. He was always considered a Union man, and is one.

Question. Is there or not, among the people of Texas who have been in the rebellion, a feeling of hatred towards the people of the north who were engaged in the suppression of the rebellion?

Answer. There is some antagonism towards the government movements; towards the men engaged in the war perhaps less, for we rather think those we fought with clever fellows. There is considerable feeling yet existing which was engendered by four or five years' struggle; quieting itself perhaps as fast as human nature could be expected, as I have remarked once before. But that it existed and was very bitter cannot for a moment be doubted. On the contrary, the enmity became very strong, and was nearly universal with all our southern people. If your question is asked with the view of ascertaining the present feeling in regard to persons coming into Texas to reside, I would say that this feeling of enmity has scarcely an existence towards persons who come to pursue their own business. There are thousands of such persons all over our State, persons who have migrated there from the north. They did so immediately after our surrender, without waiting for anything. Business men were all over the State bringing in goods and buying up cotton. There has been no collision with them. It was understood as one part of the result that everybody would attend to his own business in the future; and the future only was looked to. But when men have come with a censorious disposition, and have undertaken to reflect upon the past, their positions have been made very uncomfortable, by refusal to trade with them, and sometimes some bickerings and jawings; though our people have not used any violence even when they felt like it, because it was understood that would be regarded as an evidence of disloyalty to the pledge they had made. The whole people understood they had made a pledge to lay down their arms and give the thing up; and they have been very cautious not to do anything which would seem to compromise them in that respect. Within my entire knowledge there has not been any resistance to federal authority in the State of Texas, except where individuals have got drunk and committed violence. I have sometimes seen federal authority exercised when it was thought to be very harsh; but there has not been any resistance.

Question. Is it within your knowledge that men, black and white, who were supposed to be friendly to the government have been maltreated or murdered in the State of Texas on account of their views and opinions?

Answer. Not a single case of that kind has come under my personal observation.

Question. Is it within your knowledge that men in the State of Texas have been abused or mistreated in any way for raising the United States flag or exhibiting their attachment to it?

Answer. Nothing of the kind. I heard that at Fredericksburg, where the Germans raised the flag immediately, and before they had fairly heard of the surrender, some persons made some trouble; but that was in a remote place. But I have heard of no such trouble in any other place. I must mention one circumstance: A late confederate colonel was going along intoxicated, with a companion. They rode along under a flag at a military post, and the drunken man, who was very drunk, tore it. There was an attempt made to arrest him, and his friend said: "He is drunk; I will answer for it all; it was a drunken frolic." The friend was arrested and tried, though the trouble never extended to the second individual. The friend contended that his object was to screen the drunken man, and he responded for him, though he did not mean that he would take the responsibility of tearing the flag. He was tried for that, and was in prison when I came away; I do not know the result.

Question. What is your opinion of a military force under the authority of the federal government to preserve order in Texas and to protect those who have been loyal, both white and black, from the aggressions of those who have been in the rebellion?

Answer. My judgment is well founded on that subject; that wherever such military force is and has been, it has excited the very feeling it was intended to prevent; that so far from being necessary it is very pernicious everywhere, and without exception. The local authorities and public sentiment are ample for protection. I think no occasion would occur, unless some individual case that our laws would not reach. We had an opportunity to test this after the surrender and before any authority was there. The military authorities, or the military officers, declared that we were without laws, and it was a long time before the governor appointed arrived there, and then it was some time before we could effect anything in the way of organization. We were a people without law, order, or anything; and it was a time for violence if it would occur. I think it is a great credit to our civilization that, in that state of affairs, there was nowhere any instance of violence. I am proud of it, for I expected the contrary; I expected that our soldiers on coming home, many of them, would be dissolute, and that many of them would oppress the class of men you speak of; but it did not occur.

But afterwards, wherever soldiers have been sent, there have been little troubles, none of them large; but personal collisions between soldiers and citizens.

Question. What is your opinion as to the necessity and advantages of the Freedmen's Bureau, or an agency of that kind, in Texas?

Answer. My opinion is that it is not needed; my opinion is stronger than that—that the effect of it is to irritate, if nothing else. While in New York city recently I had a conversation with some friends from Texas, from five distant points in the State. We met together and compared opinions; and the opinion of each was the same, that the negroes had generally gone to work since January; that except where the Freedmen's Bureau had interfered, or rather encouraged troubles, such as little complaints, especially between negro and negro, the negro's disposition was very good, and they had generally gone to work, a vast majority of them with their former masters. I was very gratified to learn that from districts where I feared the contrary. Still this difference was made, particularly by Mr. Carpenter, from Jefferson, the editor of the Jefferson Herald. He said that in two or three counties where they had not been able to organize the Freedmen's Bureau, there had been no trouble at all; nearly all the negroes had gone to work. The impression in Texas at present is that the negroes under the influence of the Freedmen's Bureau do worse than without it.

I want to state that I believe all our former owners of negroes are the friends of the negroes; and that the antagonism paraded in the papers of the north does not exist at all. I know the fact is the very converse of that; and good feeling always prevails between the masters and the slaves. But the negroes went off and left them in the lurch; my own family was an instance of it. But they came back after a time, saying they had been free enough and wanted a home.

Question. Do you think those who employ the negroes there are willing to make contracts with them, so that they shall have fair wages for their labor?

Answer. I think so; I think they are paid liberally, more than the white men in this country get; the average compensation to negroes there is greater than the average compensation of free laboring white men in this country. It seems to have regulated itself in a great measure by what each neighborhood was doing; the negroes saying, "I can get thus and so at such a place." Men have hired from eight to fifteen dollars per month during the year, and women at about two dollars less a month; house-servants at a great deal more.

Question. Do the men who employ the negroes claim to exercise the right to enforce their contract by physical force?

Answer. Not at all; that is totally abandoned; not a single instance of it has occurred. I think they still chastise children, though. The negro parents often neglect that, and the children are still switched as we switch our own children. I know it is done in my own house; we have little house-servants that we switch just as I do our own little fellows.

Question. What is your opinion as to the respective advantages to the white and black races, of the present free system of labor and the institution of slavery?

Answer. I think freedom is very unfortunate for the negro; I think it is sad; his present helpless condition touches my heart more than anything else I ever contemplated, and I think that is the common sentiment of our slaveholders. I have seen it on the largest plantations, where the negro men had all left, and where only women and children remained, and the owners had to keep them and feed them. The beginning certainly presents a touching and sad spectacle. The poor negro is dying at a rate fearful to relate.

I have some ethnological theories that may perhaps warp my judgment; but my judgment is that the highest condition the black race has ever reached or can reach, is one where he is provided for by a master race. That is the result of a great deal of scientific investigation and observation of the negro character by me ever since I was a man. The labor question had become a most momentous one, and I was studying it. I undertook to investigate the condition of the negro from statistics under various circumstances, to treat it purely as a matter of statistics from the census tables of this country of ours. I found that the free blacks of the north decreased 8 per cent.; the free blacks of the south increased 7 or 8 per cent., while the slaves by their sides increased 34 per cent. I inferred from the doctrines of political economy that the race is in the best condition when it procreates the fastest; that, other things being equal, slavery is of vast advantage to the negro. I will mention one or two things in connexion with this as explanatory of that result. The negro will not take care of his offspring unless required to do it, as compared with the whites. The little children will die; they do die, and hence the necessity of very rigorous regulations on our plantations which we have adopted in our nursery system.

Another cause is that there is no continence among the negroes. All the continence I have ever seen among the negroes has been enforced upon plantations, where it is generally assumed there is none. For the sake of procreation, if nothing else, we compel men to live with their wives. The discipline of the plantation was more rigorous, perhaps, in regard to men staying with their wives, than in regard to anything else; and I think the procreative results, as shown by the census tables, is due in a great measure to that discipline.

I think they are very much better off in having homes than the free blacks are. The free blacks in Louisiana, where we had 34,000, with a great deal of blood of the whites in them, and therefore a great deal of white sense, were nothing like so happy and so well off as our slaves are. My observation for many years leads me to this conclusion.

Question. What is the prevailing inclination among the people of Texas in regard to giving the negroes civil or political rights and privileges?

Answer. I think they are all opposed to it. There are some men—I am not among them—who think that the basis of intelligence might be a good basis for the elective franchise. But a much larger class, perhaps nine-tenths of our people, believe that the distinctions between the races should not be broken down by any such community of interests in the management of the affairs of the State. I think there is a very common sentiment that the negro, even with education, has not a mind capable of appreciating the political institutions of the country to such an extent as would make him a good associate for the white man in the administration of the government. I think if the vote was taken on the question of admitting him to the right of suffrage there would be a very small vote in favor of it—scarcely respectable; that is my judgment.

Question. What civil rights are the people of Texas disposed to give to the negro, such as the right to testify as a witness, to hold and sell real estate and property of any kind?

Answer. They have no objection to giving them all those rights. The elective franchise is the point of difference, and there is no other. I think they would be disposed to allow him to bear testimony in any case; not that they believe he is a good witness, for he is not a reliable witness; but they would be willing to let his testimony go for what it was worth. It has been so in Louisiana, where we have seen its influence, and it has not been very pernicious. All rights in respect to contracts, to giving full force and efficiency to them, would be granted to negroes as to white persons. To that I have seen no objection.

Question. The right to sue in court?

Answer. Yes, sir.

Question. Did the negroes generally sympathize with the Union cause during the rebellion?

Answer. None of them. There has been this: a disposition on their part to try something new—to be free; and when they came within reach of the federal army a great many of them ran away to it. But there was no resistance to discipline and authority at home. That was so much the case that a single woman on a plantation with a hundred slaves carried on the place as before and without trouble.

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WASHINGTON, *March* 28, 1866.

James D. B. De Bow sworn and examined.

By Mr. WILLIAMS:

Question. State if you have been, at any time since the cessation of hostilities, in the State of Louisiana and if so, how long, and what opportunities you have had to ascertain the temper and disposition of the people towards the general government.

Answer. I spent five or six weeks of the present year in Louisiana, and was in intimate association with the citizens there of all classes. I am a resident of that State, and of course largely acquainted, and having been absent during the war, after the surrender of the city, I met a great many of the people on my return. I have also just returned from a general tour at the south.

Question. What are the views and feelings of the people there as to the late war and its results, and as to the future condition of that State in its relations to the federal government?

Answer. There seems to be a general—you may say universal—acquiescence in the results. There is a great deal of dissatisfaction as to the course in reference to their condition pursued by the federal government. I think the people having fairly tried the experiment of secession are perfectly satisfied with the result, and that there is no disposition in any quarter, in any shape or form, to embarrass the United States government, or to refrain from the most complete performance of all the duties of citizenship. I saw nothing of that sort. All parties, those who were opposed to the war and those who were in favor of the war, are now agreed that it is for the best interest of the State to perform all the duties of citizenship, and to accept whatever the government has effected in reference to the negro, as well as in reference to other questions.

Question. What are the alleged grounds of dissatisfaction among the people as to the action of the federal government?

Answer. The Freedmen's Bureau is very largely complained of, and the delay in admitting their representatives. They confidently expected a very early restoration of their civil condition and political rights from the promises which were made. I think that feeling of hostility has grown up since the surrender. I think at the period of the surrender the feeling was very much more kindly, and the attitude and condition of the country more favorable than it is now. This constant irritation has produced the feeling. I do not think it is very serious, but still it exists; it would be dissipated immediately on the passage of liberal measures, such as, for instance, an order restoring the States to their status under the Constitution, restoring their political rights, the removal of the Freedmen's Bureau, or some such regulation which would be fair to both parties.

Question. What do they say there as to the necessity or advantage of retaining a military force in the State?

Answer. There is no one who thinks any such force necessary. I believe the condition of the State is such that the people would preserve all the order necessary. There is a general indisposition to have any military force there.

Question. Is there or not a bitter feeling between those who supported the rebellion and those who supported the general government during the war in Louisiana?

Answer. I think those parties who have remained in the State and who were assuming they were good Union men during the war, perhaps making more claims in that regard than they are entitled to, are received with hostility. I think those who went away honestly for those reasons, and have returned, are respected, and receive very much consideration. I know of many cases of this kind, of men who went away, did not take any part in the war, and have since returned. But there is a feeling in my State against those who remained there during the war and profess now that they were Union men all the time, but that their rights were taken away. There is a feeling against them, though not of any such hostile character as to endanger their personal safety or condition in any way.

Question. Are there any considerable number of the citizens of Louisiana who went into the Union army and fought against the rebellion?

Answer. I do not think there are. There were some few from New Orleans who have returned since. I do not think there were many outside New Orleans from the State. There were some few companies of whites raised in New Orleans by the federal authorities. I do not think they got many from the city, and those were generally not citizens of the State, but persons who were temporarily residing there. I do not think many creoles went in. The population of French descent were generally almost entirely on the confederate side.

Question. Do you think those who have been, or profess to have been, Union men in Louisiana would be perfectly safe there with the military protection of the government withdrawn?

Answer. Perfectly safe. I have no idea anybody would be disturbed at all. There might be some little unkindness of look or expression towards them. They would not be received, of course, on the same terms with those who have been in sympathy with the great body of the people there. They would respect those who were with them much more than they would that class of persons; but there would be no physical hostility, or any attempt to interfere with their rights—none whatever.

Question. Do not those who were in the rebel army, or supported the rebel cause, make distinctions in social intercourse and business transactions between those who co-operated with them and those who favored the cause of the Union, as well as men who came there from the north?

Answer. The secession men, the men who were in the war, are generally ruined, their families are destitute, and there is a great disposition to sustain them, if they undertake any business at all. I think a great deal grows out of that, and a great deal grows, of course, out of actual sympathy with these men. Although, on the other hand, I can point in New Orleans to men who were not in sympathy with the south during the war, but the very opposite, who are doing a large and successful business. I could give you a house, of my own name, though in no way related to me, unless very remotely—a Mr. Samuel De Bow, who came there during the war from Illinois, or somewhere in the northwest—who has, perhaps, the largest wholesale grocery in the city. I do not think the discrimination made is anything more than a social discrimination. I think that is well marked at present. There is a disposition on the part of those who have been with the south during the war not to mix a great deal with those who have remained in the south (as they say) as Union men; and the feeling extends, more or less, to northern men, though very little towards the great majority of northern people. Some who come there a little disposed to talk, &c., receive the cold shoulder; that is about all. I have known of balls and parties, where there was a mixture of all classes, and where certain ladies would say they would not associate with federal officers; but the party would go on all the same, all in the same room. That feeling is now stronger than it was. It is the result of political causes. I think it will wear away.

Question. Suppose a foreign war should occur, do you think those men who fought against the federal government would fight for the flag in such a war, if required to do so?

Answer. I think there are a great many young men who might be tempted to fight against the flag, but take the country over, a vast majority of the people are sick of war, and I think they would sustain the United States beyond a doubt. I have not heard any young men say they would take a different course, though I have often heard the question asked; but it would not be strange if a very few might be found to fight against the flag; most would be restrained, if from no other cause, by the conviction of the almost omnipotence of the United States government. They would think that if under all the favorable circumstances attending the south in the late war, they failed, it would be utterly hopeless for them to go into a war, even with foreign assistance, with the slightest possible chance of success. Besides, the course pursued by foreign powers in reference to our affairs has produced as intense hostility towards them as existed towards the federal government. They are hated and distrusted. No one could be deceived by them. The southern people are Americans, republicans; they abhor monarchy.

Question. Do the people there feel as though they ought to have any pay for their slaves who have been emancipated during the war?

Answer. I have spoken of that at various places where I have been, as a measure the United States might eventually take up, but I found among the people of the south themselves a very great difference of opinion on the subject. They said that would be making an unfair discrimination. "Why pay for slaves, and not pay for the property of the man who had no slaves destroyed by the war? Why will you pay the planter and nobody else, for his losses?" I think feeling would neutralize any such idea of paying for slaves, even if there were such expectation, which I do not think there is. The two influences would oppose each other—one looking for pay for the slaves emancipated, and the other for property destroyed by the war. Both combined, I think, would defeat such purpose, especially taking into consideration that those who were slaveholders constitute but a small minority of the people of the south.

Question. Would the people there, in political matters, in elections that might take place, probably choose men who had been distinguished for their services in the rebellion, or would they be more likely to prefer men who had been attached to the Union cause during the war?

Answer. The choice is so meagre, there are so few men from whom the choice could be made on the Union side, the proportion of men of talent and worth who have been on the other side is so overwhelmingly large, that they would of necessity take men from that side. And I have no doubt that, other things being equal, they would prefer men, perhaps, who have been very decided on that side. There are exceptions to the rule, however. I have known men who were very decided in their opposition to the war selected, &c.

Question. What is your judgment as to the advantages of keeping up a military force in Louisiana, on the part of the United States?

Answer. I think it tends to produce irritation, and to perpetuate the disorder of the times. I think it leads to a return of the past, and that the sooner the military arm is removed the better. It irritates, annoys, and frets, without doing any good. And I may add, I think the same remark is applicable pretty generally where I travelled all over the south.

Question. Do you think the people there, if left to themselves, would pretty generally settle down, fraternize, and become restored to good order?

Answer. The country is so devastated, there is so much distress, so much want and suffering among the people of the south, that they have no time for politics. I think they are disposed to go to work to restore their broken fortunes. If these exciting, irritating, and annoying causes were removed, it would not be six months, in my judgment, before this feeling between northern and southern men there would in large part vanish, and an entire restoration of harmony would begin to take place. The very necessities of their condition require it. They would find northern men bringing their capital and industry among them, and they would invite them. The labor they must have. The negro is defective as a laborer. Under the old system, with all the negroes employed, there has always been a deficiency of labor in the south.

Question. What is your opinion of the necessity or utility of the Freedmen's Bureau, or of any agency of that kind?

Answer. I think if the whole regulation of the negroes, or freedmen, were left to the people of the communities in which they live, it will be administered for the best interest of the negroes as well as of the white men. I think there is a kindly feeling on the part of the planters towards the freedmen. They are not held at all responsible for anything that has happened. They are looked upon as the innocent cause. In talking with a number of planters, I remember some of them telling me they were succeeding very well with their freedmen, having got a preacher to preach to them and a teacher to teach them, believing it was for the interest of the planter to make the negro feel reconciled; for, to lose his services as a laborer for even a few months would be very disastrous. The sentiment prevailing is, that it is for the interest of the employer to teach the negro, to educate his children, to provide a preacher for him, and to attend to his physical wants. And I may say I have not seen any exception to that feeling in the south. Leave the people to themselves, and they will manage very well. The Freedmen's Bureau, or any agency to interfere between the freedman and his former master, is only productive of mischief. There are constant appeals from one to the other and continual annoyances. It has a tendency to create dissatisfaction and disaffection on the part of the laborer, and is in every respect in its result most unfavorable to the system of industry that is now being organized under the new order of things in the south. I do not think there is any difference of opinion upon this subject.

Question. Do you think the white men of the south would do justice by the negroes in making contracts and in paying them for their labor?

Answer. Before these negroes were freed, there were some two or three hundred thousand free negroes in the south, and some four or five hundred thousand of them in the country. There were a great many in Louisiana. There were in New Orleans some free negroes among the wealthiest men we had. I made a comparison when I was superintendent of the United States census in 1850, and found that the condition of the free negroes in the south, their education, &c., was better; that as a class they were immeasurably better off than the free people of the north. I never heard any cause of complaint of our treatment of these people in the south before the war, even from northern sources, and I do not presume there

would be more cause of complaint now. If we performed our duty to this same class of population when the great mass of negroes were held by us as slaves, I think it should go very far to indicate that we should not be lacking in our duties to them now. There are free negroes in Louisiana who owned fifty or a hundred slaves, and plantations on the coast, and there were hundreds of them who owned more or less property.

Question. What is your opinion as to the relative advantages to the blacks of the present system of free labor, as compared with that of slavery as it heretofore existed in this country?

Answer. If the negro would work, the present system is much cheaper. If we can get the same amount of labor from the same persons, there is no doubt of the result in respect to *economy*. Whether the same amount of labor can be obtained, it is too soon yet to decide. We must allow one summer to pass first. They are working now very well on the plantations. That is the general testimony. The negro women are not disposed to field work as they formerly were, and I think there will be less work from them in the future than there has been in the past. The men are rather inclined to get their wives into other employment, and I think that will be the constant tendency, just as it is with the whites. Therefore, the real number of agricultural laborers will be reduced. I have no idea the efficiency of those who work will be increased. If we can only keep up their efficiency to the standard before the war, it will be better for the south, without doubt, upon the mere money question, because it is cheaper to hire the negro than to own him. Now a plantation can be worked without any outlay of capital by hiring the negro and hiring the plantation.

Question. What, in your opinion, is to be the effect upon the blacks?

Answer. I think it will be disastrous to them. I judge that because of the experience of other countries, and not from any experience we have had ourselves. I judge by their shiftless character, and their disposition to crowd into the cities. It is what I see all over the south. You will find large numbers of them in every city, crowded together in miserable shanties, eking out a very uncertain subsistence; and, so far, the mortality has been very great among them. They were not disposed to enter upon any regular work before the 1st of January. They were confident in the expectation that the lands were to be divided among them up to that time. But after the 1st of January they became satisfied they were not to get the lands, and they very generally went to work.

Question. What arrangements are generally made among the landholders and the black laborers in the south?

Answer. I think they generally get wages. A great many persons, however, think it better to give them an interest in the crops. That is getting to be very common.

Question. What do you find the disposition of the people as to the extension of civil rights to the blacks—the right to sue and enforce their contracts and to hold property, real and personal, like white people?

Answer. I think there is a willingness to give them every right except the right of suffrage. It is believed they are unfit to exercise that. The idea is entertained by many that they will eventually be endowed with that right. It is only a question of time; but the universal conviction is that if it ever be conceded, it will be necessary to prepare for it by slow and regular means, as the white race was prepared. I believe everybody unites in the belief that it would be disastrous to give the right of suffrage now. Time and circumstances may alter the case. There is no difference of opinion upon this subject now.

Question. Suppose the negroes were to vote now, what would be the influences operating upon them as to the exercise of that vote?

Answer. The negro would be apt to vote with his employer if he was treated well. That is his character. They generally go with their employer; but it is probable they would be tampered with a great deal. There would be emissaries sent among them to turn their minds; so that, although I understand some prominent men think the negro would generally vote with his master, I doubt it. I think the tendency would be in that direction; but that they would be drawn off by emissaries sent there for malicious purposes, though a great many would, no doubt, go with their former masters. You cannot make any rule. I find that northern men who have come to the south, purchased land, and gone to cultivating cotton or anything else, talk now very much as we do on these questions. Their views upon all these questions, with the little experience they have had, are very much the same as those of southern men. They say our experience, in regard to these questions, is worth more than their theories.

Question. What facilities are the people disposed to give the freedmen in becoming educated?

Answer. I think they generally laugh at the idea of the negro learning. They have been accustomed to the idea that the negroes are pretty stupid. I do not think there would be any opposition to their becoming educated. We have schools all about for them, but the people sometimes laugh at the idea of the negroes learning much. Under the institution of slavery we used to teach them everything nearly except to read. On almost every plantation they were taught the Bible, the catechism, prayers, hymns, &c. But in regard to their being educated, so far as they are capable, I think the people regard it as for their best interest to afford them every facility—that is, the better informed people.

Question. Do the employers of negroes in the south claim or exercise the right of physical compulsion to enforce their contracts?

Answer. No, sir, I know of no such claim—nothing of the kind.

Question. What have been your views on the subject of secession?

Answer. I was raised to believe in the doctrine of the State-rights party, and therefore believed in the right of secession. I was anxious to perpetuate the United States government, with full respect to the rights of all sections, believing in the doctrines of Calhoun on that subject. Having failed in securing that, I believed that secession was right, proper, and just, and did all I could in aiding the exercise of it. I am now satisfied with the results of the war, and regard it as utterly hopeless and useless to assert any such right again; that the event of the war was a distinct pronunciation against the exercise of the right and a final settlement of the whole question. I think that is the general sentiment of the people. The people are much better satisfied with the result than if they had not made the experiment. They think they have nothing to regret upon that question, and that although everything else be lost, honor is saved. This is the sentiment from the Potomac to the Rio Grande.

Question. Are you satisfied that the people of the south have given up all ideas of secession under any circumstances?

Answer. *I am perfectly satisfied of that. The leaders, and the people of all classes of opinion, agree upon that subject.*

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WASHINGTON, *April* 5, 1866.

Benjamin C. Truman sworn and examined.

By Mr. WILLIAMS:

Question. State if you have been in either Texas, Louisiana, or Florida since Lee's surrender; if so, when, how long were you there, and in what capacity?

Answer. I arrived in Florida on the 7th of December, and staid there just two weeks. I went through Georgia and Tennessee, on the railroad mostly, as I was bound for Texas. I arrived in Louisiana the second week in January, and remained in the State until the 28th. I did not go through the State much except on the line of the railroads. I went up to Baton Rouge and was in New Orleans two weeks. I arrived in Texas on the 31st of January, and staid there until the 14th of March.

Question. In what capacity were you there?

Answer. As correspondent or the New York Times.

Question. Did you travel in Texas much while you were there; and if so, where did you go?

Answer. I arrived at Galveston on the 31st of January, and staid there three days. From there I took steamer to Indianola, and remained two days. I then got a horse and went about fifty miles across the prairie to Victoria—only one town on the road. I then went by stage, 130 miles, to San Antonio, stopping at Quincy a short time and at Gonzales over night; the other towns on the way I passed through rapidly. I staid at San Antonio three days and went to Austin, and from Austin back to Galveston, making a short halt at Hempstead and of two days at Houston.

Question. What did you find the prevailing sentiment of the people to be as to the late rebellion and the present condition of things in Texas?

Answer. I penetrated all the portions of the State I have mentioned, and took particular pains to learn the condition of the people, and especially of the freedmen, as I have always been much interested in the colored troops—helped to get up a regiment once in Nashville, &c. I found the people of Texas, on the whole, I think in a better condition than the people of any other State through which I passed, except Florida. I would class Florida and Texas together. There are in Texas 54,000 Germans who have been loyal all the time, and extreme in their loyalty. Some of these Germans—I think at least a third of them—are in favor of negro suffrage. Then, in the northern part of the State are 50,000 or 60,000 loyal Americans, who have, during the war, been persecuted beyond all bounds. They are most eminently loyal, as loyal as our most extreme northern men. Some of them—a very few—are in favor of negro suffrage. I was at the convention, and there were seven out of eighty-nine delegates in favor of negro suffrage. There are also 8,000 Norwegians in the State, who are all loyal. Then, all the secession people of the State—those who have been secessionists—seem to me to be willing to accept the situation as the war has left them. I saw no case of unmitigated disloyalty in Texas. I did not see any exhibitions of disloyalty at all, nor any exhibitions of patriotism either. I talked with all the rebel generals nearly, and with many of the leading men, and they all seemed to desire peace, to obey the laws, and to do the right thing. Ex-Governor Runnels of the State has always been a vicious rebel, and seems to be so now. There were only eleven real malicious rebels in the State convention out of the eighty-nine members; thirty-five were extreme loyal men, and have been so all the time, seven in favor of negro suffrage, and the balance, some forty-odd, were conservative men on both sides. Judge Hancock I class as a loyal man, although he cannot take the oath. He offered his services once to our government, and afterwards went to Mexico and staid until the close of the war. He was not classed among the loyal men in the State for some reason, I scarcely know what. He is a great politician. Mr. Taylor, one of the

extreme Union men from northern Texas, told me the Union flag had been torn down once or twice since the close of the war, in his section of the country, by men of Shelley's command, I believe—marauders, who persecuted the Union men during the war. But, as a general thing, there is a real good honest feeling in Texas.

Question. To what convention do you refer?

Answer. To the Austin constitutional convention. I have just come from there.

Question. Do you know how many of the members of that convention held office, civil or military, under the confederate government?

Answer. Counting judges, officers, and private soldiers, I think half certainly, and I presume two-thirds. There were not many private soldiers—nearly all officers. Including State troops, there were eleven who had been colonels, and seven who had been generals in the rebel army.

Question. Were you there when the convention was organized?

Answer. Yes, sir.

Question. Is it true, as has been reported, that the secretary of that convention took his seat clothed in the confederate uniform?

Answer. The secretary *pro tem.* did.

Question. What representations did these loyal men make to you as to the necessity of military protection in that State for the loyal men?

Answer. In the loyal American portion of the State, some two or three counties deep, bordering on Red river, depredations are committed by bands of Shelley's, Duff's, and Quantrell's men. They dare not go into Arkansas, and are staying in those counties annoying Union men. Mr. Taylor and Mr. Hart, I think, both had the Union flag pulled down from their houses. Mr. Hart is a Union man, whose brother was hung on account of his loyalty during the first year of the war. Mr. Taylor and Mr. Hart, both South Carolinians, made speeches in the convention in favor of negro suffrage, as did Mr. Shields, with the educational qualification. They say the people, especially those who have been in the rebel army, are all doing first-rate. Some of the politicians are not doing exactly right, and, as I said, some men of Shelley's, Duff's, and Quantrell's bands are annoying Union men a great deal. I talked with men of all classes, in order to be, and I was, very particular in forming conclusions.

Question. Do you think it will be safe, at this time, for loyal men, black or white, in Texas, to withdraw the protection of the federal government?

Answer. I think it is necessary to retain the military in the Red river counties and on the frontier, but it is the Indians there who are committing the depredations. In the Red river counties there are at least a thousand bad men; they are mostly Missourians, but some of them are from Arkansas. There are very few Texans among them; two-thirds of them belong in Missouri.

Question. Have you seen a proposition introduced into the Senate by Mr. Stewart, of Nevada?

Answer. Yes, sir.

Question. Suppose that proposition, which is substantially universal suffrage and universal amnesty, should be submitted to the people of Texas with the condition that they should have no representation in Congress until it was adopted by them, what do you think the people of Texas would do in reference to it; reject it or adopt it?

Answer. Texas would go further towards adopting it than any other southern State—a great deal further. There are a good many there, who have been secessionists, who are acting very well, and who would be willing to adopt it. I talked with some in Texas who were willing to do almost anything. The people there think they have got the greatest State—the greatest piece of country in the world; of the greatest value, acre by acre; and there is a real good feeling among all classes of people there. They are in favor of doing what is exactly right by the colored man. They passed laws giving him all the civil rights. I think at least half, if not two-thirds, the people of Texas would be in favor of accepting Senator Stewart's bill. There were four men in the convention who urged negro suffrage and voted for it; and others told me they were in favor of it, but they did not like to spring too much upon the people of the State at this time; that the people were not so progressive as they were themselves. But the loyal Germans—54,000 of them, I do not know exactly how many voters—are all for it. In four counties they did not cast a vote for the secession convention, and one man, by the name of Simon, offered his services to General Houston to clean out that convention. Almost all of them were maltreated by the rebels during the war. The Norwegians are willing to do anything. Mr. Norton represents the Norwegian settlement in the convention. He was a thorough Union man all through the war. His brother is United States senator from Minnesota, I think. He wrote me three or four pages on the subject. He says the Norwegians were loyal to a man during the war. They were persecuted very little, being situated very much as the Shakers are at the north. He said the Norwegians, as a body, would accept negro suffrage.

Question. You say you think Texas would be more inclined to adopt that proposition than any of the other States you have named?

Answer. Yes, I think so, though I doubt if a majority of the people of Texas would vote

for it. They do not care anything about amnesty there. The loyal people are more inclined to have those who have been guilty of excessive barbarity punished. The Union men in most of the other States are willing to fraternize with those who have been rebels, and to forget and forgive, but the Union men of Texas are very bitter.

Question. What would be the probability of the adoption of this proposition in the other rebel States you have visited?

Answer. Next to Texas, there would be more votes in favor of it in Florida. In Louisiana I do not think the people would touch it at all; they would not entertain it, either the disloyal people or the loyal. The people of Louisiana are different from either those in Texas or Florida.

Question. Suppose the people of Texas were left to themselves, what sort of men would they elect to office—men who have been rebels or men who have been loyal to the government?

Answer. There are intensely loyal districts there, but, as a whole, I think the people of the State would elect a rebel as governor. They will probably elect a Mr. Throckmorton, who voted against secession in the convention, but afterwards went into the rebel army; but he told me he had been a Union man in feeling all the time. He was straightforward in this convention, in favor of giving the negroes all their rights, and of declaring the secession ordinance null and void *ab initio*. But he has been a general in the rebel army. A man who has been a loyal man all the time, like Governor Hamilton, who is the best man in the State, could not be elected, though Governor Hamilton told me he believed if the Germans, Norwegians, and loyal Americans would rally, they could elect their men to all the offices. He thinks if they would all rally, there are more loyal than disloyal men in Texas.

Question. What did these loyal people say to you about the immediate recognition of the State by Congress, and their immediate representation in the Senate and House of Representatives here?

Answer. The entire portion of the loyal people of that State are in favor of the reconstruction policy of the President. They were in favor of immediate representation in Congress, but they were not in favor of the admission of any men as senators or representatives who could not take the test oath. The loyal people there have been in favor, to a greater extent than in any other of the southern States I have been in, of the Freedmen's Bureau as it exists there.

Question. What is your opinion as to the necessity or utility of the Freedmen's Bureau, or some such agency, in these rebel States?

Answer. I have thought all along there was a necessity for the Freedmen's Bureau, but there is not so much necessity for it now as there was, especially in Texas. Texas is, by all odds, doing better than any of the other States. I talked with all the delegates particularly about the freedmen, and I did not meet a delegate or gentleman who made any complaints of the negroes whatever. They said they were doing first-rate. A great many who had been real malicious secessionists were not so generous in talking about other matters as they were about the negroes. I went all over the Brazos and Trinity lands, and a great many planters were giving the negroes two-thirds the crop. I did not see a negro abused or ill-treated throughout the whole State. Those who owned negroes treat them very well. There are some who did not own them who are not inclined to treat them so well, but everybody is treating them well, because they need their labor. It is their policy to treat them well, even if they were inclined to do otherwise. Free labor is a success in Texas. Most of the former slaves are with their former masters everywhere in the interior.

Question. What would they do there as to giving the negroes their civil rights?

Answer. The convention passed an ordinance giving the negroes all the civil rights, and it passed by a very large majority.

Question. I have seen it represented that at the time this convention assembled, a majority of its members refused to take an oath to support the Constitution of the United States; what are the facts in regard to that?

Answer. That is so. Mr. Paschal, one of the best Union men in the State, offered a resolution that all should take the constitutional oath. They debated upon it, and the first day they refused to do it by a majority of one; the next day they reconsidered it, and those who had opposed it the previous day made speeches in favor of it. There seemed to be some misunderstanding, but my private opinion was that a great many of them were opposed to Governor Hamilton, and the resolution the first day was that Governor Hamilton should administer the oath. The next morning the resolution was changed so that Judge Stewart should administer the oath, and the vote adopting it was almost unanimous. Those who have been secessionists, although they seem to be doing right every other way, hate Governor Hamilton; and that was their chief reason for refusing to vote for a resolution the first day to take the oath; though I talked with Governor Hamilton and he did not think so; he thought it was just an exhibition of bitter feeling.

Question. What is the degree of intelligence there among the blacks? Do they appreciate the condition of things now, and their own condition?

Answer. As far as I can see they appreciate it fully. The only reason why they have been moving around so much is to assure themselves that they really do possess their freedom. The whites felt a little bitter towards them nine or ten months ago. Some of them maltreated them, and great fault was found with them everywhere; but after Christmas all that died

away; they are all at work. The agents of the Freedmen's Bureau, unlike those in most of the other States, make no contracts for them, but leave them to do the best they can. The negroes are not getting less than $20 a month in specie and found, anywhere in the State of Texas, and in some portions of the State they are getting two-thirds the cotton crop and half the corn crop. If the season is good, and the negroes continue to work as well as they are working now, there will be a larger crop of cotton made in Texas than in any other State, and the negroes will make more money than the whites.

Question. Suppose the negroes in Texas were allowed to vote, would they vote with and for those who are Union men, or would they vote for those who have heretofore been known as rebels?

Answer. They would vote for Union men. They know a great deal about the war, and more than the poor white people do. They are more intelligent. In many portions of the State you will find more negroes who can write their names and know how to read than among the poor white men. There is something instinctive about their knowledge about this war all over the south. In case such a thing should happen, there is no question but what the negroes would vote on the right side.

Question. Do you think it is practicable at this time to adopt any such plan of reconstruction as that proposed by Senator Stewart?

Answer. I think it would be strictly impracticable. I think it would not be accepted and would injure the negroes.

Question. Do you suppose that the white people there would ever confer the right of suffrage upon the negroes if they were left to determine the question for themselves?

Answer. I think they would in Texas; though now I think they would rather give up their three-fifths representation than have the negroes vote.

Question. What have you to say in reference to these matters as applicable to Florida?

Answer. In Florida the negroes are doing first rate. I called on all the generals and all the officers of the Freedmen's Bureau there and had long talks with them. General Gregory says there are about four hundred thousand negroes in Texas, and he only supported about eight hundred of them in the month of January last. All the old and decrepid ones are being supported by their former masters. But where they have able-bodied children with the same persons I suppose they will charge them something for it. But they have to take care of these old and decrepid people at any rate. General Gregory ordered them to do it, and they are doing it all over the State. There are sixteen thousand negro children going to school in Texas, and it does not cost the federal government a cent. They are supported by their fathers and mothers. I arrived in Florida the 7th of December, and remained in the State about two weeks. I visited St. Augustine, St. Mark's, Jacksonville, and all the principal places in the State. The negroes are doing first rate there. They had generally made contracts there for a year at $12 a month. I thought that was doing very well there, and perhaps it was from the fact that a great many colored people were just then acting badly—not maliciously, but would not work. They were expecting presents of farms, &c., about Christmas. I talked with hundreds of them, and that was the general expectation. They were conscientious about it. They had been promised by federal soldiers, in some instances, that the government would give them their master's lands, and they understood the distribution was to take place about Christmas. The moment Christmas passed they all made contracts and went to work. There were about eighty thousand negroes in Florida, as it was understood. There were only sixty thousand before the war, but a great many of them were removed there from other States as the war progressed. Colonel Osborn told me he had eight schools in progress. He spoke very highly of the colored people there and of the white people too. While I was in Florida there were several unfortunate affairs which took place between colored soldiers and white people, and between colored troops and white soldiers particularly.

Question. Did you find any considerable number of men in Florida who had been loyal during the war?

Answer. No, sir; not many in Florida who had been loyal.

Question. What disposition did the secessionists in Florida evince towards loyal men or Union people, as far as you could judge?

Answer. They were particularly in favor of northern immigration. Nearly all the leading men I talked with, confederate officers and others, asked me to encourage it. One thing to be considered is that they are poor down there. They want northern capital. I came across hundreds of cases in Florida, as well as in Louisiana and Texas, where our officers had gone into business with confederate officers. In the First National Bank at Galveston, Texas, there are two rebel generals and two Union generals. General Clark and General Heron are the Union generals. General Nichols is one of the rebel generals. I forget the name of the other.

Question. Did most of the people who had been rebels with whom you conversed know you were the correspondent of a New York paper?

Answer. Yes; I told everybody where I went I was the correspondent of a republican paper. A great many of them knew my name, which, during the war, I signed in full to all my letters.

Question. State any further facts within your knowledge tending to show the true condition of things in any of the three States named.

Answer. There is a great mistake about the feeling of the white people towards the freedmen in the south. There is generally a kindly feeling existing towards them. It is true that the people there would generally prefer to elect to office men who have been in the rebel army: but I don't know that I regard that as an evidence of disloyalty. They honor those men for what they tried to do. There is no mistake about that. They all seemed to think they were right during the war. But they are now willing to submit, and I think they do so sincerely and honestly.

Question. In case the country should be engaged in a foreign war, do you think they would take sides with our government?

Answer. I do; and it is the very thing they would like to have take place. The people there are very proud. They have accepted the situation. Those editors who are praising their soldiers, talking about the southern cause, &c., understand the people, know they are proud, and, as they call it, are letting them down easily. They will not, therefore, come right out and indorse the government. I talked with nearly all the confederate generals in those States, eight or ten of them, and they told me that, in case of a foreign war, they would offer their services to the government in any capacity; that while, from their past career, they thought they would be entitled to positions as officers, some of them told me they would enlist as privates in order to show the people that they accepted the situation. In case of invasion, an enemy could get some recruits.

Question. Did you hear anything said while you were there as to the debt contracted by the federal government in prosecuting the war, or the confederate debt, or as to their expectation to be compensated for their former slaves?

Answer. Oh, yes; the loyal men are the most bitter about that; and in this respect they clog the movements of the conventions more than the secessionists. The secessionists all voted to abolish slavery. I was present at four conventions, and I found that to be the fact. The loyal men were very reluctant to vote to abolish slavery, and some who finally did vote for it told me that they had made a full estimate of their losses with a view of claiming compensation. Mr. Taylor, of Texas, told me he had sent on such a statement to Mr. Seward, with proof of his former loyalty during the war, with a view of future compensation. He said he did not expect it. He only demanded it as a right. He thought too much of the government to urge it, but he sent on the statement for the benefit of his children.

Question. What did they say about paying the debt contracted by the State or the confederate government during the war?

Answer. A majority of the politicians and others seemed to be in favor of paying the debt. I could see that plainly in the convention. The people I talked with along the lines of railroads, steamboats, &c., were opposed to it as a general thing. Some of them did not connect it with the war, but thought it would be a dishonorable thing to repudiate.

Question. Did you hear anything said about paying the debt contracted by the United States during the war?

Answer. No, sir; I did not hear anything about that at all during my whole trip, and I never thought of questioning them about it. I have heard people, and a great many people say they did not think they ought to be taxed unless they were represented in Congress. That is the only thing I heard.

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WASHINGTON, *April* 17, 1866.

Major General Lorenzo Thomas sworn and examined.

By Mr. WILLIAMS:

Question. Have you recently been in Louisiana? If so, how long have you been there and in what capacity?

Answer. I have been a great deal in that part of the country, before the war, during the war, and since the war. I was stationed at Natchez, Mississippi, years ago, at which time I became well acquainted with the people there. During the war I was sent down there to organize troops in the southern States, and spent a great deal of time there, being thrown with the same class of people I knew before. After the war, one of my sons having leased a plantation in the parish of Concordia, in the State of Louisiana, on Lake Concordia, and believing that I could obtain labor for the plantation better than he could, I asked the Secretary of War to allow me to go down there in order to aid my son in getting the work on his plantation started. I was accordingly assigned to duty as inspector of troops there, and I left here about the 13th of November last. I have spent the time since then in Natchez, in New Orleans, and sometimes up at Vicksburg, besides being on the plantation, until I left, about the 21st of March, to return, by way of New Orleans, to this city. During the time I was out there, I had an opportunity of seeing a great many persons, many of them persons I had known before, and others who were planters there, some of them having been in the rebel army, in which they held high positions, such as generals and colonels, and I had frequent conversations with them.

Question. Judging from what you observed while there, what is your opinion of the temper and disposition of the people towards the government of the United States?

Answer. I think they are decidedly in favor of coming back into the Union. They have expressed themselves to me as being perfectly satisfied with the present condition of affairs, and that they desired to be peaceful and quiet citizens, and to obey the laws. I think that is the feeling I have discovered there. I have conversed with a great many persons, more particularly of the better class, such as the planters, with whom I was more immediately brought in contact. Most of those owning plantations in the part of Louisiana to which I have referred, live back of Natchez, on the hills about there, their plantations being on low ground. Some of them have told me that they were glad slavery was gone, though they said, very freely, that they did not like losing their property. So far as I have seen, they are disposed to submit to the abolition of slavery, and to treat the blacks well. I can speak more particularly of the several plantations I have been on, in reference to the way things were managed. I will refer to one man who had been a general in the rebel army—General York—who begged me to go to the President and obtain his pardon. He said: "I have lost everything but my plantation, and I want now to go to work. I will be as loyal and peaceful a citizen as any one." I mentioned his case to the President a few days ago, and I suppose that may be one reason why I am summoned here. Now, to show that that person has kind feelings towards me, and also towards others, there was a person there whom I have never seen, and whom I do not know, threatened my life, said he would shoot me, making his threats against me in two or three places in Natchez. General York took me one side quietly one day and asked me if I carried arms. I said I did not. He advised me to do so, and told me of those threats, giving me the name of the man, and I did carry a pistol afterwards as long as I was there, but I never saw the man that I know of. I mention this to show that this man had really a kind feeling towards me. The reason given by the man for wanting to shoot me was, that I had sat on the commission for the trial of Wirz; I was one of the members of that commission.

Question. Did you observe any exhibitions of a feeling of hostility, on the part of those who had been in the rebellion, towards those living there who had been loyal to the government, or towards men coming there from the northern States?

Answer. I have discovered no such feeling among the people there. I think that those who have taken an active part in the rebellion are much more disposed to accept things as they are, than are those who did not enter into the rebellion actively. I know several who had been in the rebellion, some of whom had been friends of mine before the rebellion broke out, and they say that they are glad the war is over, and that they want the country to be reunited again. I have seen no exhibitions of feelings of hostility towards northern men. On the contrary, I have been spoken to very frequently by those who asked me to aid them in renting their plantations. They say that they want northern men with capital to come there, and I have been asked many times to aid them in getting them out there. There are, I think, some sixteen plantations around Lake Concordia, and on an island in the lake, of which, I think, there are only six plantations that are now cultivated by their owners; the others are leased to northern men. The people there are glad to lease their plantations to northern men. I know one case where some of the land has been sold to negroes; and on Lake St. John's there is a plantation which is worked by negroes, the former master furnishing the mules and implements, the negroes feeding themselves, and receiving half the crop. But that system is found not to work well, for the negroes want some one over them to direct them. They complain of each other, saying that this one will not do as much work as the other; they do not like to work under overseers, for they have been very harsh to them heretofore; they will work under their former masters where they have been kind to them. The negroes have strong local attachments, and those who have been in the army are returning to their old homes as they are discharged from the service. The negroes are well able to take care of themselves, and make their own contracts, especially those who have been in the army; and they make the best hands, for they have been under proper discipline. There is a great scarcity of labor there, for a large number of negroes have gone away; the demand for labor is very great, and thus the negroes are enabled to get high wages. I know a negro who is both a carpenter and blacksmith, and who makes his own contracts, and he gets $45 a month; the wages of hands range from $10 to $15 a month. I have yet to hear the first complaint made by any of the drivers, as those negroes are called who are placed in charge of gangs, against any of the negroes on the plantation. On the contrary, one of the negroes, a very intelligent man, said that double the amount of work had been done in the same time with less force than under the old system. And I did not hear of any complaints from any of the other plantations, except that they are all deficient in labor, and cannot get it. The consequence is, that the amount of land that will be cultivated in that parish this year will be very small in comparison with the amount that was formerly under cultivation. In Concordia parish I am told that the amount of land which will be under cultivation will not be much more than one acre in ten that was formerly cultivated, and so it is in other parishes. The only complaints I have heard from the negroes were in two cases, both of which were against northern men; one was the case of a man who was promised pay for some work he had done, and the planter, a northern man, went off without paying him. The other was the case of a man who was to have a horse for selling some corn, but he never got it. Those cases I referred to the provost marshal, and I suppose they were properly attended to.

Question. What is your opinion in regard to the necessity of keeping a military force in Louisiana at this time?

Answer. I would keep small bodies of troops in the principal places; you must have a force in New Orleans, because the negroes flock there in large numbers, and if there is any disposition to oppress them it will be shown there. I would have a force at some place or places on Red river, and I would also have a force at such places as Natchez and Vicksburg. The force need not be very large, but it should be of good troops. There is a very fine regiment at Natchez, and a good one also at Vicksburg, and there is one also in the interior of the State at Jackson. Those regiments I raised myself. The best regiment at New Orleans is a colored regiment, as was stated to me by the general commanding there. He has black troops at Fort Jackson, and Fort Phillips, and other forts on the lake.

I do not think that there need be troops in the country districts at all; for if any troubles arise there, the troops can be very easily sent there. There is undoubtedly a feeling of prejudice on the part of the inhabitants there against the black troops. Still, I have heard many of them say that they had behaved themselves with perfect propriety, and where they are properly officered I do not think there is any difficulty with them.

I will mention one case where there was a collision with the black troops, but that was attributable to the influence of liquor. There was a large fire recently in Natchez; a large hotel burned down during the night. A number of colored troops came down from the fort and worked very faithfully in aiding to put out the fire. The police force was also there, but they are, I think, an inferior class of men; because not being paid very well, the best men cannot be obtained. After the fire was extinguished, or rather after it had burned to such an extent that nothing further could be saved, the heads of some barrels of liquor were knocked in, and the police and others used it pretty freely. A great deal of liquor had been carried out into the street from a store connected with the hotel. Some of the soldiers also got intoxicated; and there were also a great many blacks there who had been recently discharged. The deputy sheriff was there, and he evidently sought to bring on a collision with the blacks. He called out, "Now is the time to give it to those damned niggers." An officer standing by knocked him down. Then four policemen started off after a negro, and insisted upon taking him to the guard-house. I do not know what he had done. He broke away from them and ran; they were beating him with their clubs. He ran to the corner of the street above, and they followed him, firing several shots after him. At this time another negro—they could not tell whether he was a discharged soldier or not—came up and fired, and a policeman was killed. The mayor requested the officers to take the soldiers away out of town, which they said they would do, provided he would attend to the police force, which he said he would do. The soldiers were sent to the fort, but the mayor afterwards sent up there and requested them to send two companies of soldiers down to patrol the town and preserve order. That is the only case I know of a collision between the troops of the colored regiments and the people out there.

Question. Did you, while out there, form any idea as to what proportion of the people were loyal to the government during the war?

Answer. The plantations in that portion of Louisiana belong principally to persons living on the heights on the Mississippi side of the river. The county of Adams, in which Natchez is situated, and the county of Wilkinson, adjoining below, were formerly always strong whig counties. There was a strong Union sentiment there, and a large majority of them opposed secession; they spoke against it and were undoubtedly opposed to it. After the State had seceded some of the people, principally young men, went into the confederate army; the others had to keep quiet, and some of them had to give a portion of their crops to the confederate authorities; and in many instances their cotton was burned. A friend of mine, a Mr. Marshall, was called on for a hundred bales; but he did not give any, and his cotton was burned.

Such men as he, and Dr. Duncan, Judge Winchester, Mr. Rivers, and all that class of men, were decidedly opposed to secession, and they are undoubtedly loyal. I think there is a strong Union sentiment in that part of the State. I know some in Vicksburg also who were loyal, but that was not so generally the case as below there.

Question. What rights are the people there disposed to give to the negroes?

Answer. They are undoubtedly opposed to bestowing upon the negroes the right of suffrage, but they are willing to allow them all other rights, such as to sue and be sued, and to give evidence in the courts. I have heard no other sentiment expressed there than that, although they are opposed to giving them the right of suffrage.

Question. Do you understand that opposition to allowing the negro to vote is on the ground that they should not be allowed the right of suffrage at any time, or is it that they think the negro ought not to be allowed to vote at the present time on account of not being qualified to exercise that right properly?

Answer. I refer to the present time only.

Question. Did you hear anything said by any of them as to the probability of allowing the negro to vote at some future time, when he shall have become more intelligent?

Answer. I have heard it said in several instances that after the negro had become educated and elevated to a certain extent, he should be permitted to exercise the right of suffrage. And there is another consideration which I think will have a tendency to bring that about, and that is the question of representation. If the basis of representation should be based on

suffrage, then they will want as many voters as they can get in order to have additional representation in Congress. If the present rule shall be changed, of allowing them so many representatives for their black population, they would at once lose so many members of Congress, and they desire as much strength as possible in Congress. I think that would operate to bring them to confer the right of suffrage on the negroes.

Question. Did you, while there, hear discussed by the people the subject of immediate representation in Congress?

Answer. Yes, sir; they were very anxious that their members should be received. The idea was that till their representatives were admitted to seats in Congress they could not be properly heard here; they would not be represented. They are very anxious about that matter.

Question. Did you find that to be the case with all the people, loyal and disloyal?

Answer. Yes, sir; I do not think I heard any dissenting voice; they all expressed their sorrow that they were not permitted to be represented here.

Question. Did you hear anything said about the payment of the confederate debt, or of the debt of the United States, or compensation for the slaves that have been emancipated?

Answer. In regard to payment for slaves emancipated, I have heard them say that they did not expect to receive anything for them, though they thought they ought to. In regard to the payment of the confederate debt, they are opposed to that; they cannot do it; they have not the means to do it. Those who hold confederate bonds are willing to give them away freely; they look upon them as mere waste-paper that will never be worth anything. You ask one of them who has it and he will give you as much as you want of it; showing that they do not think it will ever be paid. In regard to the payment of the national debt, they are perfectly willing to pay taxes for that purpose; they expect that as a matter of course.

Question. How many negroes does your son employ on the plantation he has leased?

Answer. It is a plantation of about one thousand four hundred acres of cleared land, calculated to raise about a thousand bales of cotton ordinarily. Under the old system about one hundred and fifty negroes were employed upon it. When I went there I took a census of the negroes on the place and found sixty-one persons there, old men and old women, and some young women and children. The ages ranged from the infant, a few days old, to a man of over a hundred years old, who had been born in Africa. Out of these we could get only about sixteen able hands, principally young women. Some of the old men could work some, because they could drive a team and do such things. We commenced breaking up the ground for planting about the Christmas holidays. I think we commenced with running about seven ploughs. By about the middle of January we got, perhaps, ten or twelve ploughs running, I think. The negroes continued coming in until, when I left there the other day, rations were being issued to about seventy-five hands. My son still desires to obtain some twenty or twenty-five more, so as to make his number of hands about one hundred. These he will undoubtedly get from among the discharged soldiers, several of whom have families there, and will return to them. One of the colored regiments sent a delegation around to the several plantations to see how the hands were treated. One of the soldiers who came to his plantation told him he could get as may hands as he wanted when the colored regiments were mustered out. The number of acres cultivated by one man is about ten for cotton and two for corn; so that one hundred hands would make from eight hundred to one thousand bales of cotton ordinarily. The way they work is this: they get up about daylight and go out to the fields at sunrise, carrying with them their breakfasts, or leaving it to be carried out to them by the children. At the proper time they are allowed a half an hour in which to eat breakfast. They then go to work again and work until 12 o'clock, when they stop until 2 o'clock. They either have their dinners brought to them in the fields or they go to their quarters for them. At 2 o'clock they begin work again and work till sundown. On Saturday they stop work at noon, and do not go to work again until Monday morning. Each negro has near his quarter land enough for a garden; and if they want to plant any corn, they are allowed some land further off. They will not average more than an acre each planted in that way. Some of them cultivate more than others. They are allowed to raise corn, but not cotton, for fear that they may be tempted to steal cotton from the plantation. I ought to say, furthermore, that the planter or his wife ought to have some knowledge of medicine. If any hand is reported sick to the driver or leader of a gang, he is immediately sent to the house, where he is prescribed for and furnished medicines free of charge; and the furnishing of medicines is ordinarily a pretty considerable item. The planter should be able to manage ordinarily cases of fever, colds, and pneumonia. The hands are not obliged to work when they are sick, but they are supplied with provisions as usual. Nor are they obliged to work in the rain; if it comes on to rain while they are in the fields, they are brought by the drivers to their quarters.

Question. Are they supplied by the planter with clothing and rations?

Answer. They furnish their own clothing, but the planter supplies them with rations. Their rations per week, are four pounds of pork, which they like as fat as they can get it, and of course the best pork is the best to give them; the sides are given them because it satisfies them better than the other parts, being more fat; and a peck of corn-meal, a pint of molasses, and as much salt as they require. The meal is ground on the plantation once a week,

so that it is furnished to them fresh, and the rations are always issued on Saturday afternoons. Every plantation must have a store, in order to supply the wants of the hands; shoes and clothing and articles of food. Sometimes some of the hands will ask to have flour issued to to them instead of meal, which is done. But generally they supply themselves with what flour they want from the store, and with sugar, tea, coffee and rice, and especially with tobacco. All the negroes, old and young, use tobacco. And a store is kept on the plantation, so that the hands may not be obliged to go off for what they want. So far as I have observed there is no disposition to take advantage of the negroes in regard to prices. I inquired in Natchez in-regard to prices, and I found that the negroes would have to pay more in the retail stores there than they are charged by the planters. In regard to wages, the drivers, of which there must be one to each gang, one over the ploughs, and the stock driver, receive more than ordinary hands. Ordinary hands receive from ten to fifteen dollars a month, and rations; fifteen dollars being the highest. The women do not receive so much as the men; they receive from ten to twelve dollars a month, while the men receive from twelve to fifteen. We first commenced with twelve dollars for first-class hands; but they thought it was not enough and wanted more. Such was the demand for labor that all the planters raised the wages up to fifteen dollars a month. That with their food, I think, is fair wages. In ordinary times, when cotton was at former prices, say ten cents a pound, or even as low as six cents a pound, as I have seen it sell, planters could not live at such wages. But they can afford to pay these high wages with cotton at its present price. And then the risk of planting is very considerable. The levees are not now in good order, and the plantations are liable to be overflowed at any time.

Question. What is your opinion as to the necessity of the Freedmen's Bureau or some such agency in Louisiana at this time?

Answer. For the present I would have agents of the bureau stationed in Louisiana. But I am not much in favor of the Freedmen's Bureau; I think that the negroes can take care of themselves now, for I do not think there is much disposition to oppress them. I think the bureau might very well be dispensed with before long, though I would retain it there for the present year.

Question. Do you understand that by the laws of Louisiana the negroes now have their civil rights, to sue and be sued, to testify in the courts and to hold property?

Answer. Yes, sir. I will mention a case to you. The landing for the plantations I have been speaking of, on Lake Concordia, was in Louisiana, about ten miles above Natchez. The river, by cutting in the plantation where the landing was, destroyed the levee entirely, leaving a part of the plantation outside of the new levee and a part inside. That was recently sold by General York to some fifteen or twenty negroes, who are working it for themselves, and who have erected at the new landing a storehouse, where they receive the goods for the plantations; protect them from the weather and keep them until the planters call for them, paying compensation for the storage.

Question. What do you find to be the disposition of the negroes in regard to obtaining education, and what provision has been made in the part of Louisiana where you were for educating the children of negroes?

Answer. The negroes are exceedingly anxious to obtain instruction, especially for their children. Some on my son's plantation came to me and begged me to have their children taught, and I told them I would establish a school there. And I am now obtaining from friends in New York books to take out with me for that purpose. In the towns the Freedmen's Bureau have established schools for the freedmen; and that is one reason why I should like to have the Freedmen's Bureau continued for a while longer, for they can carry on the schools better than any one else. Schools have not been established on the plantations in the countr

Question. To what extent do the negroes understand the condition of affairs in the country and their relations to the government of the United States?

Answer. The negroes themselves are the most loyal people you can find anywhere; they are entirely loyal. They love the government of the United States, and they are devoted to northern men, although they have been badly treated by some of them who went down there originally merely for the purpose of making money, and went off without paying them. But that is not the case now; there is a better class of men there. The loyalty of the negroes is not to be doubted; they recognize fully their indebtedness to the government for their freedom.

Question. Suppose the people of Louisiana were left perfectly free to select the men of their own choice to fill State and national offices, from what class do you think those officers would be taken?

Answer. They would be taken from their upper classes. As a general rule they have always selected their most intelligent men, and that would undoubtedly be the case now. I think they would select their best men, regardless of whether they took an active part in the rebellion or not. But I must say that almost all their best men have been engaged in the rebellion; that has been pretty generally the case.

Question. Do you think of anything else that is important in connexion with the subject under investigation?

Answer. No, sir; I think you have asked me about all the questions that relate to the subject.

WASHINGTON, *April* 9, 1866.

Stephen Powers sworn and examined.

By Mr. WILLIAMS:

Question. Have you at any time since the close of hostilities been in Florida, Louisiana, or Texas? If so, when were you there, where, and how long?

Answer. I arrived in Florida, as correspondent for the Cincinnati Commercial, about the middle of November last. From that time until the first of March I was in Florida, Louisiana, and Texas the most of the time.

Question. Did you visit different parts of those States?

Answer. I landed at Jacksonville, Florida, and proceeded by rail as far as Tallahassee, where I remained about a week. Then, making that place a sort of starting point, I visited some portions of the State of Florida, conversing with some of the planters living in the vicinity, with the governor, politicians, and people of general intelligence in the city of Tallahassee. Then I went to St. Mark's, and from thence I went to Louisiana.

Question. What did you find to be the general sentiment and opinion of the people of Florida as to the late rebellion, and the present condition of things in the country?

Answer. When I was in Florida the sentiment of the people was very bitter towards the government of the United States, much more so, I think, than it is at present. The people of Florida had had this advantage over all the other Confederate States: they could boast, with a great degree of truthfulness, that the Union armies had never met with any very substantial success on their soil. That fact they were inclined to a great extent to exalt over. They had also never been chastised by the Union armies to the extent that the citizens of other States had been: and consequently there was a degree of boastfulness, and an unsubmissive spirit, to a greater extent in Florida, I think, than I saw in any other of the three States that I have mentioned.

Question. Were you there in Florida while any elections took place there, or while any convention was held there?

Answer. The reconstruction convention had adjourned when I got there; I was there when an election took place for members of Congress, governor and other State officers.

Question. What do the people say or indicate as to their future conduct in regard to the government and authority of the United States?

Answer. Some of the people were very discontented and seemed to feel very bitter and exasperated, and were disposed to sell their property if they could do so at any reasonable rate, and leave the country for Mexico or Brazil. But the better and more substantial portion of the people were disposed, and so stated, to remain in Florida and "take their chances," as they called it, and endeavor to become and remain good citizens of the United States. They, of course, felt hardly in regard to many of the measures that have been adopted by the government, and so expressed themselves; but I believe the intention of the influential, thinking, and substantial portion of the people of Florida is to abide by the laws and the Constitution of the country, and endeavor to reconstruct Florida in good faith. Those who are so bitter and so unreasonable are people of whom Florida could well be rid; they are not an honor or a benefit to the State or to the United States, and they are greatly in the minority as regards numbers.

Question. What position did these people, who are so bitter towards the government of the United States, occupy during the rebellion?

Answer. They were mostly people who had not been in the army, people who had done no fighting; men who were held in small estimation in the community, who had done nothing substantial to promote the success of the rebellion. The fighting men of Florida are the best citizens of the State; they yield to the necessities of the time, and accept the situation with the best grace and in the most good faith.

Question. What disposition do the people there manifest as to the settlement of northern men in that State?

Answer. The people of Florida, speaking through their newspapers, especially are disposed to welcome northern men to their State; that is the general expression. There are many instances, however, in which northern men are treated with coldness and even with contempt. Their theories, however, are frequently falsified by their practices; northern men come among them, and at first are treated with coldness, and not received into society, and are even insulted. But in time, if they abstain from political discussions and employ the ordinary courtesies of life, they are received into southern society and treated with the respect which is accorded to their own citizens. I have known very few instances in Florida or any other State where northern men, by exercising anything like only a decent regard for private opinions, could not remain with self-respect, with safety, and with business prosperity.

Question. Did you find any there who had been loyal to the federal government during the rebellion? If so, how many?

Answer. I found two regiments of soldiers, the first and second Florida, and one company of the third Florida, who were being disbanded, and who were good and loyal men. Besides these, I found very few who were loyal; Governor Marvin himself, a citizen of Florida, is decidedly the most patriotic and noble man I have met in the south. Besides those few per-

sons, I recollect to have seen no others who remained in Florida during the rebellion that could lay any claim to having been loyal.

Question. Did you, while travelling through that State, see any exhibitions of the national flag or any evidence of attachment to it anywhere?

Answer. I saw our flag at various posts along the railroad where our troops were stationed; I have seen it in no other places that I now recollect. It was not to be expected that it would be raised; there was no particular occasion for it that I know of. I have seen the flag elevated in no places that I now recollect, except where it was done by national troops.

Question. Do you refer now to the three States which you visited?

Answer. I referred in that answer more particularly to Florida.

Question. What is your opinion as to the necessity of preserving a military force in Florida at this time for the protection of loyal men and the maintenance of peace and good order in that State?

Answer. The necessity for the maintenance of a military force in Florida has nearly passed away; more so there, I think, than in the other two States to which I have referred. The negro population of Florida is not very large; and the disbanded soldiers of the federal army, citizens of Florida, are pretty well able to take care of themselves. They are stalwart men, and, in many cases, took their muskets home with them, and, I think, they will be able to look out for their own safety. The negro population, as I have said, is not dense, and in some localities would need the protection afforded by the presence of United States troops; but, I think, not more than a regiment of troops will be needed for the whole State, distributed in three or four places, patrolling the country in small parties, under the charge of a trusty sergeant; that, I think, would afford all the protection necessary. Their mere presence would be sufficient in most cases.

Question. Did you, while in Florida, hear of any cases of lawlessness or violence committed by returned rebel soldiers or others, who took part in the rebellion, on Union men or on the blacks?

Answer. There was one case of the kind occurred at Quincy, but I did not learn very accurately what were the particulars, and therefore I cannot state them fully and reliably. It was a difficulty occurring between negro troops and the citizens of the place. A negro soldier had received, as he considered it, an insult, by being thrust off the pavement. In return he fired the barn of the offender, which caused a very serious disturbance, and it was deemed necessary to send over there a small detachment of white troops. When they arrived there, however, the disturbance was over, and nothing serious resulted from it. One or two arrests were made, and with that the matter subsided. That is the only difficulty of any kind that occurred while I was in the State that I heard of.

Question. What sort of people would now be elected in the State of Florida without any interference in any way on the part of the federal authorities?

Answer. The people of Florida, on a free vote, would undoubtedly, in many cases, elect to office ex-officers of their confederate army; but those officers would not generally be the original and rabid secessionists of the south, but rather men who strenuously opposed secession up to the time when the ordinance was passed, and only yielded to it, as almost every southern man of prominence did yield, through the influence of their mistaken belief that they owed paramount allegiance to their State. I know of no instance in Florida, and I remained there until the result of the election was fully known, where a man was elected, or could be said to have been elected, on his merits as a secessionist alone. They elected men as having done good service in their army, as having been capable fighting men, but not, I think, in any case, simply because they had advocated and promoted secession; and I think such would be the case if every federal soldier should be withdrawn from the State.

Question. Did you hear anything said there by the people about the payment of the rebel or the federal debt, or about compensation for slaves who have been emancipated?

Answer. The popular belief in Florida, so far as I have been able to ascertain it, is, that they will never receive any compensation for their slaves; though I may say that a majority of the people think that they should be compensated for them; they are not disposed to insist on it, however, and say very little about it. In regard to the debt, I heard very little said in Florida compared with what I heard in Georgia. The mass of the common people, however, are indifferent to both debts. Indeed, I heard this theory frequently advanced among the common people: that there ought to be a repudiation of all debts, both confederate and individual, and "let all take a fresh start," as they call it. That feeling prevails, of course, only among the more ignorant people, although it may be said that they constitute a majority of the people of the State. A majority of the thinking and influential people of Florida, however, were in favor of paying the rebel debt. They will, of course, grumble at being compelled to pay the national debt, but they will offer no serious resistance, at least none, in most cases, which will require the presence of the national troops to quiet it.

Question. What did you find the condition of the freedmen in Florida to be?

Answer. When I was in Florida the freedmen had not passed through the ordeal of the Christmas holidays, and their condition then was not favorable. It has, of course, improved since, though I cannot state from personal observation what it now is. When I was there they were generally drifting about the country, doing nothing, gay, improvident and thought-

less in regard to the future. And the people were discouraged in regard to them, and thought that they never would and never could do any work as freedmen. And in many cases they were disposed to drive them off their plantations in disgust. But since then there has been very great improvement, more especially since the holidays, and more particularly in the State of Texas.

Question. What rights did you find the white people of Florida disposed to give to the blacks there?

Answer. The people of Florida, speaking through their convention and their newspapers, were disposed to give the negro the right to testify in all cases where one of his own color is concerned. And a majority of them were in favor of allowing them to buy, hold, and dispose of property, and sue and be sued, and such other rights in that respect as are commonly enjoyed by white men. There was much opposition among the people to allowing him to testify, but a majority of them were in favor of giving him that right.

Question. What did you learn in reference to the condition and opinions of the people of Louisiana?

Answer. I was in New Orleans on this trip only two weeks, when I left the State, having had very little opportunity for observation except in the city of New Orleans itself. I looked over the country newspapers somewhat, but it is not safe to make very extensive inferences from them.

Question. Did you see much evidence of the existence in New Orleans of the old rebel spirit?

Answer. There is a great deal of it in New Orleans—the old spirit of aristocracy. New Orleans is a very wealthy city, and the old residents there, especially those of French blood, are hostile to the government, bitterly so, and exclusive in their society. That is more especially true of the French than of the American residents. The American residents are entering into business again, and, as they find their great cotton presses and warehouses filling up, and their streets bustling with activity, they are gradually forgetting their old hatreds, and are in a much more hopeful condition in respect to political matters than are the French portion of the population. The French are exclusive, reading only their own papers, and are behind the times, and almost impervious to any ideas of patriotism.

Question. What should you judge the condition of the black people to be in the city of New Orleans?

Answer. In the city of New Orleans the blacks are doing well enough—much better than in the country. In a great city, so long as such a thing is necessary, the blacks will always secure better protection than in the country, because in the city everything is done openly, or brought very directly to the public notice by means of the daily papers. There are always abundant witnesses of everything done, and there are always present many spectators from the north and elsewhere who will see that whatever is necessary is made known. The negroes in New Orleans, therefore, are in no particular danger of being encroached upon and oppressed. On the great sugar plantations, however, up and down the river and in the interior of the State, there have been many instances of cruelty. The negroes in New Orleans are so entirely at liberty to do what they please that they held an election for a delegate in Congress for "the Territory of Louisiana," as they termed it. They polled in the city 19,000 votes, and did it without molestation. They also held elections in, I think, twelve parishes of the State, and I heard of only two or three instances where insult or outrage was offered them at the polls in those parishes, which are mostly located up and down the river. I believe that in those parishes, at least, the negro is enjoying a very considerable degree of substantial freedom, and they have a very vigilant monitor in the city of New Orleans in the New Orleans Tribune, which reports thoroughly all injustice done to them.

Question. What did you ascertain of the temper and disposition of the people of Texas in reference to the general government?

Answer. I went to Texas with the prepossession that most all northerners have, that it was the worst and most disloyal State in the confederacy. Soon after I arrived there I took pains to make an extensive collection of their local newspapers, from which to make extracts for newspaper use; I was much pleased to observe the spirit of loyalty which was displayed in their columns. That was before the convention met, and most of the papers were engaged in mapping out what they considered to be the proper work of the convention. I collected, I think, not less than twenty of their papers, taking them at random. They laid down a programme for the convention substantially as follows: to repudiate the rebel debt; to give the negro the right to testify in all cases where he himself was concerned; to declare the act of secession null and void, and of course to declare slavery forever abolished. Three very prominent papers in the State advocated the ratification by the convention of the constitutional amendment, and also to some extent the granting of suffrage to the negro. There is, of course, a large amount of lawlessness and pillaging rampant in that State, as was to be expected. It is estimated that there are 10,000 men, particularly in the Red River counties in northern Texas, stragglers and remnants from the armies of the rebellion which were broken up in Arkansas and Missouri, who live entirely by brigandage. They are distributed in those counties and largely throughout the State, and they commit many of the outrages which are charged upon the whole people of the State, much to their injustice. There is a substantial substratum of population in Texas, as in every State; and I must give it as my

opinion, as my profound conviction, that Texas is a better Union State than any one of the late insurgent States. There are 40,000 Germans in and about San Antonio, and 60,000 Americans resident in the Red River counties who are undoubtedly and uncompromisingly loyal. And there were in the constitutional convention thirty-one good and true Union men. I had supposed early in the session that it would do nothing useful; but I learned subsequently that it was not because the convention was more disloyal than others, but for the contrary reason. Other conventions east of the Mississippi river had presented a harmonious front, as they call it. The genuine and honest Union sentiment of those conventions was so weak, that if it appeared at all it was crushed down at the outset. But in the Texas convention the Union men were sufficiently numerous to carry on a tremendous conflict for nearly two weeks, endeavoring to secure the passage of measures which would come pretty nearly up to the northern platform. But they were unable to carry their best measures, to secure the insertion of many clauses in their constitution which would have been wholesome. There were thirty-one men in the convention who favored the admission of the negro to testify in all cases whatsoever; and seven of them were in favor of negro suffrage, and were not afraid to advocate it.

Question. Did you, while in Texas, hear of many outrages committed by those who had been rebels upon Union men and negroes?

Answer. I read in their local papers of a great many instances of outrage committed—not so much by rebel soldiers who had remained in their armies until after the surrender, but by deserters and skulkers. And I must say that among them were deserters from our own regular army. The instances of outrage of this kind were more numerous in the northern counties, and were perpetrated, in the majority of instances, upon Union men, although the ex-confederates came in for a very respectable share. I am bound to believe, however, that these outrages are, in most instances, accomplished for other than political reasons. It is done simply for gain, I believe, because I have noticed, aside from the fact that ex-rebels were also murdered, that they were generally men possessing property who were waylaid and murdered. In cases where negroes were the sufferers, the difficulty arose generally in personal quarrels, in which the negro stoutly resisted. That, I think, is a hopeful indication. The negro is rapidly acquiring that independence and fearlessness which will enable him to take care of himself. The fact that in no case was there ever deliberate whipping without interruption or resistance, but in all these cases the fighting was vigorous and carried on on both sides with dangerous weapons, is a strong fact.

Question. What was the general condition of the colored population in Texas, so far as you could learn it?

Answer. The general condition of the colored population in Texas was very favorable. I arrived there soon after the Christmas holidays, and I found the process of contracting rapidly going on under the auspices of the Freedmen's Bureau; and when I came away from Texas it was estimated by the bureau that there were 250,000 colored people in the State who were at work, for fair wages in most cases. It is also estimated by the same authorities, that there are now 100,000 more negroes in Texas than there were in 1860, in consequence of the accumulation of them in the State, during the war, from other States. And the fact that these 100,000 negroes remain in Texas, and appear to be little anxious to go back to their homes, is to me a good indication. I have talked with many who came from other States during the war, and I asked them why they did not return to their old homes. They said that they were getting good wages in Texas, and they got it in specie, of which the negro is very fond. There is abundance of specie in Texas, and that I consider the chief reason for the industrial activity in that State above that of other States. The Freedmen's Bureau has put under contract at least 100,000 able-bodied male laborers, I think, since the Christmas holidays. In one-third as many cases they are renting land, which I consider also a very favorable indication. In one district on the Brazos, comprising two or three counties, they put under contract 7,000 laborers, including their families. The fact is, that throughout Texas the negroes are at work, are hopeful, and are getting their pay.

Question. What is your opinion as to the necessity or utility of the Freedmen's Bureau, or some such agency in the States you have mentioned?

Answer. The Freedmen's Bureau is still, as it has been, a necessity in those States. It was a necessity particularly in the months immediately following the close of the war, to secure the distribution of rations among both the refugees and freedmen, of which they stood greatly in need, and without which many thousands would have perished. Last fall, about the Christmas holidays, early this winter, the bureau was particularly necessary, and did a great deal of good, and did admirable work in procuring situations for hundreds and thousands of negroes, which were advantageous both to them and to the planters. The bureau may make itself useful this summer and next fall in securing a proper distribution of the crops; for that reason I think it would be highly important. I think it would also be necessary to continue the bureau until the freedmen generally have entered into contracts for the year 1867. After that I think the necessity for the bureau will be removed. Indeed, I think the necessity for it has already passed away in the State of Tennessee, and in many portions of other States. As I have said, the bureau has been a necessity and has done good work, though in many cases it has fallen into the hands of incompetent and speculating

officers who made it a by-word, and unnecessarily obnoxious to the people of the State where it was located. Therefore it detracted from the real good it might have accomplished. The bureau is particularly odious to the people of Texas. Things were in a chaotic state there generally, and the bureau as at first organized, and has continued for a great while, was rather loose in its organization, and rather irresponsible. And many things were done in Texas and in Florida, also, which were unnecessarily odious to the people, and discriminating in favor of the blacks. Such things were not generally in the shape of any serious oppressions; but they were simply petty disregards of that sentiment which the southern people entertain, and for which, I think, the officers with wisdom have shown a little more charity, and thus have added to their usefulness.

Question. Did you find that the negroes in those States had any comprehension of the issues involved in the late war, and of the present condition of things in the country, so as to understand what was right and what was wrong in political matters?

Answer. Nine-tenths of the plantation negroes are living in a state of brutish ignorance, and have very little comprehension of the issues of this war, beyond the mere fact that they were set at liberty and were set free The house servants, the hotel waiters, and the residents of the cities are much more intelligent, and in many cases have exhibited a very commendable degree of information in regard to the issues of the war. I think I might say, however, that four-fifths of the negroes in the south have no just comprehension of the franchises and privileges of a free citizen. But there has been much improvement in that respect since the Christmas holidays. I think I have never known of any more complete industrial and social revolution than was accomplished during those holidays. Up to that time the negroes had been thriftless, gay, improvident, and relying on what they confidently expected, the division of their old master's property at that time. They were, however, sorely disappointed, and for a time were discouraged and desponding. But they very soon recovered, however, in consequence of their natural buoyancy, and have applied themselves to work for themselves and their families with a great degree of industry. They have by this time a pretty thorough understanding that it is necessary for them to provide for themselves, and they are setting about it in a rude, ignorant way, which is all that could have been expected of them. As for the right of suffrage, and in many cases the right to testify in courts, they have the most vague and shadowy ideas. I conversed with many of them, particularly the plantation negroes, about the right of suffrage, and I found them afraid to speak of it, as though it was something which was not to be meddled with by them. The common remark among them was, that they did not know anything about it, that "massa had never said anything to them about it." If they were led to the polls, I think the act of voting with them would be a merely physical act, and that it would be accomplished with very little appreciation.

Question. Have you seen the proposition laid before the Senate by Mr. Stewart?

Answer. Do you mean the proposition to grant universal amnesty for universal suffrage?

Question. Yes.

Answer. I have seen that proposition.

Question. In your opinion, what would be the action of the people of the three States of which you have been speaking if that proposition was submitted to them for adoption or rejection?

Answer. I think the people of the south generally would treat it with slight consideration. They understand pretty thoroughly that they already have, or will secure in the end, as much amnesty as is necessary; and they would consider it a bargain which it was not necessary for them to enter into. I think such a proposition would accomplish very little.

Question. What is your opinion of their views generally in regard to negro suffrage?

Answer. I need not tell you that the southern people are almost unanimously opposed to negro suffrage. That opposition is founded upon the old prejudice which they have against the negro, and upon their belief in his unfitness for the rights and privileges of citizenship; it is founded on nothing more reasonable than that I think, however, indeed I am quite certain, that if it could be made positively certain to the southern politicians that at or before the next apportionment they would lose upwards of twenty representatives in Congress unless they accorded to negroes the right of suffrage, they would become pretty thoroughly convinced that it was a necessary and proper measure. The greatest opposition in the south to negro suffrage would be found among the lower classes. I have generally found that when two classes are opposed in feeling, and unequal in power and influence, the dominating class is hostile to the inferior class just in reverse proportion as it is elevated above it. The poor whites of the south, knowing that the right of suffrage is the principal of the few slight barriers which separate them from the negro race, will cling to that right with corresponding tenacity. And it will be they who will oppose, and insult, and oppress the negro more than all others when he presents himself at the polls.

The wealthy land-owners of the south, however, have the most unbounded influence over the negroes now, almost as much as they had when the negroes were their slaves, and it seems to me that the proper approach to this castle of prejudice on the part of the poor, ignorant whites will be through the argument and persuasion of the politicians of the south. The southern politicians have no insuperable prejudice against negro suffrage. And I am quite certain that if it is made plain to them that they will lose representation in Congress by consequence of not granting suffrage to the negro, they will soon accede to the demand, and

convince their followers, the poor people, that it is necessary and proper. I think tha Texas will be the first of the late Confederate States that will grant suffrage to the negroes. There are already three prominent newspapers in that State that openly favor negro suffrage, or perhaps I should not say openly favor it, but whose editors are in favor of it, and who squint towards it at every opportunity when it is safe and expedient. One of those papers is the Galveston Bulletin, the organ of a large and intelligent class of people in and about Galveston. Another is the Southern Intelligence, in Austin, the organ of Governor Hamilton, and having a circulation of nearly 2,000 copies in the interior of the State. The third is the San Antonio Express, the organ of the German population that are to be found in and about San Antonio. There is also a strong sentiment tending in that direction in northern Texas, and it would only need the leadership of a few brave men, such as Governor Hamilton, Mr. Taylor, of the convention, and a few others like them, to carry that part of the State and the German population in favor of negro suffrage.

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WASHINGTON, *May* 17, 1866.

Mr. T. J. Mackey sworn and examined.

By Mr. HOWARD:

Question. Where do you reside?

Answer. In Shreveport, Louisiana.

Question. What is your age?

Answer. I am 35 years of age.

Question. Where were you born and raised?

Answer. In Charleston, South Carolina.

Question. What was your occupation during the late civil war?

Answer. I was captain of engineers in the Confederate States service, and chief engineer for a considerable period of time of the trans-Mississippi department.

Question. What was the extent of the trans-Mississippi department?

Answer. It included all the States west of the Mississippi river. At the time of the surrender I was on the staff of General Sterling Price.

Question. When did that surrender take place?

Answer. About the 27th of May, 1865.

Question. Where was the surrender made?

Answer. The terms were agreed upon at New Orleans; the surrender was made at Shreveport, Louisiana, to Major General Canby, of the United States army.

Question. Since that surrender what has been your occupation, and where have you been?

Answer. I have resided the greater part of the time, since the surrender, at Shreveport, Louisiana. At the time of the surrender my family was residing in Lamar county, Texas. At the request of Brigadier General Veatch, commanding at Shreveport, I accepted the appointment of special provost marshal for Lamar and adjoining counties, Texas, in order to check the bands of marauders who were endangering life and property in that region.

The following is a copy of the order making the appointment:

[Special Orders No. 142.—Extract.]

"HEADQUARTERS NORTHERN DISTRICT OF LOUISIANA.
"*Shreveport, Louisiana, July* 24, 1865.

* * * * * * * * * * *

"6. Captain T. J. Mackey, a citizen of Lamar county, Texas, is hereby appointed a special provost marshal for Lamar and adjoining counties, with power to arrest all criminals, and to call upon the citizens within his jurisdiction to assist him in executing the laws and orders which are intrusted to him.

* * * * * * * * * * *

"By order of Brigadier General J. C. Veatch.

"BENJ. F. MONROE,
"*Captain, and A. A. A. General.*"

Question. How long did you act in that capacity?

Answer. About seven weeks. I collected many thousand stands of arms, several hundred wagons, and many hundred mules, &c., the property of the late Confederate States, which were delivered to the proper officers at Shreveport.

Question. In virtue of the surrender?

Answer. Yes, sir; this service was rendered by me because I believed I was under an obligation of honor to render it, for which I declined compensation. This was after my service as special provost marshal.

Question. How long were you engaged in that service?

Answer. Nearly three months in that special service.

Question. To whom did you report?

Answer. At first to the officer commanding at Shreveport, and subsequently to Major General A. J. Smith, commanding the western district of Louisiana; while engaged in that service I was desperately wounded.

Question. Will you state the circumstances under which you were wounded?

Answer. On entering upon the duties assigned me as special provost marshal, I found the general sentiment of the people to be not only opposed to the government of the United States, but bitterly antagonistic to all who declared themselves as willing to act in good faith towards the government. Good faith to the government, in the judgment of the people at large in Texas, meant bad faith to the community. I made a number of arrests; among others I arrested ten persons who, on the 15th of February, 1862, had organized and proceeded to execute some eighteen or twenty citizens on the pretext that they were Union men. As I had not the force at that time to forward them to Shreveport, and as the friends of the murdered men declared that they could guard these persons, I turned them over to the county authorities of Hopkins county for trial, and they were incarcerated in a strong jail. A short time after they were incarcerated, some citizens of Hopkins and the surrounding counties collected together, forced the jail, and released these men. The charge against the men was the arresting and hanging or shooting a number of citizens, whose names were given, on or about the 15th day of February, 1862—citizens who had committed no avert act against the confederate authorities.

Question. What was the pretext for killing those citizens?

Answer. They were northern farmers, from Illinois, Indiana, and Michigan, who had come into Texas in 1854. It was alleged that they had declared that should the armies of the United States enter northern Texas they would sell their crops to those armies. That was the allegation against them. In view of former acts of that character, the execution of those eighteen or twenty men was deemed a very mild transaction. From the 9th to the 29th of June, 1862, in the county of Cook, fifty-two persons were executed upon the gallows. I have ascertained that the person who presided over the execution now holds some office of honor or profit in the State.

Question. What is his name?

Answer. Colonel Borland. At that time I was in the Indian territory, a few miles distant, serving upon the staff of General Albert Pike. General Pike used very earnest efforts to prevent those executions at the time, and his own life was endangered by those efforts.

Knowing, therefore, the moral status of the people of that section, I entered upon the discharge of the duty assigned me, in June last, with a determination on the one hand to discharge fearlessly my duty to the government, and on the other to act with such justice towards the citizens that no pretext should be given for any armed organization against the authority that I possessed. I was solicitous not to discredit the authority which had given me the appointment. I was too mindful of my own antecedents to become the oppressor of those who had shared the sentiments that I had represented.

I found the people exceedingly turbulent, and disposed to treat my authority with contempt. Where overt acts were committed in violation of law I arrested the parties. On the 8th of August, 1865, a party entered my office during my absence, forced my clerk out of the office, and shattered my desk and scattered my papers. On ascertaining these facts I proceeded to make the arrests of the parties engaged in the transaction. I had with me at my office a detachment of ten men of the 6th Missouri cavalry, under Captain Russell, formerly of Kalamazoo, Michigan. That was a detachment that had arrived to escort a train of government property which I designed sending to Shreveport.

Captain Russell, with four men, accompanied me to make the arrest. When I informed the person that he was arrested, he at first threw his hand to his pistol, but finally concluded to repair to my office at the instance of his friends. I proceeded to examine the case, called witnesses, and asked the prisoner if he had any witnesses to be summoned in his behalf. He replied in an insulting manner. I told him he must deliver up to me his arms. This he at first declined to do, but finally submitted, and his pistol was placed behind my desk. While engaged in hearing the case, the father of the prisoner, a man noted in that section for his great physical strength and brute violence of his character, sprang over the railing in front of the bar and struck me a blow upon the head with his fist. At the same time the prisoner sprang behind me and seized his pistol. By this time there was a mob of 200 or 300 persons gathered there. The officer assigned to the duty of aiding me in the execution of the orders intrusted to my charge had but five men with him, and he was either forced out of the building, or he became alarmed and fled. The firing then commenced. I was wounded five times, and replying to the fire, I killed one man and wounded several others, one of whom afterwards died.

The circumstances are detailed very fully in a communication from the commanding officer at Shreveport to Major General Canby.

Question. If you have that communication with you please read it, and furnish a copy of it to the committee to be incorporated in your testimony.

Answer. The communication, with the indorsement of Major General Canby upon it, is as follows:

HEADQUARTERS UNITED STATES FORCES, SHREVEPORT, LOUISIANA,
*November* 13, 1865.

CAPTAIN: Mr. T. J. Mackey, who will hand you this, was appointed special provost marshal for Lamar and adjoining counties, Texas, by General Veatch. In the discharge of his duties under this appointment he was assaulted and desperately wounded. In defending his life against an attack by a number of men, while in the act of trying a case, and in his own office, he killed one man and wounded others. For this he is threatened with a criminal prosecution in Texas. It is understood that efforts are being made to induce Governor Wells to deliver him to the authorities of Texas. It is my opinion, and was also the opinion of Major General Hawkins, that Mr. Mackey discharged his duties faithfully to the United States government, and was fully justified in killing and wounding the men who attacked him. General Hawkins directed me to hold Mr. Mackey even against Governor Wells's demand, until I could hear from department headquarters, being satisfied that he was entitled to protection at the hands of the government. It is feared by Mackey that the parties interested against him may secure an order from General Canby on an *ex parte* statement. It is my opinion that, if the civil authority of Lamar county should succeed in taking him, he would be murdered by a mob, or by the verdict of a prejudiced jury. I base this opinion on my own knowledge of the sentiments and acts of the people of that community. A company of cavalry was sent by me to bring away the government property collected by Mr. Mackey, and to escort his family, who were threatened. Two of the company were murdered in cold blood, and in open day, under circumstances that marked the deed as one of extraordinary atrocity. I respectfully ask that written instructions be sent me as to the course I shall pursue in the event that Mackey is demanded to be turned over to the civil authority of Texas. I respectfully state my opinion that Mr. Mackey discharged his duties as provost marshal faithfully, honestly, and earnestly, and with an eye single to the interests of the United States government; that he was attacked and nearly murdered on account of his so discharging his duties; and that he ought to be defended against a community in which the life of no man is safe who is really honest in his devotion to the Union.

I am, captain, your most obedient servant,

F. M. CRANDAL,
*Colonel, Commanding.*

Captain S. B. FERGUSON,
*A. A. G. Western District Louisiana.*

HEADQUARTERS DEPARTMENT OF LOUISIANA,
*New Orleans, November* 29, 1865.

Respectfully returned.

The parties engaged in the outrages should be arrested and tried by a military commission. Mr. Mackey should be fully protected, and if the troops are at any time removed from Shreveport, he and his family should be brought away with them. He will be compensated for his services, and, until he is entirely recovered, subsistence will be issued to him and his family.

His conduct is approved.

ED. R. S. CANBY,
*Major General, Commanding.*

I will state that I have declined to receive any compensation.

Question. Were you wounded while in the confederate service?

Answer. Yes, sir, and five times in the attack upon me in August last; from which latter wounds I am permanently disabled. The surgeons inform me that I can never recover the full use of my leg, in consequence of the injury to the sciatic nerve.

Question. Were you ever wounded at any other times than those you have mentioned?

Answer. I was wounded in Mexico, during the Mexican war, at the battle of Churubusco, for which I received a pension from the United States.

I would state here, that the leader of the assault upon me, while I was acting as an officer of the United States in August last, was, in consequence of that assault, elected to the late convention in Texas, over his opponent, a gentleman of high character, who had been a member of the convention of 1861, but who had refused to sign the ordinance of secession.

Question. What is the feeling generally of the people of northern Texas towards the government of the United States, and what has been their feeling during the war?

Answer. Prior to the commencement of hostilities in the late war, the people of northern Texas were regarded as representing the sterling Union sentiment of the State. There were but seven dissenting voices in the convention of Texas that passed the ordinance of secession, and all seven were from northern Texas. Since the war, however, the feeling has become most bitter against the government, on account of the emancipation of the slaves. The only men in northern Texas, with very few exceptions, who can be trusted at the present time, are those who served in the confederate army. I attribute that to the fact that men who have served in the army and experienced the disasters of war and all the ills incident to a soldier's career are satisfied with the experiment they have made, and are very willing to accept the liberal policy pursued towards them by the government. But the masses of the people, never having felt the power of the government, scorn its clemency. This is espe-

cially the case in the trans-Mississippi department, as all the armies of the United States that moved against the confederate forces in that department met with disasters. This feeling exhibits itself especially towards the freedmen in that section of country. There are thirty-three counties in northern Texas where slavery, to-day, is as absolute as it was ten years ago, and aggravated in every feature. Formerly, the property tenure in the slave softened the treatment of the master towards him. Now that the negro has ceased to be property, the restraint of self-interest does not act upon the unprincipled, and the negro is denied the rights of common humanity. I have experienced this in the case of negroes that I formerly owned, and those I have employed since. I should have engaged in planting in Texas, or in Louisiana, if the government gave any adequate protection to the freedmen. Where freedmen have been oppressed, the commanding officers in that region have taken prompt measures to arrest the wrong-doers; but the paucity of the force in the trans-Mississippi department prevents the thorough police of the country.

Question. Is not the Freedmen's Bureau in the exercise of its proper functions in that region?

Answer. It is at Shreveport, Louisiana, and at Marshall, Texas, the adjoining post, forty-three miles distant; but there is a tier of thirty-three counties in which there is no branch of the bureau.

Question. Are those the northern counties of Texas?

Answer. Yes, sir; the counties lying between the thirty-second and thirty-fourth parallels of latitude, and the ninety-fourth and one hundredth meridians of longitude. The counties embraced in those lines are generally designated "northern Texas." In that region no American flag has been seen since the surrender. The people of northern Texas are turbulent in peace and recreant in war; there are some honorable exceptions. The same characteristics prevail to some extent in upper Louisiana, though there is a higher order of intelligence there.

Question. How do the former slaveholders treat the freedmen?

Answer. They are the best masters now, as they are more familiar with the habits and character of the blacks. I have observed that those who were not slave-owners are now the most rigorous masters. To hire freedmen now requires a large fraction of their capital, and they are more rigorous in exacting their labor. The freedmen are more willing to work in cities, because they can there secure better protection to their persons from the better police of the cities. Negroes can be hired to work in the cities at a very considerable fraction below what they will demand to work in the country districts; not that the labor is less severe in the cities, but because they have more protection there. The official records of Shreveport, Marshall, and Jefferson, during the last eight months, will abundantly sustain the statements I have here made.

Question. In the rural districts of Texas are the lives and property of the freedmen secure as against the prejudices and feelings of the people?

Answer. They are not; they are very far from being secure.

Question. Have you heard of any homicides being committed upon the freedmen?

Answer. Yes, sir; of many.

Question. And do the State authorities interfere in those cases?

Answer. Wherever the case is brought to the attention of the civil authorities, action is taken so far as to issue writs of arrest; but it is almost, if not quite, impossible to secure the necessary testimony to convict parties.

Question. Is the testimony of negroes allowed to be taken in the civil courts?

Answer. Under the amended constitution of Louisiana the testimony of negroes is admitted in courts.

Question. Then why are the freedmen peculiarly exposed to injustice, if the testimony of blacks is admitted in trials before the State courts? Is it because of the prejudice of the people there against the race?

Answer. In cases where negro testimony can be obtained a conviction is practicable; but it is not always practicable to secure that testimony. The men who commit these outrages are not always open in their demonstrations. The assault is made when no others are present; the body of the negro is found; the evidence of his murder is complete; but the doer of the deed is gone; or, at least, it is impossible frequently to fix the crime. There are no doubt thousands in Louisiana who would revolt at these deeds of atrocity. But what I mean to state is, that the prevailing sentiment is so adverse to the negro that acts of monstrous crime against him are winked at; and this sentiment will increase just in proportion as the privileges of the negroes are extended.

Question. How are they in the habit of treating Union men in Texas and Louisiana? By Union men, I mean those who, all along, have been understood to be opposed to secession and friendly to the maintenance of the government of the United States.

Answer. They are under ban among the people. This antagonism to them is shown by declining to accord to them patronage in their business, and sometimes by armed opposition to them. A postmaster was appointed by the department about six weeks ago for the town of Natchitoches, in the parish of Natchitoches. Although he was a person of good moral repute, a mob assembled on the day of his arrival there and drove him from his office on the ground that he had been a Union man.

Question. Have you any ground to suppose that any portion of the people of Louisiana and Texas still entertain schemes of secession and rebellion?

Answer. I think that, as a scheme, that idea is not cherished. What I mean is, that persons do not confer together upon propositions of that character; but I believe a very large fraction of the people do look to secession or revolution in the future as a remedy for what they deem existing evils.

Question. Suppose the people of those States should again have the power to manage affairs in their own way—in short, suppose they should again obtain the power to reduce the negroes to slavery—would they do it?

Answer. I have no question that they would. But I think the idea of secession will never become a dominant one until it shall receive the concurrent support of the States of the northwest. That is the impression there—that there will ultimately be secession, but that it will spring up in the northwest.

Question. What peculiar reasons have they for supposing that the northwestern States will ever place themselves in that attitude?

Answer. They believe that the reasons will be commercial or financial reasons: to be relieved from their proportion of the general burden of taxation consequent upon the national debt, and to relieve themselves from the exceedingly high tariff which presses peculiarly upon their products; the assumed antagonism between the agricultural communities of the west and the manufacturing communities of the east.

Question. Did not that idea prevail very extensively among the southern people during the late war?

Answer. It was the dominant idea.

Question. How then did they account for the fact that so many northwestern boys came down to pay their respects to them?

Answer. That they were laboring under the delusion of maintaining the Union.

Question. Then they looked upon the people of the northwest as a deluded people?

Answer. Yes, sir; that they were under the delusion of believing that they were maintaining the Union. And they also thought that the unfortunate closing of the Mississippi river tended to bring the people of the northwest into antagonism to them. Among intelligent confederate officers and soldiers the idea of secession is defunct; but there are those who shrank from the hazards of war while the contest was in progress, who now display a remarkable post mortem chivalry. But those who discharged their duties faithfully in the confederate army, according to their accepted code of honor, whether right or wrong, since surrendering their swords, are not carrying daggers under their garments. A good confederate soldier, if I may be allowed to apply the term "good" to him, can be trusted; but that class forms but a small fraction of the population of Texas.

Question. Suppose that the United States should be engaged in an obstinate struggle with a foreign nation, for instance France, England, or some other powerful nation, and in the course of the war it should become apparent to the people with whom you have been best acquainted that there was a chance for them to secure what they term their national independence by taking up arms in favor of the enemy; have you any reason to suppose that there would be any very general inclination to side with the enemy?

Answer. I am satisfied that, in regard to Texas, the actual occupation of any portion of her soil, in force, by the enemy, would lead to a general declaration against the United States, not with the view of forming a southern confederacy, but of securing the separate independence of Texas, so as to enable her to resume her former status as an independent republic.

Question. Once known as "The Lone Star?"

Answer. Yes, sir; that was the dominant idea in Texas during the late war—to separate from the Confederate States. From my correspondence with my kinsmen and others, in South Carolina and other southern States, I believe the spirit of adhesion to the government of the United States is stronger in the cis-Mississippi States than it is in the trans-Mississippi States, because the former States have felt the calamities of war, which scarcely touched the States in the trans-Mississippi department. I have no doubt that it would be especially the case with confederate officers and soldiers anxious to redeem their record, that they would rally to the cause of the government of the United States.

Question. How extended was your acquaintance with the popular feeling in Texas during the war?

Answer. I was familiar with the public sentiment there; I made frequent official visits there: I had a very large acquaintance there; my family resided in northern Texas, and I was thrown much in contact with troops from Texas.

Question. Was that extensive acquaintance which you had of the popular feeling in Texas the foundation of the opinion you have expressed of the inclination of the people of Texas for national independence?

Answer. Yes, sir; and that opinion has been confirmed since the surrender.

Question. You served in the army of the United States in the war with Mexico?

Answer. Yes, sir, at the age of fifteen; and I received medals for my services.

Question. How came you to enter the confederate service in the late war?

Answer. Because of the accepted theory of my people, that the allegiance to the State was supreme, and her laws should be obeyed by her citizens.

Question. Where did you receive your education?

Answer. At the military academy of South Carolina.

Question. You were not a West Point scholar?

Answer. No, sir; I was a civil engineer by profession.

Question. What position did you hold in the confederate service?

Answer. I was appointed a captain of engineers, February 15, 1862.

Question. What was the extent of your authority under that appointment?

Answer. For a considerable period of time I was chief engineer of the trans-Mississippi department. Subsequently I was chief engineer upon the staff of Lieutenant General Holmes and General Price. Under the orders of the authorities at Richmond I made a detailed reconnoissance of the territories of the Creek, Choctaw, and Chickasaw tribes; a reconnoissance of the greater portion of Arkansas, a portion of western Louisiana and northern Texas. Subsequently I was, for a year and a half, chief engineer on the staff of Major General Price, until relieved from duty a short time before the surrender, when I was assigned to duty as engineer officer at Charleston, to aid in its defence. At the time of the surrender the maps and records of the engineer bureau, and many of the records of the adjutant general's bureau, of the trans-Mississippi department were concealed, it is charged, by order of General Kirby Smith. After the surrender I proceeded to make search for those records, and discovered some of them in June, a month after the surrender, and the remainder in March last, which I delivered to General Canby. They embraced maps and surveys of the Rio Grande frontier, of the coast of Texas, and of the districts of Louisiana, Arkansas, and the Indian territory, and the plans and profiles of all the fortifications in the trans-Mississippi department. I presume they have been transmitted to the engineer bureau in this city.

Question. Do you suppose that General Kirby Smith intended to conceal or destroy those maps?

Answer. The current statement was, that it was designed that some of those maps should be used by the imperial authorities of Mexico, or the forces of the French, in the event of a war between the United States and France, and Texas became the theatre of operations, as, in a military point of view, would have been most probable.

Question. Smith had concealed them with a view of their ultimate transfer to the French?

Answer. I have no evidence upon that point; but that is the current opinion, and it is mine. I deemed it an obligation of good faith and honor that that property should be delivered to the commanding general of the United States forces in that department.

Question. Where were they found concealed?

Answer. Portions were found in a cellar in Shreveport, and portions in an out-building, on the residence of persons who could not be suspected of being the custodians of that kind of property.

Question. Did you ever talk with Kirby Smith about the matter?

Answer. No, sir; I have never seen him; I understand he is now at Lynchburg, Virginia, studying for the ministry.

Question. You acted as special provost marshal under General Veatch's orders?

Answer. Yes, sir.

Question. Did you ever receive any compensation from the United States for your services under that appointment?

Answer. None; I declined compensation. My expenditures would have amounted to two or three years' pay of a captain of the army acting as provost marshal. I organized a force of fifty men, and subsisted and foraged them at my own expense for five or six weeks.

Question. Have you been reimbursed those expenses?

Answer. I have not asked to be reimbursed. That force has not yet been paid. In my judgment they should receive some pay, for they acted in good faith, and have rendered themselves odious to their fellow-citizens. The fifty men were drawn from five or six counties. It required a very careful selection to get such as would be good and true men. A few of them proved false to their duty, but very few. As I have already stated, I collected many hundred mules for the government. For that I asked no compensation; but I received from the quartermaster some ten or twelve mules, not as a compensation for my services, but because I fancied them. They were worth, probably, forty dollars each.

Question. Have you any further statements to make in regard to the treatment of freedmen in Louisiana and Texas?

Answer. Since the surrender freedmen have been tried under the old slave code of Texas, convicted under that code, and sentenced to the penitentiary. One case, the most prominent, was that of Orange Bray, a freedman in Lamar county, Texas. He was charged with raising an axe against his former master, who shot him. He was subsequently tried, in November, 1865, by the judge of the eighth judicial district of Texas, convicted, and sentenced to several years' imprisonment in the penitentiary. I design securing his release through the intervention of the authorities here.

Question. Was the assault upon the former master a wanton and unprovoked one?

Answer. There was no assault upon the master. The fact was that the wife of the freed

man had been very cruelly whipped for insolence. She was an insolent woman, no doubt. Her husband came in from the timber, and witnessing the cruel whipping given his wife, he protested against it, declaring that he was free. Upon that his former master, William Bray, ordered him to strip. The negro fled, and was followed up by Bray and two others. As they were about to overtake him, he turned upon them with his axe and warned them not to approach him. He was shot by his former master and left for dead. During the night he recovered, and it was proposed to hang him; but the citizens protested against that, and he was put in jail, tried, and convicted, as I have stated. I made careful inquisition of the facts of the case, with a view to friendly intervention of the authorities here. The facts were brought before General Canby a few months after, and I presume he has taken action thereon.

Question. Was this freedman tried before a jury?

Answer. Yes, sir; and the jury brought in a verdict of guilty. His assailants have not been tried, or even arrested.

(Examination suspended till to-morrow.)

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WASHINGTON, *May* 18, 1866.

Mr. T. J. Mackay recalled, and examination resumed.

By Mr. HOWARD:

Question. What, in your judgment, is the necessity of retaining garrisons in Texas and Louisiana?

Answer. In my judgment, garrisons should be retained there for a considerable period of time, for without them there is not sufficient protection for life and property. In my judgment, garrisons should be maintained in Louisiana and Texas until labor becomes as respectable in that section as murder.

Question. Do homicides frequently occur in Louisiana and Texas?

Answer. Frequently, both among the whites and the freedmen.

Question. What appears to be the great cause of the frequency of murders there?

Answer. Homicides were frequent in that region before the war. They have increased since the war in consequence of the recklessness and demoralization produced in society by war, and the facility with which they can be committed now, because of the carrying of arms by all classes of persons.

Question. What do you know, or what have you reason to believe, in respect to marauding parties in Louisiana or Texas, or elsewhere within the department in which you have served?

Answer. Immediately upon the announcement of the surrender of the confederate forces bands of men organized in western Louisiana and northern Texas—men who appeared to cherish a deadly hatred to every class, especially to the freedmen. In the counties of Lamar and Fannin alone, within three months after the surrender, the feet of some eighteen or twenty men were burned with a hot iron, and their toe-nails extracted by means of bullet-moulds, in order to force them to reveal where their treasures were buried. This torture was applied to some persons who were really indigent. In some cases men were hung and women were shot. General Canby was powerless to check these bands because of the paucity of the force at his disposal. Wherever the parties could be reached he pursued the most vigorous measures in regard to them. Even within the past forty-five days a detachment of thirty men, sent out from Shreveport with the view to take possession of certain cotton claimed by the United States, was driven back by an organized force of citizens within twenty miles of Shreveport.

Question. Do these criminal motives take on the appearance of hostility to the government of the United States, and, in your opinion, is that hostility the prompting motive, or is it a mere disposition to plunder, rob, and commit rapine?

Answer. The parties engaged in robbing have no defined principles either for or against the government of the United States; but they are able to maintain themselves in the country because of the feeling hostile to the United States on the part of the citizens, which prevents combined action against these marauders. While the marauders are known to be ready to wield their power against those who represent the United States, they have no special feeling against the government of the United States. The mainspring of their action is plunder, not hostility to the United States.

Question. In short, they are very little better than the ancient "moss troopers," so called?

Answer. No doubt of it. There is a class of citizens in western Louisiana and Texas who, while they have been desirous to discharge their duties faithfully to the government, are fast becoming hostile to it in consequence of the illegal acts of oppression visited upon them by the agents of the Treasury Department and of the revenue service—oppressions of the most monstrous character. Where cases of oppression have been reported to General Canby he intervenes promptly, but it is not always expedient to forward reports to him.

Question. State some instances of misconduct on the part of federal officials who are acting under authority from the Secretary of the Treasury, and give as broadly and plainly as

you please your own ideas of the conduct of those officials, and what is the real ground of complaint against them.

Answer. After the arrival of the officials of the Treasury Department in western Louisiana I heard frequent complaints made of their exactions. At first I did not credit those complaints, as the office is essentially an odious one. Upon further and diligent inquiry I ascertained that it was the common practice of the agents of the Treasury Department to seize cotton on the pretext that it belonged to the late Confederate States; to refuse to give the party who owned the cotton a paper designating the weights of the bales, and subsequently return to the claimant the same number of bales taken from him, after abstracting from them the third or half of the cotton. In other cases Treasury agents would refuse to respect the permits given by their predecessors to ship cotton, but exact bribes before they would permit it to be shipped. In other cases they would refuse to give any permits whatever to ship cotton, but employ certain parties to buy it at a reduced price. For instance, on the 3d of April last Mrs. Boyce, of Red River county, Texas, sold her four hundred bales of cotton for seventy-five dollars a bale—cotton she had raised since the surrender. She sold it at that price because it had been seized by a Treasury agent, and she could not sell it otherwise.

Question. Was that the usual price of cotton in that region?

Answer. No, sir; two hundred dollars a bale was the market price. In another case, within the past four weeks, in Natchitoches parish, Louisiana, a Treasury agent has been running a large steamer up and down the Red river, and refusing to give parties permits to ship cotton upon any other steamer than that one, although the law requires the agent to remain in his office and give permits to all parties where there is no evidence or ground of suspicion against the cotton. By this course he forces parties to ship their cotton on that steamer at a charge of five and six dollars a bale, while other steamers charge but three or four dollars. These acts are performed for the private advantage of the agent, and to the injury of the government, because the citizen refers the oppressive act to the government, and not to the unfaithful agent. And it becomes the pretext for turbulence and disorder, and must ultimately weaken the hands of those who now would sustain the government.

Question. The people of course hold the government morally responsible for the misconduct of its agents?

Answer. Yes, sir; and the commanding general, too, is held responsible, because the people attribute these acts to the government at large. I am satisfied that but for the high confidence the people entertain for General Canby, as the commanding officer of the department, these Treasury agents and revenue officers in western Louisiana would long since have been executed by the mob. But the belief of the people that justice would be eventually rendered has restrained them. Federal officers who have settled in western Louisiana since the surrender have often deliberately proposed to the citizens to arrest and execute these agents, who oppress all classes.

Question. Have you reason to believe that full information has been given to the Secretary of the Treasury of the misconduct of his agents?

Answer. I believe that partial information has been given, but not full information of all the facts. There are no mail facilities in that region, and only those parties directly interested are apt to communicate, as communications must be sent at some cost; and but few parties are familiar with the necessary routine of communication; and they prefer surrendering a portion of their property to the inconvenience of awaiting a decision of their case, and possibly running the hazard of a decision against them.

Question. You have no doubt that the misconduct of the cotton agents there is a great grievance to the mass of the community?

Answer. Yes, sir; and the pretext for sedition and turbulence.

Question. Would you recommend the discontinuance of all these agencies, and what would you substitute in their places?

Answer. I would most earnestly recommend that the duties upon the cotton upon those great streams be paid at the place of export, at such places as New Orleans and Galveston, and that these agents should not be distributed over the country in every parish and village. I have myself been a witness of these grievances. A few weeks since several planters residing some forty miles above Alexandria, Louisiana, engaged the steamer National, a first-class steamer, to take their cotton to New Orleans at $3 per bale, or less. The steamer pulled up above the falls at Alexandria at great expense, for the river was low; but on arriving at the point where the cotton was collected ready for shipment the parties were met by an agent of the treasury, who declared that this cotton should not be shipped on the National, but must be shipped on another steamer, the Saratoga, that he named. Although the cotton had paid all charges, he refused to give a permit for its shipment except upon the vessel he designated.

Question. Was the captain of the National ready to take the cotton?

Answer. Yes, sir; he had come up there at great expense for that very purpose. That is one of many cases; they can be counted by scores. The witnesses will embrace all the steamboat captains upon the Red river. Another case that I witnessed in April last was this: the steamer Doubloon stopped at Alexandria to take on board some cotton at the request of the owners, who had paid all charges, and were only waiting the permit to ship.

The revenue agent at Alexandria placed a sentinel on the steamer, and refused to let her take on the cotton, and declared that it should be shipped on board other steamers. I reported the matter to General Canby, who stated that the officer in command at Alexandria should have promptly arrested the agent of the Treasury Department. General Canby has doubtless taken action in the case. General Canby informed the people that he had no right to revise the decisions of the treasury agents as to the title to property; but that in all cases where there was malfeasance in office proven by sufficient testimony he would take the responsibility of arresting the parties.

Question. Have you any reason to believe that there is remaining at present in Louisiana or Texas any considerable quantity of Confederate States cotton?

Answer. I think there may be confederate cotton in northern Texas, but the amount is exceedingly small. And at this time it would not be practicable to prove the title, as it has doubtless all been entirely repacked. I think that the confederate cotton has been pretty thoroughly drained out of that country, and also that large quantities of cotton to which the confederate authorities have never asserted any claim have been appropriated by the treasury agents for their own use and benefit.

Question. Have your means for information in this respect been ample?

Answer. Yes, sir: for the reason that I have many friends whose cotton has been seized, and I have frequently called upon the treasury agents to ascertain the reason for the seizure. In addition to that, I have received information from late officers of the United States army at Shreveport on the spot; and I have sent a large number of affidavits, made at my suggestion, for the purpose of being transmitted to Major General Canby. These facts, to which I have referred, are notorious in the country. If necessary, I can give the names of a long list of unimpeachable witnesses to substantiate my statements. The practice of giving to the parties discovering it one-fourth of the cotton seized as confederate cotton has tended greatly to stimulate this system of fraud and oppression.

Question. That is the compensation given to the informer?

Answer. Yes, sir.

Question. Who authorizes that?

Answer. The treasury agents.

Question. By authority of the Treasury Department?

Answer. I do not know; that is the universal practice.

Question. Has that mode of compensating existed long there?

Answer. Ever since the surrender, and it exists now. There are a large number of planters whose cotton plantations are now lying fallow, the planters declining to plant cotton for fear of its being seized by these treasury agents.

Question. What do you think of the utility of the Freedmen's Bureau in Louisiana and Texas?

Answer. I regard the Freedmen's Bureau to be essential at this time in Louisiana and Texas, for the welfare both of the freedmen and his employer. The bureau enjoins upon the freedman a proper regard for his obligations as a laborer; and, on the other hand, enforces the duties of the employer as set forth in his contract with the freedman. It furnishes a speedy remedy for grievances on the part both of the employer and the employed. It facilitates decisions upon cases that arise between the freedman and his former master; and those decisions are generally just, and have regard for the facts, as the officer of the bureau is generally a subordinate, and would not dare grossly to violate justice in a case, as he knows that his conduct will be subjected to a speedy revision. I have employed many freedmen since the surrender, and have experienced great benefit, as have others, from the operation of the Freedmen's Bureau in that section. The bureau, also, has the effect of repressing idleness among the freedmen, as the officer of the bureau, if he complies with his instructions, will incite the freedman to honest labor. In Louisiana and Texas, where no branches of the Freedmen's Bureau have been established, it has been found difficult to retain the former slaves on the plantations.

Question. What is the reason of that?

Answer. The freedman does not fully realize that he is free, unless he can give some practical effect to his freedom by going to the Freedmen's Bureau, and he will walk there if it is a hundred miles off. He desires a new record as a freedman, which he secures there. And I would regard it a good reason for giving a higher rent for a plantation in that section of country that there was a branch of the Freedmen's Bureau in the vicinity. It is always a cheap method of authenticating a contract between the employer and the employed, as the fee is exceedingly small—only fifty cents. They also facilitate contracts with freedmen by furnishing the blanks and authenticating the contract.

Question. Do you discover among the freedmen any great indisposition to labor if left to themselves?

Answer. Now there is not. Freedmen seek employment, and secure it where they can find protection; they are disposed to gather in villages, towns, and cities; the reason for that is, that in the city they have the protection of the garrison and the domestic police, which protection they do not have in the rural districts, though their labor in the city is equally severe and their fare much worse than on the plantations. At first great idleness prevailed among the freedmen, and they were averse to seeking employment or receiving it.

The reason for that was, that there prevailed among them an impression, in part correct, that they would be fed at the various depots where the troops were stationed; and, moreover, it was necessary for the freedman to realize that he was free by the fact of moving away from his former domicile; that fact they have now ascertained throughout a large portion of the country.

Question. Do they now work readily for fair wages?

Answer. Yes, sir; but in my judgment they do not work so well as they formerly did; will not perform so much labor per day; but still they will do a tolerably fair day's work.

Question. How are they in their domestic habits, so far as the domestic virtues are concerned?

Answer. In western Louisiana, and in Texas, the freedmen and freedwomen very generally ask to have the rites of marriage performed, and are exceedingly desirous that the marriage ceremony shall be performed, even in cases where the parties have already lived many years together. Their domestic attachments are exceedingly strong, and they have conceived a desire to secure a higher moral status.

Question. Is not the domestic attachment a natural trait of the negro?

Answer. It is a very marked feature in his character. He is more gregarious than the white man; and, for that reason, the negro in western Louisiana, and in Texas, and indeed throughout the south, will more readily receive employment from a southern man, other things being equal, than from a northern man. Northern men, in a large number of cases, in investing capital in the south seek to employ only able-bodied men, while the southern man pursues the old system from habit, and employs entire families.

Question. What branches of education do the negroes most readily acquire?

Answer. They acquire a knowledge of reading and writing with great facility, as their imitative faculties are very strong indeed; and the negro is exceedingly pious in disposition, and prone to superstition, and becomes a devotee very readily indeed.

Question. What is the character of the mind of the negro in regard to acquiring a knowledge of mathematics and other exact sciences, and in regard to acquiring a knowledge of the mechanical arts?

Answer. His mechanical genius is excellent; that is the experience of all old planters. There are negro mechanics in the south, in every branch of the mechanic arts, who will compare favorably with the best white mechanics. They have a very strong mechanical genius, as is shown by the facility with which the negro boy learns to make a basket, or a miniature plough, or any instrument or implement used about a plantation. Their facility for learning has surprised me very much indeed.

Question. Have they an equal capacity for mathematical studies with white men, in your judgment?

Answer. So far as I have observed, they have not; though the experiment has never been fairly tried within my observation. Excellence in mathematics depends very much upon the power of abstraction which the mind has. The negro has the imaginative quality of the mind much more strongly developed than the abstract quality. A development of this power of abstraction may spring up from further cultivation; it has not evinced itself in any marked manner so far.

Question. Are the negroes, as a race, friends of order and obedient to the laws?

Answer. They are exceedingly so. That is especially the case with the negroes who have served in the federal army. Their direct contact with the whites; their discharge of a higher class of duties than those assigned to mere laborers, has tended to sharpen their intelligence; and that, together with the habit of obedience learned in the army, has made them exceedingly valuable as laborers; and they will now command higher wages than those negroes who remained on the plantations during the war. The negroes are orderly and obedient.

Question. Has there been, to your knowledge, or as you have been credibly informed, any general disposition during the late war among the negroes in the Confederate States to rise in insurrection against their masters, and to organize warfare upon them? If such schemes have been entertained, how extensive have been those schemes?

Answer. I believe those schemes have been entertained. In fact, it became my duty on one occasion to suppress a scheme of that character in northern Texas, which I did without bloodshed. But I think those schemes were not very general. There was a general belief and hope among the negroes that the armies of the United States would make their appearance and supersede the necessity of any immediate action on the part of the negroes for their own freedom. I am satisfied that there was no general scheme of insurrection, though the hope and desire for freedom were very general. While in isolated cases there were slaves who did not desire their freedom, and who were as ardently sectional as any southern white man, the general sentiment was for freedom. The negroes now have quarrels among themselves upon the question of rebellion and Unionism; but they are very rare, and it is generally a feigned sentiment now. On the 15th of December last my agent, at the request and under the influence of the threats of the authorities of Lamar county, Texas, delivered to them 600 Enfield rifles which I had collected as agent for the United States. The plea was that they were needed to suppress an intended insurrection of the freedmen of that section. And on this pretext the freedmen were disarmed, plundered, and many of them killed. On my reporting the facts to General Canby, he very promptly sent an order to the commanding

officer at Shreveport to send a force, if necessary, and take possession of the arms, provided they were not delivered up on his demand, at the expense of the county authorities.

Question. Did he recover them?

Answer. I have been informed that they have been delivered up to him.

Question. Suppose the Freedmen's Bureau should be removed, and the federal troops withdrawn from the late insurrectionary States, and the affairs and interests of the freedmen should be submitted entirely to the legislation of those States, what would probably be the result, so far as the condition of the freedmen is concerned?

Answer. In my judgment, if the troops were withdrawn and the Freedmen's Bureau removed from the States south, within a brief period the gravest disorders would result. There would be local insurrections among the freedmen to assert their rights, as the majority of them are armed, and entitled to bear arms under the existing laws of the southern States. It would result in bitter feuds and the destruction of the freedmen.

Question. You think such a course would be attended with bloodshed?

Answer. Yes, sir, and very swiftly; and the movement against the freedmen would be instigated chiefly by those who did not formerly own slaves.

Question. Why would they be the principal instigators?

Answer. Because by the withdrawal of so many freedmen from occupations exclusively agricultural they have been brought into competition with white laborers, mechanics, and others. This in my judgment, however, is but the temporary effect of emancipation, for the impetus given to internal improvements of every class of course will soon furnish ample labor for whites and blacks.

Question. The case I supposed was this: that if the protection of the national government was withdrawn from the freedmen, and they were turned over, if you please to call it so, to the care of the State governments, would it or not eventuate in a general bloody warfare between the two races?

Answer. In my judgment it would result in a war of races, however well disposed the State authorities might be to grant protection to the freedmen.

Question. Is not the popular prejudice against the freedmen in those States so strong that in a very short time it would influence the State legislatures to pass laws looking to the reenslavement of the blacks?

Answer. I believe no scheme of that character is contemplated, because it is manifestly an impracticable one.

Question. In law it would be, I know.

Answer. It would be inexpedient. The want of the necessary power to maintain such laws in antagonism to the United States would prevent their passage; although the disposition does exist in many quarters to pursue a course of legislation of such a character.

Question. At all events the general result would be extremely injurious both to the whites and to the blacks?

Answer. There can be no doubt of it. It would result in the very gravest disorders and the most serious obstructions to trade and production. I regard the garrisons in the south as a very wholesome restraint at present.

Question. Are there any causes for the turbulent spirit displayed in Texas and Louisiana besides those springing from the emancipation of slaves by the United States?

Answer. In addition to that are the causes I have already stated—the oppressive acts of the agents of the Treasury Department.

Question. Do the people of the south regard the result of the war as decisive of the right of secession?

Answer. So far as my observation extends they do not. They regard the war as deciding the question of the expediency of secession, but as not touching the question of the right of secession. In my judgment the term "secession" will be very cheerfully abandoned by the people of the south, and for it they will substitute the term "revolution." And so far as I know the temper of the people of the south—and I have studied it carefully both before and since the surrender—this right of revolution will never be asserted except in the event of very grave oppression—oppression that would come home to the business and bosom of every man, and that would not need the arguments of politicians to make it manifest; a cause for action which they lacked in their former movement. I believe a very strong attachment to the nationality of the United States exists among a large portion of the southern people: an attachment to it because it invests the citizen with a moral dignity in foreign lands, and throws around him a protection in his own land; a nationality that by its stability relieves him from the hazards of a revolution which, having been once felt, will never be encountered again except with very great reluctance.

Question. What has been the extent of the disastrous results and destructive consequences of this war to the people of the department in which you have been?

Answer. Eastern Louisiana, in the trans-Mississippi department, suffered greatly from the war in the destruction of plantation improvements, private dwellings, and the seizure of private property of every description. Those spoliations, however, were in a great measure confined to eastern Louisiana. Western Louisiana suffered comparatively little, save upon the one occasion of the advance of General Banks. Texas has suffered scarcely anything. Arkansas has suffered very little comparatively, save along her great water-courses. The

people of the trans-Mississippi department know the evils of war in a great measure only by repute, and I deem that fact as accounting in some measure for the present belligerent temper of the people of that section, although certainly not distinguished for the very material aid they gave the confederate cause, their best and most reliable troops being in the cis-Mississippi department.

Question. The amount of property destroyed by the operations of the war, I suppose, must by very large?

Answer. Immense. But I regard the moral influences of the war, its supension of the wholesome restraints of public opinion and of domestic influences, as far more injurious to the people than the mere material losses. That section is recovering rapidly from the suspension of its business and the material injury done its fields during the war. A great impulse has been given to every department of business since the cessation of hostilities. The loss of slaves has been very rapidly compensated by the increased value of lands, so that the regret of slaveholders for the loss of their slaves is very materially softened. Northern men are introducing improved agricultural implements almost unknown in that section before the surrender, and projects are presented for the construction of roads from points eminently practicable, but never before dreamed of. The whole country is becoming busy with these valuable novelties that are now being introduced. As an evidence of the want of thrift in that region, I would state that four weeks ago there was not a brickyard in the vicinity of Shreveport, Louisiana, the largest city of the Red River valley. With immense pineries within five miles of the place, lumber was $60 a thousand feet, and rents were enormously high, because of the want of the necessary materials of which to construct buildings. But that difficulty has been obviated within a short period by the arrival of parties who are establishing brickyards and saw-mills, investing in lands in the vicinity, and giving an impulse to every kind of business.

Question. Are you acquainted with Governor Hamilton, of Texas?

Answer. I met him some years ago casually, but I only know him by repute. I know him as a prominent actor in the revolution in Texas.

Question. What is the condition of public education in Texas, and what provision has been made for it by the laws of Texas?

Answer. There are but few facilities for the poor to receive education in Texas. I do not know of a single free school in northern Texas, and very few, if any, exist in the State. The ..te convention of Texas, I understand, has made very fair and ample provision for the education of the whites. In western Louisiana there is the same paucity of facilities for the education of the masses. There is but one free school in the parish of Caddo, in which Shreveport, the great mercantile city of the Red River valley, is situated, and that school is crowded by the children of the wealthy.

Question. The poor have no facilities for education?

Answer. No, sir.

Question. Is there a general disposition among the white people of Texas to establish free schools, and to promote the spread of popular education?

Answer. I think there is now, though in Texas they have given but little attention to that subject. But there is such a disposition indicated now, judging from the remarks of the press in various parts of the State.

Question. How do they look upon the education of the blacks? Do they favor it, or do they, upon the whole, rather show a disposition to oppose it?

Answer. Opinions differ very widely upon that subject. Many regard the education of the negro as tending to inculcate in him principles or ideas of personal advancement beyond his proper status as a laborer—as a mere hewer of wood and drawer of water. Others think—but those who hold that opinion are very largely in the minority—that his education will make him a more intelligent and therefore a more valuable laborer; teach him the advantage of honorable conduct and obedience to his employer; that his moral advancement will proceed side by side with his intellectual advancement; and they therefore deem it not only right but politic that he should be educated. This opinion I know is entertained by persons who before the war owned hundreds of slaves.

Question. What is the character of the negro in regard to the acquisition, preservation, and enjoyment of property? Does he love money as well as the white man?

Answer. He does; he is especially desirous of becoming an owner of land—the proprietor of a little estate. So marked a feature is this in his character, that planters before the war, but more especially since, invariably set apart a small piece of ground in which the negro had a vested title; though not in fee-simple, he had the usufruct of the tract, and regarded it as his small domain with a great deal of pride. I know of many freedmen who have purchased land since the surrender—one, two, five, ten, and even twenty acres. Two of my former slaves have purchased land in Louisiana.

Question. There is a general idea prevailing at the north, as well as at the south, that the real character of the negro is so trifling, so light and so frivolous, that he can never make a man, so to speak; that he has no providence, no forethought; that he has no faculty for acquiring and keeping property, owing to the frivolousness of his nature. How much soundness is there in that opinion?

Answer. I think the negro displays the same want of thrift and providence that white

persons, with no more education and social advantages than he has had, would display. I do not regard his thriftlessness as an essential feature of his idiosyncracy. He changes his character under the influence of association and education as the white man does. While in my judgment he does not, possibly cannot, present the same combination of mental faculties and power to achieve results in the higher walks of science as the white man, he receives his limited education with as much facility as the most intelligent white, and can become as useful a member of the community, for all practical purposes.

Question. As education generally advances among the blacks, and their social condition becomes improved, do you not anticipate a relaxation of the intense prejudice now existing against the race?

Answer. I think it will be materially softened with the moral and mental advancement of the negro. In my judgment, a limited suffrage will be granted to him. What I mean by that is, that after what will be deemed a just probation, the more youthful among the negroes, on arriving at age, will be granted the right of voting, connected with a property qualification, which would not only make the class of voters a more select one, but would be regarded as a reward of merit and thrift and providence, if the qualification were not placed too high.

[Examination suspended till to morrow.]

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WASHINGTON, *May* 19, 1866.

Mr. T. J. Mackey recalled, and examination continued.

By Mr. HOWARD:

Question. What has been your means of information in regard to the condition of affairs in the Indian country, south and west of Arkansas?

Answer. In the spring and summer of 1862 I was engaged in making a reconnoissance or military survey of a part of the territory occupied by the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians.

Question. What is the condition of the Indians and negroes there, more particularly the negroes?

Answer. At that time I think there were some 10,000 or 12,000 negroes in the five nations, embracing the tribes I mentioned in my last answer. Those negroes were held as slaves, and were the subjects of barter and sale as were the same class in the States of the south. The negroes of the Indian territory present a much lower type of intelligence, and a much lower moral status than the negroes of the southern States, for the reason that the negroes of the south have been constantly brought in contact with a higher class of intelligence than the negroes of the Indian territory. The latter class of negroes have acquired the thriftless habits of the Indians. But their condition was a happy one, in so far that they were very rarely overworked; but they lived in a state of extreme ignorance, almost barbarism.

Miscegenation was very rigidly prohibited by the laws of the several Indian tribes or nations. The punishment of an Indian in the Creek country for cohabiting with a negro woman, for the first offence was a certain number of stripes, and for the second offence the cutting off of the nose and ears; and the negro was punished with stripes.

There are schools in the Indian territories, supported by funds granted by the government of the United States, at which the children of Indians were and are educated; but no negroes or the children of negroes are permitted to enter those schools.

In the Cherokee country very nearly two-thirds of the population are of mixed blood—white and Indian—being one-half, one-quarter, or one-eighth white blood. About one-third of the population are full-blooded Indians. The full-blood Indian gives no evidence of thrift or advancement. In my judgment no full-blood Indian has ever been thoroughly civilized, or can be.

There is a radical antagonism between the full-blood Indian and the half, quarter, or eighth blood. The antagonism is greater between them than that which exists between the full-blood Indian and the white man. The full-blood Indian does not trust the good faith of the mixed blood, and believes that he has degraded himself and his caste by the union with the white.

In the Choctaw nation, however, in spite of the severe laws against miscegenation, some of the chiefs are crossed with African blood. And in the Seminole nation several of the most prominent chiefs, the most distinguished in war and in council, were full-blood negroes. These Indians were in alliance with the late Confederate States during the late war.

Question. Of all the tribes you have mentioned?

Answer. Yes, sir; they entered into an alliance with the confederate authorities, which alliance was to be perpetual.

Question. Who was the diplomatic agent of the confederacy?

Answer. General Albert Pike, commissioner to all the tribes upon the borders, and subsequently brigadier general commanding the department of the Indian territories. Treaties were also concluded with the Caddo and Anodako Indians, with a portion of the Delawares, and with several bands of the Comanches. These treaties were to last "while water runs and grass grows."

Question. That is, perpetually?

Answer. Yes, sir. The Comanches were bound to neutrality simply—to bear arms neither against the south nor against the north. The Comanches occupied the western border of Texas, frequently extending their excursions into Texas, and sometimes across the Rio Grande into Mexico, and bands of the Comanches come down to the western borders of the Chickasaw country, in the Wichita mountain region.

The country of the Five Nations is exceedingly fertile, producing cotton, corn, wheat, and all the cereals in great perfection. It abounds with iron, lead, and copper, in their purest forms. There are also abundant oil springs everywhere in the Cherokee, Choctaw, and Chickasaw nations, which have never been worked.

But the chief occupation of these Indians is the rearing of horses and cattle. Comparatively but little attention has been paid to agriculture, except among the Cherokees, who are farthest advanced in civilization.

Question. What is the Indian population?

Answer. Nor far from 70,000 to 90,000.

Question. Including all the tribes?

Answer. Yes, sir, the Five Nations.

Question. Are they warlike?

Answer. They are; their habits are martial, because they are engaged largely in hunting. But they did not prove very formidable in the field against modern discipline, and the very large preponderance that artillery bears in the composition of armies at this day; but they rendered some service to the confederate authorities.

Question. About how many warriors did they furnish to the confederacy during the late war?

Answer. In July, 1864, under the command of Brigadier General Pike, they had in the field the largest organization that they had ever furnished—some 7,000 or 8,000 men.

Question. They furnished then about one-tenth of their entire number?

Answer. Yes, sir; all classes turned out.

Question. How were they armed?

Answer. With the ordinary hunting rifle, and with single and double-barrel shot-guns. Many of them, however, were subsequently armed with Enfield rifles.

Question. Did they use the bow and arrow and the tomahawk at all?

Answer. No, sir; the Indians of the Five Nations have abandoned the use of the bow and arrow. In some few cases full-bloods use the bow and arrow; but those cases are very rare. A large number of the Comanches still use the bow and arrow, but they were not in the field in the confederate service.

Question. Were those Indian warriors employed in active operations against the United States?

Answer. A small portion of Cherokees were employed at the battle of Elk Horn, where they captured a battery, and subsequently, early in the fall of 1861, Indians were employed in the capture of a federal train, with its escort, on Cabin creek, in the Indian territory; and they were employed on the 18th of April, 1864, in the capture, at Poison Springs, Arkansas, of the train of General Steele, commanding that district.

Question. How did the Indians treat the Union prisoners who fell into their hands?

Answer. At Poison Springs it was found extremely difficult to control the Indians when the battle was over, though, upon the opening of the attack, they fell back in great confusion upon receiving a volley. The force that made the attack consisted of white and Indian troops; about 2,000 Indians on the extreme left. The Indians advanced on the left before the signal was given, and were met with a volley from the escort of the train, which caused them to fall back in disorder. They bore but a slight part in the battle, but, after it was over, they moved forward and began to kill the wounded, who were chiefly blacks, for the escort of the train were black troops. The Indians were checked in this as soon as practicable, for they would have killed the confederate wounded with the same facility, in order to secure the spoils. Under the administration of General Pike, Indians were not permitted to maltreat prisoners; and in order to deprive them of any motive to maltreat and plunder prisoners, General Pike offered a considerable reward for every prisoner, man or woman, delivered to him by the Indians, which, in my judgment, saved many prisoners from slaughter at the hands of the Indians, as they brought them in and received the reward; and the prisoners were invariably treated kindly and sent beyond the confederate lines as soon as practicable. The Indians practiced cruelties upon the prisoners at Elk Horn, which was the subject of a correspondence between Major General Curtis, of the Union army, and General Pike. General Pike disclaimed authorizing such conduct, and took measures to discover the perpetrators of the crimes; measures, however, which were ineffectual. At the opening of hostilities the Cherokees were divided in sentiment; ultimately, however, about one-half went north, and the other half remained with the south.

Question. What is the state of feeling between those two classes of Indians?

Answer. Very hostile and bitter; very violent. In my judgment the difference is irreconcilable, as the Indian is a very hearty hater and never forgives. I have had opportunities of ascertaining this sentiment since the surrender, by conferring with exponents of both sides among these Indians.

Question. You think their hostility is irreconcilable?

Answer. Yes, sir. In my judgment it would be impracticable for them to reside in the same country together without a very large garrison to preserve the peace.

Question. Were these Indian warriors in the habit of torturing their prisoners after capture?

Answer. I have heard of a good many cases, and know of three cases of torture practiced upon whites; the others were practiced upon Indians. The Indians of the Cherokee nation that adhered to the government of the United States were termed Pin Indians; those that adhered to the south were termed the Standuaitie party. When they take each other prisoners in battle they invariably subject them to torture, to the dislocation of limbs, the cutting off the joints, commencing with the fingers and toes, until the body is dismembered. That was practiced by the full-bloods, not by the mixed-bloods.

Question. Did they inflict these tortures upon white prisoners?

Answer. They did in the cases of three confederate soldiers that I know of.

Question. What do you think of the present feeling of those Indians, who served the confederate cause, towards the government of the United States?

Answer. I think that their feeling towards the government of the United States is very friendly, but it is exceedingly bitter against the late Confederate States, believing, as they do, that they were the victims of a fraud when they formed their alliance with the confederacy. In the cases of the Five Nations, there were no garrisons of the United States then occupying any portion of their territory. Under former treaties made by those nations with the government of the United States, it was provided that the United States should maintain garrisons in their respective territories to guard their Indian allies from marauding bands of whites and wild Indians. Claiming that those treaties had been violated by the withdrawal of those garrisons, the Indian nations felt themselves free to treat with what, to them, was ostensibly an established government upon their border, the Confederate States. They are now pacific and amicable in their disposition. The government of the United States never stood so high among the Indians of the border as it does to-day, because of the evidence of power it has given during the war. Prior to the war the borders of Texas were overrun by bands of Comanches. To-day, on the remotest borders of the west, the Comanche Indians tremble at the prospect of a war with the United States, and, for the first time, respect its flag. At present men are herding their stock upon the borders of Texas, in regions that six years ago were deserted because of the incursions of hostile Indians.

Question. You think there is little danger to be apprehended in the future from disturbances on the part of the Indians?

Answer. None. On the contrary, I think that a very efficient force to check the wild tribes on the borders, should they at any time prove turbulent, could be drawn from the Five Nations and substituted for white troops.

Question. Do you think the employment of these Indian forces by the confederates was of any real advantage to the confederate cause?

Answer. It was a negative advantage, by preventing them from effecting an alliance with the government of the United States, and thus obviating the necessity of the confederate authorities keeping a large force upon the border of Texas to protect it—an advantage only so far as the alliance secured the peace of the Texas border as against these tribes. They were of but little positive value as soldiers in the field in confronting the forces of the United States, for they invariably met with disaster upon fair fields, and were only effective in following up victories or in effecting an ambush. Their successes were very small during the war.

Question. They were wanting in steadiness?

Answer. Yes, sir; they are an unreliable, thriftless people. As soldiers, they come you know not when; they go you know not where. They are always in the wrong places precisely at the wrong times. But there are no secessionists among them now.

Question. Did they submit to military discipline with any alacrity?

Answer. No, sir; and they practiced the habit of leaving when they pleased, although in some cases they would get some of their friends or relations to take their places, without consulting their commanding officers. They would periodically disband and return to their homes with the view of putting in their corn crops, and then return to the army. Many millions of dollars were expended by the confederate authorities in arming and equipping these Indians, and in foraging and subsisting them. It was found impossible to induce them to serve as infantry. They were all cavalry, and very inferior cavalry, too.

Question. How are they as marksmen?

Answer. Very inferior. I never saw an Indian that was a good shot.

Question. Would they scalp their prisoners when they took any?

Answer. It was a point of honor among Indians never to scalp others of the same tribe, though they would practice upon them the most monstrous cruelties. Nor would they scalp a white man in the presence of a white man, because it is deemed a very grave insult. The Indian believes that the dead go to the happy hunting-ground as he leaves this world, and the body of a warrior is not complete without his scalp, his badge of honor. If his scalp is taken he will not be happy hereafter, because that symbol of his honor as a warrior is gone; and in their own tribe they do not extend their malice beyond the grave. The Indian resembles the white man chiefly in one very marked peculiarity of his character—his want of gratitude.

Question. Is there any gratitude in the Indian?

Answer. Very little.

Question. The general impression is that the Indian has rather a grateful heart for favors.

Answer. Those who have been upon the frontier will not indorse that opinion. To the white man the Indian shows but little gratitude. The wild Indian deems every favor extended to him by a white man as but an evidence of fear or weakness.

Question. Have these Indians any well-defined ideas concerning property?

Answer. The mixed bloods have; but the idea of the full-blood Indian is a very ill-defined one. The ground over which he hunts is deemed to be his own. He has no idea of titles vesting by virtue of improving lands. The Indians of the Five Nations do not hold their lands in fee-simple; they are not allowed to dispose of their lands.

Question. How is the transfer of lands made?

Answer. A party is permitted to hold all the lands he improves and fences, without limitation as to the number of acres; and he can pass his title to the improvements, but not to the land itself.

Question. The title to the land itself remains in the nation?

Answer. Yes, sir. It is to be hoped that that system will not be continued, so that there may be an influx of white population in that region, in order to develop the mineral and agricultural resources of that country, which now lie dormant.

Question. What is the custom among them in regard to the right of holding and improving lands? Is a license, or any similar document, given by the chief or the council to each individual Indian?

Answer. A record is kept by the proper officer of the amount of land claimed as improved, and a small tax is paid—a fee for registration.

Question. They have an office of registration?

Answer. Yes, sir, and other offices. Their legislatures meet annually, and their laws are published in book form.

Question. Will you describe their government and their mode of legislation?

Answer. Their government is republican in form. Members of the legislature, an upper and a lower house, are elected every two years, I think, who pass local laws and impose local taxes. For instance, by the laws of the several Indian legislatures, no intoxicating liquor is allowed to be sold within their territories, and a military organization is kept up, termed the "light-horse," as a police, for the purpose of preventing whites from bringing liquor into the territory and disposing of it. Those local legislatures impose taxes and fines. In cases occurring between whites and Indians—a case of homicide, for instance—the case is not triable under any local laws of the Indian territory, but in the nearest United States district court.

Question. How are the members of their legislative bodies elected, and what are the qualifications of an elector?

Answer. That they shall be citizens of the Indian territory, whether white men or red men.

Question. Can a white man residing there vote?

Answer. He can if he is a citizen of the territory; and he can become a citizen immediately by marrying an Indian woman and making application, which is invariably granted, or by a residence of one or two years in the territory and making improvements—by becoming an actual settler.

Question. How is the vote taken?

Answer. By ballot.

Question. And in the organization of their legislative houses, have they a speaker and other officers?

Answer. Yes, sir: their legislatures are modelled after the legislatures of the several States; and they have a territorial secretary and treasurer, the treasurer being the custodian of the several funds of the territory—the school fund, &c.

Question. After a bill has been passed by the two houses how is it approved—how does it become a law?

Answer. Each nation has a head chief; the head chief of the Creek nation is called king, or mico; of the other nations they are termed head chiefs. Among them are men of very considerable ability.

Question. Does the head chief, or king, of a nation approve the bills in a manner similar to the governors of States?

Answer. In addition to their legislatures they hold councils, at which the head chief presides. These councils consider questions of general policy—the applications of persons to become citizens; and the treaties are made by the councils, and not by the legislatures.

Question. And a bill would be approved by the head chief and the council?

Answer. I suppose so.

Question. Suppose the chief and council dissented from the provisions of any bill?

Answer. I know of no provision made for the exercise of the veto power.

Question. Has the chief or council power to alter or amend a bill?

Answer. No, sir; they can suggest or recommend alterations. It is a very crude system.

Question. Do you think of anything further to state in regard to the enslavement of the black race among these Indians?

Answer. There are some very large slaveholders in the Indian territories. A mulatto is very seldom seen in the country. I do not recollect, with all my experience in those territories, to have seen two mulattoes there. The African race has been preserved in its purity there.

Question. And those are now held there as slaves?

Answer. Yes, sir, unless their *status* has been recently changed by some treaty of which I am not advised.

Question. How do the Indians regard the amendment of the Constitution abolishing slavery throughout the United States?

Answer. They do not deem it applicable to them, as their separate and independent sovereignty and nationality have been recognized by the United States, ever since the establishment of the government of the United States, by the making of treaties with them which are ratified by the Senate of the United States, in the same manner as treaties with any foreign power. But there is among the Indians a very general willingness to abolish slavery at once, provided they can receive a moderate compensation for their slaves.

Question. The fact is, that at present they do hold and use these negroes as slaves?

Answer. Yes, sir.

Question. And treat them as articles of transfer and sale?

Answer. Yes, sir, as slaves are treated in all countries where there are slaves.

Question. The Indians do this to this day?

Answer. Yes, sir.

Question. And, so far as you know, they do not regard as applicable to them the amendment of the Constitution abolishing slavery?

Answer. Not at all. They regard themselves as foreign nations, as independent sovereignties. They perceive the fact that the exchangeable value of the slave has been greatly impaired by their vicinage to the States of the United States, as those States would furnish a secure asylum to their slaves whenever they may choose to leave their masters. But the slaves there are very well contented. They are treated by their masters with great liberality, and upon terms approaching a perfect equality, with this exception, that the owner of the slave generally does more work than the slave himself. I am satisfied this statement would be sustained by any number of negroes taken at random from any portion of the Indian territory. Their attachments to their Indian masters are very strong.

Question. What has become of Albert Pike?

Answer. He is at present residing in Arkansas, of which State he was one of the supreme judges at the time of the surrender.

Question. How is he regarded by the people of the late Confederate States?

Answer. General Pike is held in high esteem at the south because of his ability as a scholar and a poet, and his high moral character as a gentleman. He wields a very great influence in the State of Arkansas, and is regarded by the Indians as their friend and exponent. It is within my own knowledge that he accepted with very great reluctance the position of brigadier general in the confederate service. In treating with the Indians on the border his aim has always been simply to secure their neutrality, that they might not be used on either side in the late contest; and he has always worked with the Indians in the interest of humanity, endeavoring, as I have already said, to secure prisoners from maltreatment by the Indians, by offering rewards for the safe delivery of prisoners to him, and, since the surrender, he has been assiduously laboring for the interests of the government of the United States.

Question. Were the Indians of the Five Nations at all unanimous in their adhesion to the late Confederate States? Please state the facts in reference to that alliance.

Answer. They were unanimous, with the exception of a fraction of the Creek and Seminole nations that went north at the beginning of the contest. In May of 1861 the Cherokee nation issued a declaration of neutrality in view of the then impending war. That declaration was concurred in by the confederate authorities, and respected by General McCulloch, who was then upon the Cherokee border with an army of about 8,000 men, composed of Texas, Arkansas, and Louisiana troops. They maintained this neutrality until the defeat of the United States forces at the battle of Wilson's creek, Missouri, in the month of August, 1861; they then, through their principal chief, John Ross, addressed a communication to General Albert Pike, commissioner from the Confederate States to the Indian nations, and proposed to renounce their neutrality and enter into an alliance, offensive and defensive, with the Confederate States. General Pike effected a treaty with them on this basis. By the terms of that treaty the Confederate States agreed to pay them the sum of two hundred and fifty thousand (250,000) dollars cash, and to continue to them the annuities that they had received from the United States, and to reimburse them for the loss of their neutral lands in Kansas, &c. In return, the Cherokees were to furnish all their able-bodied men for service against the United States, provided that the Cherokee troops were not to be ordered out of the Cherokee nation without their own consent. Pursuant to this treaty a Cherokee force was organized under the especial direction of John Ross, who issued a declaration of war against the United States on behalf of the Cherokee nation. About one thousand of these Cherokees were present at the battle of Pea Ridge, or Elkhorn, in March of 1862. They consisted altogether of men of the Pin or Ross party. At night, after the battle was done, they moved over the field and killed and scalped the wounded of the federal army. In July of 1862 Colonel Wier, of the United States army, then commanding a force on the northern

order of the Cherokee country, proposed to John Ross to abrogate the treaty entered into by the Cherokees with the Confederate States, and invited his attention to the fact that the Confederate States had violated that treaty by withdrawing their forces from the Cherokee country, and he urged the Cherokees to enter into an alliance with the United States, and tendered to John Ross and the chiefs of the nation a safe conduct to Washington and return through his lines. This proposition was at once rejected by Ross, who declared that the Cherokees were bound to the people of the south in a community of interest and sentiment, and would stand or fall with the Confederate States. He also stated that the Cherokees would never break the faith of treaties to ally themselves with a people who had authorized and practiced the most monstrous barbarities, in violation of the laws of war. This reply was forwarded with a letter explanatory, by John Ross, to General Pike, who was then about 175 miles distant, with the confederate and Indian troops, in the Chickasaw nation near the Texas border. I read the reply and letter; they were delivered to General Pike by a son of John Ross. About three months after this reply John Ross went over to the north with about one-half of the Cherokee nation, embracing the larger portion of the full-blood Indians. Many of them entered the service of the United States, and, in my opinion, it would have been cheaper for the government to have fought them than to have fed them.

T. J. MACKEY.

NOTE.—Many of the statements and opinions which appear to have been volunteered by me in the above testimony were elicited by remarks and questions on the part of the committee, which have not been noted by the reporter.

T. J. MACKEY.

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